PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONER
GARFIELD COUNTY, COLORADO
MEETING MINUTES OF JANUARY 6, 2003

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 6**,** 2003 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
Blockage of Access on a County Road to CR 233.
Barbara Gold, 3171 CR 233, addressed a County Road that has been closed off. She presented maps and original plats showing proposed roads, however this was approved in 1912 and there is nothing to force them to put these roads in. There are several places the property owner could put in an access, but doesn't plan to do that. There is a 640-acre property owner that was on the other side of the locked gate that causes him to drive 25-30 miles over to the Rifle Gap Road and this has been very upsetting; he would like to see an additional access.
Chairman Martin stated this would be given to the Road and Bridge Department for feedback to the Board. Barbara has spoken to Marvin Stephenson, it is a County Road but there is not enough traffic on the road to require it to be a maintained road. There are a lot of homes in this area now. The request is to have these roads open and allow the public to use those. She presented a letter from the Post Office stating that due to the condition of the road, they would not provide service and consequently moved the post boxes to the end of the street.
This is deeded property, owned by the County, no Resolution vacating the road, not brought up to specifications where Road and Bridge can maintain it, so what do they do.
Over the years, the road has been open and then closed, and they need clarification. To have this open would eliminate a 25 to 30 mile drive for the property owner who owns the 640 acres. John Jewell is the man that has blocked the road. 259A road and the other access are there but it means driving through someone's front yard.
Chairman Martin committed to getting back to Barbara.

COUNTY MANAGER UPDATE – ED GREEN

a. January 2003 Employee of the Month – Frank Youland, Sheriff's Department – Operations Deputy

Sheriff Dalessandri, Jim Sears, Andrea Faudre, and several other Sheriff staff were present for the award. Tom said that Frank has been a very valuable employee to the entire Sheriff's Department. He has the attitude to do whatever he can for whatever reason it needs to be done.

b. Discussion of RFTA February 10, 2003 Public Hearing Regarding Vehicle Registration Fees

A letter from Renee Allee Black, RFTA General Counsel was received stating the c. In the case of Garfield County, this would include only residents of the City of Glenwood Springs and the Town of Carbondale. The Colorado Rural Transportation Authority Act, at C.R.S. 43-4-605(1) (i), allows RFTA to impose such a fee upon persons residing with the boundaries of the Authority. The Statute requires that written notice of the public hearing be at least 45-days prior to the meeting. The public hearing will occur on February 13, 2003 beginning at 6:00 p.m. at the Eagle County Community Center Building in El Jebel, Colorado.
Chairman Martin stated that if this is passed, the funds go to specific expenditures such as financing, construction, operation, or maintenance of rural transportation systems as specified in Section 18 of Article X of the State Constitution.
Mildred also addressed the fact that the Department of Revenue is not prepared to upgrade their software to make the determination as to who is charged this $10.00 fee. They are researching the legalities of this action and at present are saying it depends upon whether the act said they shall do this or not.
Don answered the question by Commissioner Stowe saying that at this point RFTA has been talking to the Department of Revenue and is willing to pay for the upgrades; however, the Department of Revenue cannot

accept the funds. There are some legal issues involved and for the possibility of future litigation, Don advised the Commissioners that he would like to discuss
this with them in an Executive Session and then let the Board decided whether of not any additional discussions should be in open session.

c. Request for Participation in Consultant Selection Zoning and Subdivision Update Process – Mark Bean

Ed and Mark presented saying this is an effort to recruit candidates for the Consultant through RFP's that have been sent out. The request is to have a Board member and for the staff to participate in the interviewing. Everything is to be in by the 24th of January; then the RFP responses will be reviewed. Commissioner McCown stated he can participate up until February 21; he is leaving February 22 through March 7 and would be unavailable. Chairman Martin will be in attendance at the last meeting.

d. Ambulance Contracts

Dale presented the renewal Ambulance Licenses for the Town of Carbondale, City of Glenwood Springs, Town of New Castle, and the Town of Silt. He requested the Chair be authorized to sign the contracts and extend to Grand Valley and Rifle the opportunity to operate under their present contract.
Commissioner McCown so moved; Commissioner Stowe seconded; motion carried.

e. ***Ed and Dale will be participating in the review of the Airport this afternoon – Information only.***

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Update on Columbine Family Health enter Liability Insurance

Diane Rittenhouse, Executive Director of Columbine Family Health Center submitted a letter referencing Malpractice Liability Coverage and a brief overview of the Federal Tort Claims Act (FTCA)
Don DeFord provided the update and after reviewing the contracts and discussion, they were deemed the Board would not to be immune and asked for approval with the HB current immunity agreement and confirmed the signature of the Chair and authority for County Attorney Don DeFord to sign the agreement.
Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

b. Consideration and Approval of an Intergovernmental Agreement with Garfield County Housing Authority for Administrative Services in Connection with Garfield County Affordable Housing Program

Don DeFord submitted the IGA and explained that this will result in administration of an affordable housing program with the Garfield County Housing Authority.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the IGA; motion carried.

c. Consideration of Memorandum of Understanding with the Bureau of Land Management regarding an Environmental Impact Statement amending the Resource Management Plan for the Roan Plateau Area – Greg Goodenow, Planner, Glenwood Springs Field Office.

This Memorandum of Understanding defines the relationship and duties of the Bureau of Land Management and Garfield County, Colorado in the development of the Environmental Impact Statement that will amend the Glenwood springs Field Office Resource Management Plan for the Roan Plateau area. Don explained that each entity agrees to fund its own expenses associated with its participation in the EIS process.
Mark Bean informed the Board that Randy Russell is willing to be the participant and additional they suggest a 30-day turn around period to make as an adjustment in the MOU. Brian Hopkins is working with the Bureau of Land Management on this as well.
A motion was made by Commissioner Stowe and seconded by Commissioner Stowe to sign an Agreement with BLM modifying it to a 30-day review and commit to the staff participating in this agreement; motion carried
Mark informed the Board that a letter would be drafted including this 30-day modification and presented to the Board at their next meeting.

d. Executive Session – Litigation Update - Personnel and Legal Advice on County Property

Those requested to be included in the session were: The Board, Ed, Jesse, Don, Carolyn, and Mildred.
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.

Don formulated the motion directing Correspondence to Roaring Fork Transportation Authority (RFTA) asking for their response on their constitutional authority to collect the registration fee and expend the funds there from.
Commissioner McCown so moved. Commissioner Stowe seconded; motion carried.

TeePee Park

Commissioner McCown stated the Board was asking for a letter to be initiated return request receipt to Mr. Gherardi, acting on our behalf to come henceforth before the Board and make himself available to this Board and explain the ongoing situation with TeePee Park

Authorization to Alpine Waste, February 3

Don stated we need authorization to direct the letter to Alpine Waste extending a date for final resolution of our claims against Alpine Waste to February 3, 2003.
Commissioner McCown so moved; Commissioner Stowe seconded; motion carried

Healthy Beginnings

Chairman Martin – also, the Board will allow Commissioner Stowe and Jesse Smith to go ahead and meet with the Healthy Beginnings Board and bring back a report.

Building Code and Current Requirement for Surveyed Improvement Location at Time of Building Permit

Don asked if the Board wanted to provide direction to the Building and Planning Department and the County Attorney's Office regarding that requirement aforementioned.
Commissioner McCown – so moved to do so for the Board's approval and then schedule a Public Hearing. Commissioner Stowe seconded; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Healthy Beginnings Board 9 to noon on Wednesday at the Mountain View Building; and Community Corrections Board Meeting on Thursday, Hotel Colorado at Noon.
Commissioner McCown – Nothing in addition – normally scheduled Associated Governments, but due to the opening of Legislative Session, this will be postponed until next week.
Chairman Martin – Transportation Meeting of the area municipalities and the County to get together here at 9:00 AM on Friday, the 10th of January and ask Karen Roe from CDOT to be here to try and reestablish our priority within Garfield County and the municipalities for immediate needs, the future and how we approach the Intermountain TPR and how it is structured in Courthouse Plaza, the BOCC meeting room.

CONSENT AGENDA

a. Approve Bills
b. Authorize the Chairman to Sign a Resolution of Approval for the White Special Use Permit for Development within the 100-year Floodplain
c. Authorize the Chairman to Sign a Floodplain Special Use Permit for Britton White for Development within the 100-year Floodplain
d. Authorize the Chairman to Sign Mylar for Lot 28, Filing 7 in Aspen Glen, PUD. Owner: Charles McCurry.
e. Authorize the Chairman to Sign a Resolution concerned with the Approval of a Special Use Permit for a Commercial/Recreation Facility for Glenwood Caverns, Inc.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items a – e and add the approval of the bills paid with the request to modify the warrant list of 12-23-02; carried.

PUBLIC MEETINGS

ROAD UPDATE – HOWARD SARGENT. U. S. FOREST SERVICE, YAMPA DISTRICT RANGER

Mr. Sargent stated this year will involve a road evaluation and if there were other issues that the Board would like included advising him. This involves looking at their road map and the evaluation will involve arterial roads. This provides the baseline for future decisions involving environmental decisions.
Commissioner McCown stressed that he hoped the US Forest Service would not ignore the two, two-track roads as many use these roads for ranches and hauling water to the ponds. These roads are not maintained and the ruts get deeper and will eventually become a natural drainage. If the use of these roads becomes prohibitive, it will greatly affect the ranches in hauling the water.
Mr. Sargent stated for the evaluation, they will be focusing on the main roads.

Marvin Stephens stated these roads have been for over fifty-year and ranchers and hunters use these roads all the time. If there's only one access road into the Forest then it will have a severe impact.
Mr. Sargent asked, as they complete the evaluation, would the Board want him to bring back a final report and/or to work with Marvin Stephens.
The Board would like both options to be included knowing this is just an evaluation and written documents would be beneficial as to where he is with the evaluation as it increases in case they need to attend any meetings or be involved in any other way.

APPOINTMENT TO THE COLORADO RIVER WATER CONSERVATION DISTRICT

The term of J. Richard Hunt, Garfield County Director of the Board of Directors of the Colorado River Water Conservation District, expires in January 2003. Under Section 104 of the River District's Organic Act, Mr. Hunt may be reappointed; or a freeholder who has been a resident of Garfield County for two years prior to appointment and has in the last calendar year paid taxes of real estate in Garfield County may be appointed. Appointment is for a three-year term.
Section 104 also provides that the Board re-appoint or a newly appointment shall be made at the first meeting in January 2003.
A letter of request to be re-appointed as the Garfield County Representative to the Colorado River Conservation District Board of Directors from Richard Hunt was submitted.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to reappoint J. Richard Hunt to a second three-year term as the Garfield County Representative to the Colorado River Conservation District Board of Directors and the Chair be authorized to sign the appointment.
Chairman Martin noted that Mr. Hunt would like the Commissioners to attend a meeting occasionally to see how his is representing the County. Motion carried.

COUNTY ROAD 121 (COULTER CREEK) INFORMATION REGARDING LITIGATION – LAURENCE (LAURENCE RANCH) v PETERSON (COULTER CREEK VALLEY RANCH) – MARVIN STEPHENS

Carolyn Dahlgren informed the Board that they have been named in a lawsuit and would therefore not invite Marvin Stephens to give a report at this point.

PUBLIC HEARINGS:

REQUEST TO CONSIDER APPROVAL OF A SPECIAL USE PERMIT FOR THE INSTALLATION OF A NATURAL GAS PRODUCTION WATER EVAPORATION PITS AND ASSOCIATED HOLDING TANKS ON 8-ACRES OF LAND LOCATED IN THE HUNTER MESA AREA, APPROXIMATELY ONE MILE SOUTH OF COUNTY ROAD 322 AND ONE MILE EAST OF COUNTY ROAD 319, RIFLE. APPLICANT: ENCANA OIL AND GAS (USA), INC.

Tamara Pregl, Don DeFord, Catalina Cruz, Applicant representatives, Bob Powers from Cordillera Compliance Services, Inc., Grand Junction, David E. Grisso, Operations Superintendent and John Leacock, Consulting Landman from EnCana Oil and Gas (USA) Inc., Rifle, Colorado were present.
Don DeFord and Catalina Cruz reviewed the regulations for noticing and the submittals from the applicant. The notices were not mailed until December 23, 2002. Bob Powers stated for the record that this is a remote location but he did notify Bob Nutting and KRK property. The property was noticed on December 6, 2002 and he posted the property. The Board determined they were in order and timely and advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Tamara Pregl submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Staff Report dated October 7, 2002; Exhibit F – Application Materials; Exhibit G – Letter from Garfield County Road and Bridge Department dated December 4, 2002; Exhibit H – Letter from Steve Anthony, Vegetation Management, dated December 17, 2002; Exhibit I – Letter from Brett Ackerman of the Colorado Division of Wildlife received December 22, 2002; and Exhibit J – Resolution No. 96-21.
Chairman Martin entered Exhibits A – J into the record.
Tamara stated that the applicant is requesting a Special Use Permit to construct natural gas production water evaporation pit and associated holding tanks located in the Hunter Mesa Area, approximately 1 mile south of County Road 322 and 1 mile east of County Road 319 (West Mamm Creek Road). The property consists of 8-acres, and the closest residence to the facility is over one mile southeast of the site. The

estimated life of the facility is between ten and twenty years and a reclamation plan was submitted as Exhibit M.
Tamara reviewed the staff report going into detail regarding the project description. She also referenced that the former owner was Snyder Oil and an evaporation pit facility has been in

operation near Rifle off County Road 319 since 1996 pursuant to Resolution No. 96-21. The applicant has indicated that the capacity of this evaporation pit is no longer adequate.
Recommendation:
Staff recommends that the Board Approval, the EnCana Oil and Gas (USA), Inc. Special Use Permit for the construction and maintenance of natural gas production water evaporation pits and associated holding tanks, 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 Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended.
3. The applicant shall comply with all State and Federal regulations and standards, such as Noise Abatement, Water and Air Quality.
    a. Inventory and mapping of the site for any listed Garfield County Noxious Weeds
    b. Provide a weed management plan that is specific to the inventoried noxious weeds.
    c. Provide a Revegetation Plan which shall incorporate the following elements:
        i. Plant material list (scientific and common names)
        ii. Planting schedule (include timing and methods)
        iii. A revegetation bond or security which may be in the form of 1) a check/cash deposit with the County Treasurer, 2) a letter of credit from an in-state financial institution, 3) a bond or surety from a bonding or insurance company (which shall refer to the Revegetation Plan and the special use permit number).
    d. Revegetation security shall be in the amount of $13,920.00 for 8 acres ($1740.00 per acre (4 cents per square foot). This amount has been calculated to anticipate market costs for reclamation in 10-20 years when the site is closed and re-contoured for reclamation.
    e. The security will be held by the County until vegetation has been successfully re-established according to Section 4.07 and 4.08 of the Garfield County Weed Management Plan.
4. The Applicant shall comply with the Garfield County Noxious Weed Management Plan. Weed management shall take place on the entire property. In addition to the Reclamation Plan provided by the Applicant, the Applicant shall submit prior or to the issuance of a building permit, a detailed Vegetation Plan with the following information, for review and approval of the Garfield County Vegetation Director
5. The applicant shall comply with the following recommendations from the Garfield County Road and Bridge Department
    a. The applicant shall continue to provide support for the continued maintenance of County Road 310 as necessary.
    b. The truck drivers shall abide by the posted speed limit of 35 MPH on County Road 319.
6. The applicant shall comply with the following recommendations from the Colorado Division of Wildlife:
    a. In addition to the 8-foot high perimeter fence, a 2 to 3-foot high mesh small game fence, immediately surrounding the pits and buried 6 to 8-inches in the ground, shall be installed.
    b. Escape ramps shall be installed in the pits to allow wildlife species that manage to reach the water to escape the pits.
    c. Pond netting over all the pits shall be installed to help prevent migratory birds from resting and/or foraging on the ponds, particularly during winter months.
    d. Death of any migratory birds caused by the proposed facility shall be immediately reported to the Colorado Division of Wildlife and the US Fish and Wildlife Services.

e. Pits shall be monitored for oil. Shall any oil reach the pits then measures shall be taken to immediately remove the oil.
f. Steps should be taken to ensure any run-off of by-products from the facility be contained on site.

7. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State, and County laws, regulations and standards.
8. The applicant shall comply with all local, State and Federal Fire Codes that pertain to the operation of this type of facility.
9. Garfield County shall enforce appropriate noise regulations, which may require the applicant to meet the "Residential" zone noise levels (55db (A)) pursuant to Colorado State Statute 25-2-30.
10. The following commitments shall be adhered to:

a. The exterior of the holding tanks shall be painted in a beige color to match the surrounding terrain.
b. Signage shall be visible and shall include the company name, address and 24-hour toll-free emergency phone number. Signage shall comply with the County's sign regulations.
c. Groundwater resources shall be protected at all times. The pits shall be lined with impermeable HDPE (High Density Polyethylene). If groundwater is encountered during construction, monitoring wells shall be installed and sampled regularly. In the event of any violation with respect to water pollution, the Applicant shall provide proof of compliance with applicable Federal, State and County laws, regulations and standards.
d. Driftage shall be contained on-site. A berm, approximately 20-feet tall and 60-feet wide, at its base, shall be installed downwind (south and east) of the pits.
e. Extra measures shall be taken if noise or odors are emanated beyond the site boundary.
f. Fire Control Measures provided by the Applicant in the application shall be adhered to.
g. Four (4) 175-watt mercury vapor lights will be installed. These lights will be set to turn on automatically at dusk and turn off at sunrise. Two (2) lams will be mounted on the east side of the tanks. Two (2) lights will be mounted on the west boundary to light the ponds for safety purposes.
h. Landscaping shall be directed towards erosion control. Any areas disturbed by construction and not covered by liner or equipment shall be re-surfaced with sand and gravel.

Tamara noted the following modifications to these conditions: Since the applicant is required to submit a $50,000 reclamation bond to the Oil and Gas Commission, staff is recommending that Condition No. 4 be eliminated, and change No. 9 – "Garfield County shall enforce appropriate noise regulations, which may require the applicant to meet the "Residential" zone noise levels (55db (A)) pursuant to Colorado State Statute 25-2-30" to read "that the applicant shall comply with the appropriate noise regulation as per Colorado State Statute 25-12-130" and to add Condition No. 11 – "prior to the issuance of the actual special use permit the applicant shall submit a copy of the reclamation bond and comply with the State Noxious Weed Regulations."

Applicant: Bob Powers - Wildlife Mitigation. The request for netting to keep wildlife out of the ponds was discussed and the applicant requested other deterrents other than the netting be allowed to be used. There are deterrent options for the pond such as decoys using manikins, and thin wire in 4-meter intervals visible to the birds that also emit a sound level only noticed by these birds. These types of mitigation will deter the birds from landing in the pond.

Chairman Martin referenced certain requirements as outlined in Resolution 96-21 regarding licensing of all out-of-state registration of motor vehicles, an emergency plan filed with the County and the appropriate fire district, as well as all other conditions referenced is said resolution. They also committed to putting the fence to keep all small wildlife

Public Comment:

Peggy Rawlins, Vice President of Grand Valley Citizens Alliance said she was here for one thing. She was made aware of EnCana's request to be allowed to set up ponds in order to get rid of the underground water during the gas drilling process. These ponds would be for the purpose of ridding the unwanted water by allowing the water to evaporate in said ponds. Water is a precious commodity in a normal year. We are also in a drought condition, which means we should conserve water, and not waste it by setting up evaporation ponds to hasten the gas drilling process. She requested the Board not to give EnCana a special use permit to use ponds for evaporation purposes or to spray or to pour water on the ground during the drilling process. Wasting water in this manner will only lower the ground water table; threaten ground water wells, creeks and eventually the Colorado River basin.

Janie Hines Broderick asked a question about air pollution and the potential of the Environmental Assessment and whether or not this process would create a previous situation where Barrett was forced to purchase property from a private landowner who had to move regarding the pollution they were exposed to from the air pollution. She also requested some wildlife habitat mitigation.
Chairman Martin reviewed the Resolution 96-21 and the concern of the Commissioners.
David Grisso - Determinable efforts to separate the oil and water separating the carbons that could be an annoyance of toxin effects.
Bob Power addressed the high-density pits saying they are taking many steps to control the driftage from leaving the site. They will test the effects on the adjacent properties and will analysis these annually.
Janie also inquired about the truck traffic regarding the vehicle trips of the water tanks and the berm with respect to shifting winds.
Peggy Rawlins – Inquired as to what chemical is to be used in the process.
David Grisso stated they would use a dispersion chemical.
Tresi Houpt asked whether high wind gusts would be automatically monitored to shut down the operation. The applicant stated they do have automatic monitors.
Janie Hines referenced 1997 about self-contained recycling trucks called a "pit less system" and asked why this system has not been used.
David Grisso – they are already using this system and at 40% they set the plug and move to the next system.
Commissioner Stowe requested the deterrent method be approved prior to use by the Division of Wildlife.
Road and Bridge addressed roadway Maintenance.
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 the construction and maintenance of an gas production, water evaporation pit and associated holding tanks with the conditions of staff 1 – 11 as mentioned earlier, striking No. 4 and changing 6(c) to read "or another method approved by the DOW and if said method fails the pond netting will be installed; the correction on No. 9 as noted by staff; No. 11, with the statement prior to issuance of a special use permit a copy of the Reclamation Bond would be presented; and No. 12 – finally incorporating the conditions of Resolution 96-21 with those conditions of approval; motion carried.

REQUEST FOR APPROVAL OF AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION REQUEST FOR RICHARD AND KAREN RHODES TO SUBDIVIDE A 48.699-ACRE PARCEL INTO TWO LOTS; ONE WILL BE APPROXIMATELY 46.498 ACRES, THE OTHER WILL BE APPROXIMATELY 2.201 ACRES, LOCATED OFF OF COUNTY ROAD 233

Fred Jarman, Tom Stuver of Stuver and LeMoine, Karen and Richard Rhodes were present.
Don DeFord and Catalina Cruz reviewed the regulations for noticing and the submittals from the applicant. Posting was visible from County Road 233. He determined they were in order and timely and advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Fred 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 – Letter from the City of Rifle to Mr. Stuver dated 11/14/02 regarding water; Exhibit F – Letter from the Rifle Fire Protection District to Mr. Stuver dated 11/14/02; Exhibit G –Application Binder; and Exhibit H – Staff Memorandum.
Chairman Martin entered Exhibits A - H into the record.
Fred noted for the record that this is a request for approval of an Exemption from the Definition of Subdivision. The applicant proposes to create a 2.201-acre exemption lot from the remainder 48.6999-acre property. The subject property is located approximately 1 mile north of the City of Rifle adjacent to and west of County Road 233. In addition, the applicant wishes to deed a 0.4-acre portion of the property adjacent to CR 233 to Garfield County as part of the CR 233 right of way. He continued to give the background saying the property has gone through a variety of changes over the last 30 years. The property was actually two separate properties (the Creek Parcel and the Water Tank Parcel) as of January 1, 1973. Therefore, the property as it exists today did not exist in 1973. Additionally, neither of the separate parcels as they existed in 1973 were greater than 35-acres. Therefore, because of this configuration of the parcels as separate and less than 35 acres each in 1973, this property does not qualify for an Exemption from the

Definition of Subdivision under today's County regulations. The Water Tank Parcel received an exemption to create the Noel Place in 1980, however, that exemption was allowed under former County Exemption regulations, which did not require the parcel to be 35 acres in size on January 1, 1973. Subsequently in 1996/1997 the County's Exemption regulations changed to require that in order to qualify for an exemption, the parcel as it existed on January 1, 1973, must have been larger than thirty-five acres in size at that time and not part of a recorded subdivision. As a result,

this application does not qualify for an Exemption. He did note that there is adequate water and fire protection on this property.
Fred referenced Exhibit G, No. 4 in the packet relating to a colored map.
Recommendation:
Staff recommends the Board of County Commissioners Deny this application for a subdivision exemption as it does not qualify for an Exemption from the Definition of Subdivision pursuant to Garfield County Subdivision Regulations Section 8:52(A).
Tom Stuver for the applicant stated Mr. Jarman's report covers the application and they concur with the exception of the one and submitted Exhibit I, a letter prepared by Mr. Stuver regarding the qualification of the property. His interpretation of the 35 acre rules was to present tracks and could not read into the rule that there was any general public welfare goal served where property of over 48 acres could not be split in order to deed property to their children. The goal of the rule was to prevent the property to be divided into small parcels and not related to family splits. He stated the rule in this case is arbitrary and there are other ways the Board can prohibit this from occurring. If the goals of the County are to reduce the number of parcels, then a more appropriate method should be determined and requested the Board recognize that this split would create an arbitrary purpose and to consider continuing this until the Board has had adequate time to investigate and make an educated decision. Tom argued property than will allow for an Accessory Dwelling that would create more density. He argued there was no rational basis for the determination that this property should not be split.
Public Input
Brenda Maes – Cedar Court – daughter of the Rhodes stated her parent's goal was to create a parcel for them to build a house.
Tom Stuver noted that a parcel was created and taken out of the Rhodes property for the "water tank parcel" for the City of Rifle, it was around two acres.
Commissioner Stowe – the potential of coming back and splitting off the 46 acres into 2-acre parcels and subdividing the remaining 35 acres into a full subdivision was a concern as other property owners may consider this a baseline for future actions.
Karen Rhodes – There are only two children.
Tom Stuver – Ultimately, what has happened has been a piece meal, stop-gap method, not giving equitability and suggested the Board adopt a standard that addresses the density that would address these standards. If there were an approach to any 40-acre track split, the County would not exempt more than four parcels maximum. The larger problem is with the rancher that has 640 acres and telling them if they split this into four lots of 160 acres that there could be no further splits. Results should not be dictated to old changes, rather will it nor will it not harm the general guidelines of County under the circumstances.
Commissioner Stowe suggested the possibility of obtaining a guarantee of not splitting the remaining 46 acres.
Mr. Rhodes stated 5 – 10 years away this property would more than likely be prime for high density and the potential of developing this into a full subdivision whether it be him or someone else.
Tom Stuver said the City of Rifle wants 5-acres of this property for recreation. The property would be deeded in lieu of condemnation. The example cited by Mr. Rhodes would be prohibited under the "four parcels" rule in place within the County Regulations.
Commissioner Stowe requested a short executive session to obtain legal advice.
Executive Session – Legal Advice
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.

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 under the basis of the merger based on the fact that this property meets all the other requirements and instructed staff to move forward of 8.52 to eliminate this from occurring in the future.
Commissioner Stowe amended his motion to include the addition that mergers after 1973 currently in place.
Motion carried.
Don DeFord agreed to re-write this regulation.
The Board requested this be drafted within the next 30 – 60 days and then adopt a new regulation within 6 – 8 months.

REQUEST OF APPROVAL FOR A SPECIAL USE PERMIT REQUEST TO CONSTRUCT AN ACCESSORY DWELLING UNIT (ADU) FOR JOHN AND MARGARET BELLIO FOR A 130-ACRE PROPERTY OFF OF COUNTY ROAD 214 IN SILT
Fred Jarman, John and Margaret Bellio were present.
Don DeFord and Catalina Cruz 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.
Fred submitted the following Exhibits: Exhibit A – Proof of Returned Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978; Exhibit D -
Garfield County Subdivision Regulations, Exhibit E – Application; and Exhibit F –Staff report and information.
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 2775 CR 214, Silt, Colorado on 130 acres. The applicant would like to convert an existing residence built sometime between 1930 and 1940 on the 130 acre farm to an Accessory Dwelling Unit so that a larger primary residence can be built on the property.
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 be aware that since the dwelling designated as an ADU is an older structure, any modification to it shall comply with the current Uniform Building Code provisions in effect at the time.

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 of John and Margaret Bellio for an Accessory Dwelling Unit with the two conditions recommended by staff. Motion carried.

REQUEST FOR APPROVAL OF THE COFFMAN RANCH SUBDIVISION EXEMPTION TO CREATE 4-TRACTS OF LAND FROM APPROXIMATELY 153-ACRES OF LAND APPROXIMATELY 17. MILES EAST OF CARBONDALE, ON THE SOUTH SIDE OF COUNTY ROAD 100. APPLICANTS: REX AND JOANNA COFFMAN
Tamara Pregl noted for the record that the applicant wished to withdraw for failure of public notification.

PUBLIC MEETINGS
CONSIDER AUTHORIZING CHAIRMAN TO SIGN THE ANNEXATION PLAT FOR COUNTY ROAD 236 AND COUNTY ROAD 231 RIGHT OF WAY ANNEXATION TO THE TOWN OF SILT – LEE LEAVENWORTH
Mark Bean, Lee Leavenworth, Steve Bettie, Surveyor Michael Langhorf and Janet Steinbaugh were present.
Annexation Petition and Plats for Annexation of County Road 236 and County Road 231 are to be considered consequently.

The Town of Silt has submitted two proposed annexations of roads adjacent to the Town. The CR 231 and CR 236 annexation petition was discussed at the last Board meeting and is awaiting the County Surveyor's approval.
A proposed annexation of portions of CR 231, Bookcliff Farms – CR 231 and CR 236 – "The County requested these two roads be annexed. Today they are here to request the County to approve the annexation to the Town of Silt of CR 231 and CR 236 as described in the petition. There are requesting to annex these two roads as a serial annexation.
Steve Beattie addressed for the Town of Silt. The Town started the process due to a petition, which confirms the County objective of annexation by a municipality to also include the roads.
The Town joins the Commissioners that in the process of the Bookfarms saying the road needs to be continued. It is on the second reading of the Town in just a little over a week. The Town supports the request that the Board sign the documents.
Lee Leavenworth is requiring the developer to develop these roads.
Janet Steinbaugh Community Director for the Town of Silt. Harness Lane, the east end has been improved.

Michael Langhorf from the Bookcliff Farms ¾ of a mile from 1st and Grand. From Harness Lane a distance of about 1300 feet then another 1300 feet on top of that. To the northern portion, it would be another ½ mile from Harness Lane.
Commissioner McCown made a motion for the Chair to be authorized to sign the annexation plat for County Road 236 and 231-road annexation to the Town of Silt and to sign the petition as well.
Commissioner Stowe seconded; motion carried.
Mark explained there were two different petitions and two different plats including Harness Lane and the later one extends from that point on up north.
A motion was made by Commissioner McCown to authorize the Chairman to sign the petition for the extension of CR 231 from Harness Lane north along with the appropriate plat when presented.
Commissioner McCown noted that his previous motion took in the entirety of the road shown on the map so whatever we need to do to make it work.
Mark stated they were two different petitions.
Mark – one clarification, are any utilities going into the County Road right of way, as it exists right now.
Lee stated not until the roads are annexed into the Town.
Don noted for the record, for the extension, this needs to be submitted to the County Surveyor and then to the Board.
The motion did include authority of the Chair to sign the plat upon presentation.

CONSIDER SIGNING AN ANNEXATION PLAT FOR A PORTION OF WHITEWATER AVENUE IN RIFLE. APPLICANT: JO ARNOLD

Mark Bean, Lee Leavenworth, James and Jo Arnold were present. Mark stated this is an annexation into the City of Rifle, a portion of Whiteriver Avenue north of 16th and between 16th and Acacia. The City has agreed to the annexation.
Lee Leavenworth mentioned this has been in the process for quite some time and Rifle has approved the annexation. Rifle already maintains the portion of roadway described.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the plat; motion carried.

CONSIDER SIGNING AN AMENDED PLAT FOR ELEANOR PIFFER. THE LEGAL DESCRIPTION – TRACT 22 OF THE ANTLERS ORCHARD DEVELOPMENT

Fred Jarman, Doug Piffer for Eleanor M. Piffer and Don DeFord were present.
This is a request to amend the Final Plat of the Antlers Orchard Development Company.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the amended plat for tract 22 for Eleanor Piffer; motion carried.

Out-of-State Banking - Delaware

Don informed the Board that he needed to research this issue; Georgia Chamberlain has stated this is not legal. He would agenda the items – Contracts with Signa and administrative services only and long term disability. He requested that he be given time to speak with Georgia prior to next Monday. The bank is out-of-state and the concern of operating with them is the concern.
Any other places, other than State of Colorado, Banks usually require operation under the jurisdiction where they are owned.

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

Attest: Chairman of the Board

_____ _____

JANUARY 13, 2003
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 13**,** 2003 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

a. Designate an Official Representative to County Health Pool

Ed Green and alternative representative Judy Osman were submitted to the Board as the designated official representatives for the County Health Pool.
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Ed Green the representative and Judy Osman as the alternative representative to the County Health Pool for Garfield County; motion carried.

b. Annual Vehicle Replacement – Tim Arnett

Jesse, Marvin, and Tim submitted the annual vehicle replacement for the purchase of (10) Ford Explorers, (2) Ford F-250 Super Cab Pickups from Western Slope Ford. The total cost for (12) vehicles from Western Slope Ford is $289,692.00. (10) Explorers will be purchased for the Sheriff Department, (2) from Capital Improvement Funds and (8) are replacements for motor pool. The (2) 4x4 pickups will be purchased from Road and Bridge funds. After the initial purchase, motor pool will take over upkeep and replacement of the (2) pickups and the (2) Explorers. This added that they will have 16 vehicles removed from the fleet, some to be auctioned and some will be absorbed into other departments.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the purchase of the 10 pickups and 2 Explorers for $289,692 for Western Slope Ford as presented. Motion carried.

c. Licensing for Rifle/Grand Valley Fire Protection Districts – Dale Hancock

Dale presented the licenses for the Rifle/Grand Valley Fire Protection Districts 2003 and requested the Chair be authorized to sign.
Commissioner Stowe so moved; Commissioner McCown seconded; motion.

d. Presentation of County Surveyor Candidates – Jesse Smith

Jesse requested that this be discussed in Executive Session.

e. Well #855468 RWF 24-4 Williams Energy Service

Commissioner McCown moved to authorize the Chair to Sign the Division Orders reflecting the County's decimal share of the proceeds from Well #855468 RWF 24-4; Commissioner Stowe seconded. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Consideration and Final Approval of Contract – Disability Insurance – CIGNA and Citibank

Don stated he has had discussions this with the Treasurer, CIGNA, and Citibank and his recommendation is to have the Chair sign off on the contracts.
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contracts with CIGNA and Citibank to operate our Disability Insurance as presented; motion carried.

b. PUC Update – Carolyn Dahlgren

Carolyn stated that this has been approved by the PUC and Quest now has 120 days to make this happen; Parachute to Carbondale will be local calling.

c. Consideration and Approval of Healthy Beginnings Insurance

Executive Session item.

d. Executive Session: Litigation Update Future Litigation – Control of County Property – County Surveyor Candidates – Personnel (Healthy Beginnings)

The Board, Carolyn Dahlgren, Denise Young, Don DeFord, and Mildred Alsdorf were included in 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 Stowe and seconded by Commissioner McCown to come out of Executive Session; motion carried.

Public Discussion and Action Items:

Don stated the action needed was a motion authorizing the Chair to acquire liability insurance not to exceed $30,000 for Healthy Beginnings. Commissioner Stowe so moved; Commissioner McCown seconded; Motion carried.

A motion to set time on next week's agenda for final decision on the County Surveyor position. Commissioner McCown so moved and to have this set under Don's time on the agenda; Commissioner Stowe; carried.

Motion to authorize the Chair to sign the State of Colorado – Confirmation of Trust Lottery Funds for the year 2003. Commissioner McCown so moved; Commissioner Stowe seconded. This amounts to approximately $150,000; motion carried.

COMMISSIONER REPORT

Commissioner Stowe – Open all week.

Commissioner McCown – Meeting of the Associated Governments for Thursday, January 16, from 10 AM to 2 PM.

Chairman Martin – Requested Walt to continue to serve on the Healthy Beginning Board as a public member after he is no longer a Commissioner. Fixed Guideway in Idaho Springs. CDOT on transit conversion from Fixed Guideway to Transit. Representative to Japan to gather information on the "fast train" that travels 260 mpr.

Community Correction/Criminal Justice Services Board – new Sheriff, Lou Vallario sent Jim Sears as his representative and informed the Board that he would supply a report on a monthly basis. Request the Criminal Justices Board report to the Commissioners as least quarterly. City/County meeting was canceled. Mayors on Tuesday – try to rearrange. Representative – TACK Committee Meeting at the RFTA – Senate Bill 1 – planning process. Randy Russell.

CONSENT AGENDA

a. Approve Bill
b. Sign Williams Energy Division Order – previously handled.

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

PUBLIC HEARINGS

REQUEST FOR APPROVAL – 11TH SUPPLEMENT TO THE 2002 BUDGET

Jesse stated this was published in the newspaper.

Chairman Martin swore in the speakers.

Jesse Smith presented the Resolution and submitted an explanation to the Board saying that in Exhibit A and Exhibit B the line items needing adjustments and the funds transferred within the departments to make sure all departments ended up in a balanced budget. The allocation of the $52,000 was as unanticipated revenue and is shown under the Social Services Budget.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the eleventh amendment to the 2002 Budget and eleventh amendment appropriate of funds. Motion carried.

Item B was removed from the Agenda Supplemental to the 2003 Budget.

PUBLIC MEETINGS:

REQUEST APPROVAL LETTER ENDORSING BLM – ROAN CLIFFS ASSESSMENT ALTERNATIVE

Jamie Connell, Brian Hopkins, Planner at BLM and Randy Russell were present. Jamie has been working with Summit County and just moved here. Randy Russell presented a letter drafted to Mr. Steve Bennett, Acting Field Manager, Glenwood Springs Field Office Bureau of Land Management for the Chairman's signature. The letter addresses the Roan Plateau Resource Management Plan for the Roan Plateau Planning Unit, who had requested feedback from local governments on the range and extent of the alternative delineation that has been developed to date. Garfield County is in receipt of a draft Memorandum of Understanding that would place Garfield County as a Cooperating Agency in the process of refining the Resource Management Plan for the Roan Plateau analysis. After receiving extensive feedback from constituents on the proposed alternatives being reviewed, Garfield County would like to comment BLM staff in the Glenwood Springs Regional Office for a full and comprehensive set of alternatives, and sub-sets of alternatives that represent all interest in the region. Garfield County supports the broad and inclusive alternatives array as presented by the BLM. As part of our initial review, Garfield County would like to see considered three areas of concerns as this process progresses: (1) contextual Background for Oil and Gas Leasing, (2) Management Cost Issues, and (3) Mapping and Delineation. The draft Memorandum of Understanding as submitted to us as a draft is fully acceptable with the one exception of Item "B.A" which now reads "Review and provide comments within 15 days to review any draft or final document. This should read 30 days.
The Board reserves the discretion to hold a public hearing or series of public hearings, and assemble our responses based on public input. Randy Russell presented a short memo on Friday, January 10, 2003 stating the BLM Representative will be attending the meeting today and are suggesting "15 working days from the receipt of information" as the turn-around period. Randy informed the Board that time frame was acceptable to the Board.

Brian stated they are working with four cooperative agencies. This is a way to make sure Garfield County's concerns are contained within the document. The 15-working days mainly is that this is a time sensitive planning process and hope to have the plan in place by Fall 2003.
Steve Smith joined in to thank the Commissioners and BLM for this project and urged citizen comment at every level.
A motion was made by Commissioner McCown correcting the correction, starts that sentence Item "B.A. amended to read 15-working days" to authorize the Chair to sign the letter. Commissioner Stowe seconded; motion carried.

PUBLIC HEARINGS
CONTINUED PUBLIC HEARING FOR WILLEY SPECIAL USE PERMIT FOR AN ACCESSORY WILLEY
Tamara Pregl, Carolyn Dahlgren, Brandy, Lorelei and Joseph Willey were present.
Chairman Martin reminded those that were present at the December 9, 2002 hearing that they were still under oath. He swore in the new speakers.
Tamara Pregl submitted additional Exhibits: Exhibit L – Well permit for the existing well that serves the mobile home; Exhibit M – Well permit for the proposed new residences; and Exhibit N – Staff memorandum dated January 13, 2003; and Exhibit O – Compliance Report from Steve Hackett.
Chairman Martin entered Exhibits L – O into the record.
Tamara stated that the request for a Special Use Permit for an Accessory Dwelling unit was continued at the December 9, 2002 meeting, with Exhibits H, I, J, and K submitted as evidence addressing the existing violations on the property.
A Compliance Inspection with Steve Hackett, has been scheduled for January 10, 2003, however, the date is after the deadline for the distribution of packet materials to the Board. Therefore, prior to the distribution of this memorandum to the Board, it is unknown as to the status of the violations on the subject property. Additional evidence will be provided at the meeting with respect to the violations on the property in order for the Board to make an appropriate determination.
The applicant provided copies of the final well permits for the existing mobile home and the proposed new residence. These copies of the well permits are submitted today as Exhibit L & M.
Staff recommends that the Board.
The Willey's hauled off numerous loads to the dump and they anticipated being in total compliance within 30 days. Steve Hackett pointed out the 50 gallon drums, the 5 cars, and the

needed to be removed to be in compliance.
Commissioner McCown moved to continue this until Tuesday, February 18, [2003], 10:15 a.m.
Commissioner Stowe seconded; motion carried.
Joe Willey inquired if the fence and fence posts, farm equipment and the culverts would be permissible.
Commissioner McCown suggested they move all the items specifically pointed out by Steve Hackett, call him and have him come back to do an inspection.

REQUEST FOR CONSIDERATION OF APPROVAL OF AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION REQUEST TO CREATE FOUR (4) PARCELS FROM APPROXIMATELY FOUR HUNDRED TWENTY NINE (429) ACRES OF LAND. LOCATION: APPROXIMATELY FOUR (4) MILES SOUTH OF THE TOWN OF SILT, WEST AND NORTH OF COUNTY ROAD 311. APPLICANT: JOSEF LANGEGGER

Carolyn Dahlgren, Tamara Pregl, Ron Liston and Josef Langegger were present.
Carolyn reviewed the regulations for noticing and the submittals from the applicant representative Ron Liston. 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 – Proof of Certified Mailing Receipts; 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 of 1984; Exhibit F – Staff report dated January 13, 2003; Exhibit G –
Application Materials; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated December 13, 2002; Exhibit I – Letter from Steve Anthony, Director of Vegetation Management, dated December 17, 2002; Exhibit J – Letter of authorization from property owner dated November 26, 2002; and Exhibit K – Letter from Land Design Partnership dated November 21, 2002, regarding adequate source of water.
Ron Liston stated that Tamara covered the points in her staff report.
Commissioner McCown inquired if Gale Hampton Hackett was notified in Mesa, Arizona.
Ron Liston stands corrected and stated she had not been notified.
Commissioner McCown stated he wanted to bring this up for the applicant's protection as well as ours because any action taken today without proper notice can be contested.
Ron Liston – what I would request is if we can proceed, he would contact Mr. Hackett and request a waiver and if he raises objection then we can however that may be handled.
Carolyn Dahlgren noted to the Board that they would not be able to make a decision today. You can take the testimony but this will have to be continued for a decision.
Chairman Martin stated we need to hear from Mr. Hackett or the waiver. Then we can render our final decision.
Ron Liston stated he would notify Mr. Hackett and request a waiver so we don't have to repeat the entire notification.
Commissioner McCown stated before we went any further, he didn't want it to get real murky.
Chairman Martin stated we don't like to have a subject to review, you waive this on notification.
Commissioner McCown – since we are going to go ahead and take all the testimony and continue it for decision, representing Mr. Langegger, you were satisfied with the conditions as recommended by staff and are in agreement to meet those conditions.
Ron Liston – The only issue on weed control and Mr. Langegger raises certified alfalfa hay on his property and are pretty sure we have clean property and they will talk to Mr. Anthony about that process but the time frame continuance may help that a little bit is 120 days having adequate weed growth to verify. There's actually no problem with this, we'll see how that goes.
Chairman Martin – through his alfalfa certification that will be fairly easy and also showing in the past last years as well.
Commissioner McCown moved to continue this matter until February 18, 2003 at 10:15 a.m.
Commissioner Stowe seconded.
Chairman Martin stated it is a continued meeting, as we did not close the session so that needs to be noted so we can take testimony as well as other exhibits. Motion carried.

CONTINUED PUBLIC HEARING FOR THE SATTERFIELD FAMILY SUBDIVISION FOR A TWO (2)-LOT SUBDIVISION ON THIRTEEN (13) ACRES. LOCATION: SOUTH OF THE BATTLEMENT MESA PUD, ALONG COUNTY ROAD 306

Carolyn Dahlgren, Fred Jarman, Tom Stuver, Juanita Satterfield and Monica Smith were present.

This is a continued hearing and Chairman Martin reminded those that were sworn in at the Public Hearing held on December 2, 2002 that they were still under oath and he swore in the new speakers.

Fred Jarman submitted the following additional Exhibits: Exhibit U – Letter from the Division of Water Resources to the Building and Planning Department dated December 10, 2002.

Fred reviewed the request and his staff reported dated 1/13/2003 and staff recommendation saying due to the lack of a determination by the State Engineer regarding the potential for material injury to decreed water rights, staff is unable to recommend the Board approve the Preliminary Plan request for the Satterfield Preliminary Plan based on the following reasons:

1. Division of Water Resources cannot determine if there is "material injury to decreed water rights";
2. Lack of a central water supply system design for the subdivision; and as such, staff recommends the Board open and continue the public hearing until a date certain provided the applicant enough time to provide the necessary information to remedy and/or satisfy the issues raised by staff listed above. Staff suggests the Board allow for an additional 30-day period so that the Applicant may have adequate time to acquire the necessary documents. The public hearing would then be continued to February 18, 2003.
3. Also the volunteer commitment by the applicant to establish a Homeowners Association.

Fred noted that this extension would exceed the required 60-day deadline requiring the BOCC to consider the application at a public hearing; the Applicant will need to waive the 60-day requirement to allow the BOCC to grant this second extension.

Tom Stuver representing the applicant agreed to waive the 60-day limit.

Commissioner McCown requested Carolyn research the 60-day waiver and bring it back to the Board at the next meeting.

The board shall hold an advertised hearing within 60 days and make a decision no later than 15 days thereafter the hearing has been closed.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

JANUARY 14, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

SWEARING IN OF ELECTED OFFICIALS

COMMISSIONER TRESI HOUPT
SHERIFF LOU VALLARIO
CLERK AND RECORDER MILDRED ALSDORF
TREASURER GEORGIA CHAMBERLAIN (Sworn in December 27, 2002)
ASSESSOR SHANNON HURST
CORONER TREY HOLT

JUDGE OSSOLA PRESIDING for the Ceremony.

Judge Ossola swore in the newly elected offices on Tuesday, 9:00 A.M., January 14, 2002 at 9:00 A.M. More than one hundred close friends, supporters, family members, and employees of Garfield County attended the ceremony held at the Courthouse Plaza Board of County Commissioners Meeting Room at 108 8th Street, Glenwood Springs, CO.

Tresi Houpt was sworn in as the new Garfield County Commissioner for District One (1). She thanked everyone for coming and pledged her commitment to serving Garfield County to the best of her abilities. She commented on some of her strong points of focus including the environment and protection of this beautiful county we live in.

Lou Vallario was sworn in as the new Garfield County Sheriff. Judge Ossola officially pinned the Sheriff's badge on him. Lou thanked all those supporters who placed him in office and pledged to continue operating a professional department and even bringing it to a higher level. He maintained an open door policy inviting all to come and see him, discuss concerns, or just to visit. He stated he would continue to operate a community minded force

Mildred Alsdorf was sworn in for her Seventh term as Garfield County Clerk and Recorder. She pledged to work hard for Garfield County as she has done all other terms. She thanked her family for all their support throughout the years and their continued commitment for the next four years. She praised her staff and attributed her success to the efforts and dedication of all those in her office.

Shannon Hurst was sworn in as the Garfield County Assessor for her first full term of office. She thanked her husband and staff for all their support. She commented that her success depends upon their success.

Trey Holt was sworn in as the re-elected Garfield County Coroner for the Third term thanking Tami his wife for all her support. He was very brief in his comments saying no one wanted to listen to a Coroner speak.

Judge Ossola recognized the commitment of the Garfield County Commissioners for their on-going support for the 9th Judicial District Court and added that he is sure that will continue.

Judge Ossola announced that Jim Boyd would be sworn in as the new Judicial District Judge in Aspen today at 1:00 P.M. and a reception on Friday, Room 402 in the Courthouse at 4:00 P.M.

Jim Boyd was appointed as Judge DeVillibus' replacement.

Attest: Chairman of the Board

_____ _____

JANUARY 14, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, January 14**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 10:10 A.M.

Chairman Martin welcomed Commissioner Tresi Houpt as the new Commissioner.

ORGANIZATION

Commissioner McCown made a motion to elect Commissioner Martin as the Chairman of the Board of County Commissioners for the year 2003. Commissioner Houpt seconded the motion; motion carried.

Commissioner McCown stated he had no problem serving in the position as Co-Chair however, for logistic purposes, it has always been better to have that person living in the Glenwood Springs area. Commissioner Houpt stated she planned to be in the office everyday and would be glad to serve as Co-Chair.

Commissioner McCown made a motion to elect Commissioner Houpt as Chair Pro-tem.

Chairman Martin seconded. Motion carried.

Commissioner Houpt stated she would rely on John and Larry to teach her that position.

Meeting Cancellations

The March 3 meeting was discussed with the option of having the Commissioner meet on March 10, 17 and 24. Commissioner McCown and Chairman Martin will not be available for the regular March 3 meeting; Commissioner Houpt stated however that she would not be available for the March 24 meeting.

A motion was made by Commissioner McCown to set back the meetings for March, excluding March 3, going to the 10th, 17th, and 24th.

Don DeFord announced that he would out March 17, but that Carolyn Dahlgren would be available. Commissioner Houpt may be able to change her plans. Ed announced that Karen Mulhan, administrative secretary has plans to be gone from March 24 – April for a family vacation with tickets in hand.

Consideration for Moving the Commissioners Meeting Day until Tuesday or Wednesday

Commissioner Houpt has been considering the possibility of moving the Commissioner's regular meeting day to Tuesdays, or Wednesdays, with a 6-month notification to municipalities. Her reasoning behind doing this would be for an additional day prior to the Commissioner's Meeting to research additional facts and/or consider additional material needed to be done before the actually meeting. She added that it would take some preparation recognizing that organizations have meeting days that do not conflict with the Commissioners meetings. She felt strongly that a change in the day the meeting was held would prove to be advantageous for the Commissioners and others.

Commissioner McCown stated he has had no problem with the meetings being held on Mondays for the past seven years and suggested no change.

Chairman Martin agreed with Commissioner McCown. However, Commissioner Houpt would like to have this worked on. Chairman Martin suggested that Commissioner Houpt could perform an analysis and bring this back for discussion before the Board.

Public Hearing Procedure

Mildred requested to have the Podium set up with a microphone where all speakers would come to provide their comments to the Board, versus passing the microphone to the various speakers. She stated her justification for doing this due to sometimes difficulty in transcribing the minutes. Commissioner McCown agreed but felt that one podium would be adequate. Ed Green will make sure that the microphone hardware would be in place.

Resolution - Holidays

Commissioner Houpt recognized that the Resolution had already been passed for the year 2003 stating the various County celebrated holidays however, she encouraged the holiday significance to be studied. Holidays have been established to honor specific events and people and she would propose to have Martin Luther King's birthday observed beginning 2004. She focused her support based upon the great strides he made in freedom and liberty for the black people in our Country that began 100 years ago.

Chairman Martin suggested that Commissioner Houpt serve as the Board's representative to the Personnel Committee as Commissioner Stowe had been in the past and noted that a discussion such as this needs to start at the grass roots level.

Commissioner McCown suggested in doing so that the issues such as weighing the costs to the County for an additional paid day off, the impact to the citizenry of Garfield County, and would like to know what significance Martin Luther King would have superceding Good Friday.

Commissioner Houpt agreed to serve as the Commissioner representative to the Personnel Committee. The first meeting is January 21, 2003.

Ed reminded the Board that the Commissioners and he are not voting members on the Personnel Committee.

The reason that the Commissioners are not voting members is due to the fact that they are the final decision making body. If this were changed it could result in a conflict of interest issue.

Associated Governments and Communications Board

Commissioner McCown stated his interest in continuing to serve on the Associated Governors Committee since it focused on oil and gas and that is one of the main effects on his end of the County. He also noted he wished to continue serving on the Communication Authority.

Healthy Beginnings and Rural Resort Board

Walt Stowe served on these two Boards and Commissioner Houpt was asked if she would be interesting in serving on the Rural Resort Committee. Chairman Martin noted that at the regular Commissioner's meeting on January 13, 2003, he had asked Walt Stowe to continue to serve on the Rural Resort Board as an advisory public member.

Commissioner Houpt implied that she would be glad to serve.

Ruedi Water and Power

A motion was made by Commissioner McCown to appoint Commissioner Houpt to serve on the Healthy Beginnings, Ruedi Water and Power and Rural Resort Boards. Chairman Martin seconded the motion; motion carried.

CCI Committee – Taxation, Finance, General Government, and Legislative

Chairman Martin is already an active participant on the CCI Committees and expressed a desire to continue serving.

CIST – County Health Pool

Ed Green was officially appointed to serve as the representative for Garfield County however, he stated the Board may want to consider that and in two years, the Commissioners may want to re-think that appointment. Seven of the member must be Commissioners. Thus far, there has not been a problem with the County Health Pool having the sufficient number of Commissioners.

Executive Session - Litigation on potential land use

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into Executive Session. Motion carried.

Mark Bean, Ed Green, Carolyn Dahlgren, Don DeFord, the Board and Mildred Alsdorf were to remain for the session.

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

A question from the Press arose with Mike McKibbin asking the number of holidays the County gives to their employees. The answer was 9.5 holidays. Several years ago, the employees agreed to forfeit Washington's Birthday, Lincoln's Birthday, Columbus Day and Colorado Day in order to have the day after Thanksgiving, ½ day on Christmas Eve and three (3) additional days as personal days off (PDO). Mike also inquired of Commissioner Houpt if she meant adding an additional paid holiday or did she have in mind as a trade-off.

Commissioner Houpt stated that would need to be decided. Her focus was on the purpose of the holidays at the present as well as the potential of Martin Luther King's Birthday. This would need to be decided later.

Adjourn

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

Attest: Chairman of the Board

_____ _____

JANUARY 20, 2003
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 20**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Dick Hunt, Colorado River District. Dick thanked the Board for reappointing him. Dick gave the history of the River District. It stated in 1937 and was formulated in order to have more said so over the water. 1955 – added five more and in 1961 added Hinsdale and Sewatch Counties. 15 Directors, 5 appointed each year. 100 ER rights, part of a building in GS, Wulford Reservoir, all pertains to water and water use. 1937 – 1950 was needling the Bureau of Reclamation, dams and irrigation plans and in the 70's they started Congress started passing laws, listen – Colorado River Basin Act, Central Arizona; involved in the past ten years in the endangered species over the 15 miles. Hatcheries, breeding grounds to take care of the problem. 1993 – 1999 constructed the Wulford Dam Reservoir, last year it was critical in working out the drought.

Jack Taylor's Bill – Head waters – Dick stated that their 2-day quarterly meeting starts tomorrow. Hold water and then to release it at certain times.

East slope – taking our most clear pristine water and diverting it to the eastern slope.

Water rights – they don't sell water rights, they lease them or use in adjudication, augmentation plans.

Shoshone Power plant will be discussed in the meeting. The River District is a taxpayer entity.

COUNTY MANAGER UPDATE – ED GREEN

a. ***Authorize payment of County's Contribution to the Conservation Districts for the Weed Share Cost Program*** – Steve Anthony and Dennis Davidson attended.

Ed presented the invoice for $25,000 in order to obtain the Board's approval for the payment of the County's contribution to the Conservation Districts for the Weed Share program.

The cost-share program is a partnership between Garfield County, landowners in the County, and the three local Conservation Districts (formerly called the Soil Conservation Districts). At the end of 1999 they requested a weed grant; the Board matched that and the program began with $25,000. In 2001, they included all of the 21 weeds. In 2000, there were 31 landowners participating with 1193 acres in the program; in 2002, this had grown to 85 with 2608 acres treated.

Dennis stated he would like to see some of the larger landowners involved, they are treating weeds but haven't requested assistance. Workshops are held every year on weeds and soil conservation.

Commissioner McCown made a motion and Commissioner Houpt seconded to approve the 2003 Garfield County Weed Cost Share Program invoice for payment of $25,000; motion carried

b. ***Authorize Disbursement of Unallocated State Grant Funds*** – Guy Meyer

Guy distributed a letter from the State informing the Garfield County Emergency Management that the EMPG program was awarding us $2750 for efforts in development of the Garfield County Multi-Agency Coordination group. They determined that Garfield County is indeed demonstrating excellence in development of the emergency management group. These funds were unanticipated and Guy proposed spending the grant funds to purchase a tower for this building. Out of the year-end funds from 2002, he purchased a 40-channel radio with all the law enforcement, fire and EMS channels in order to be able to make assistance when needed.

Jesse stated this would come back to the board in supplemental funds and would not need a motion to accept the funds at this point.

c. ***Western Colorado Economic Alliance and Revolving Loan Fund*** – Dale Hancock

Dale followed up by saying currently, with the purchase of this radio tower for the building; it will be able to provide a seamless contact with the emergency responses.

The Web page for the Western Colorado Economic Alliance is currently posted on The Garfield County Wed page and has been since last October 2002. Thus far, the site has had 475 hits a day. The next meeting

will be in Montrose in February and the Governor will be sponsoring a workshop on pharmacy agricultural land.

Revolving Loan Fund – Northwest Colorado

Dale has been appointed on the Revolving Loan Fund with Northwest Colorado Revolving Loan Fund. The money comes in is from HUD to start new businesses in the region. Wednesday in Denver both John Martin and Dale will attend the Club 20 to discuss what we can expect this year in Legislation with a report back at the first meeting in February. Dale has some 26 bills to review before Wednesday provided to him by Chairman Martin.

d. ***United Way Representative Request*** – Dale Hancock and Leslie Robinson, Executive Director of United Way were present.

Leslie handed out a proposal to lease office space at the Henry Building in Rifle for the United Way non-profit organization.

Dale gave the overview saying he received this request the first part of December. We do have space available on the second floor of the Henry Building. Access issues on the 2nd floor are not up to ADA standards and the County has been cautioned the liability issue of renting the space.

Leslie stated she would be the primary user of the office space as well as a part-time bookkeeper. She goes to the various agencies direct and there are not a lot of folks coming up to the office. It would be very handy to be located at the Henry Building.

Chairman Martin mentioned the United Way used the first floor of the Taughenbaug building and was in favor of assisting the agencies that assist our citizens.

Dale noted they requested a 3-year lease.

Tresi stated she would like to support non-profit agencies but she would like to have some rent structure in order not to set a precedent. However, we need to know that the liability issues are not there when we rent facilities.

Leslie stated the United Way is prepared to pay $200 a month for rent and would be willing to pay for liability insurance.

Don mentioned in the last 2-years we have structured lease agreements, in terms of liability and the County would additionally need to be named as a beneficiary. 624 square feet is available.

Commissioner McCown noted there is nothing that gets around ADA claims. This is why there has not been any office space used on the second floor.

It was reported that the Extension Office out of the Gunbarrell building into the Taughenbaugh and the Social Services would take over the current space.

The ADA requirements are similar to the Mountain View in that we need to make space available on the first floor. At the Henry Building, in order to compensate for ADA, space would need to be provided on the first floor for meetings. The Board has been discouraging the use of the building by non-profit organization due to the liability.

Leslie was requested to identify which office space, come back with a proposal, and the Board would look at it. She was to report on the liability insurance as well.

Don asked the question of rent, if this would be both the lease and a Community Human Service Grant. The square footage cost would be based on the Gatsby guidelines. Don was requested to agree to a balance with respect to the rent.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Consideration and Approval of Intergovernmental Agreement for Joint Funding of State Highway Improvements with the Town of Carbondale

Bob Emerson, Attorney and Don have been exchanging draft agreements and during that process, Carbondale has completed the improvement. Therefore, at this point, the County is providing funds for completed improvements. The IGA was presented to the Board with a request to authorize the Chair to sign the document. The amount of $10,000 is the County's share for the improvements at the Intersection of Hwy. 133 and Hwy. 82 and had been previously discussed and approved.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the IGA for joint funding for State highway improvements with the Town of Carbondale in its current form;

Don informed the Board that the County's funding contribution is a very small amount towards the project. CDOT is going to contribute money if Garfield County contributed towards the project.

Motion carried

b. Designate Finalists for County Surveyor Position and Set Interview Times

Don gave the history saying the current Surveyor, Sam Phelps elected not to run for re-election and there were no other candidates in the general election in November. Last Tuesday, that position became vacant by law and under the current Colorado Statutes, the Board is required to appoint a County Surveyor within 90 days of that vacancy. The position is now to be appointed for a two-year term at which time the position again has to be offered for election. Since this is an appointment, the person does not need to be a resident of the County although to be an elected official, they would have to be. The administration has advertised for applicants to fill this position. At this point, the Board needs to determine finalists under the open records act. Once that has been completed, those applicants who are finalists become public and then the Board proceeds to consider whatever procedure is necessary to arrive at the final individual.

Jesse stated they are still doing interviews with the applicants with regard to the experience with our mapping and computer systems and would not be ready until the next meeting. February 3, 2003 to delegate the finalists for this position.

Don submitted a functional question to the Board since Mildred and Don both use the position frequently, during the interim is Sam being requested to continue as the County Surveyor.

Sam Phelps stated he would be available if the Board so chose, as he would like to make the transition a smooth one. He does have some issues that he would like to bring before the Board about the position but irregardless of that he would continue.

c. ***Executive Session: Litigation Update – Current Matters – TIF litigation; Andrea versus Sheriff; Inquire Grant Brothers Litigation; Garcia Garcia V Sheriff; Intermountain Resource Litigation; Chavez v. Sheriff – BOE Assessment on Appeals; and Litigation on Red Feather – and CARE***.

Jesse requested a discussion regarding Salary Adjustments Being Implemented for the year 2003

Carolyn, Don, Jesse, Ed, Mark, Mildred and the Board were to be included in the session.

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

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

Action taken:

Red Feather Ridge

Commissioner Houpt suggested sending a letter asking the City of Glenwood Springs to address the impact on the Four Mile Road Impact and that their annexation plan include the Four Mile Area as well as the issues they did not address annexing the Fire Station. McCown seconded; carried.

Pay Plan

Jesse requested market adjustments for seven positions be made in order to implement salary adjustments to market range and the salary plan will adhere to the 4% raise limit with exception of elected officials and the County Manager and County Attorney.

Commissioner McCown so moved. Commissioner Houpt seconded; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – CCI Conference for new commissioners in Denver Tuesday through Friday and will miss Personnel and Rural Resort.

Receptionist Position – Tresi stated she would like to bring in a new position for receptionist and place that on the next agenda. She would like staff to develop a job description and proceed. We serve the public and currently there's a communication gap. A person in our County can have a question and not knowing who to ask, they get caught up in a mass of voice mails. There is no one person to direct visitors and this is lacking. Looking at other Counties across the Country, people do feel the need for the human touch. People expect and should expect a mode of personal contact. People currently wander around the Courthouse looking for a specific office. There used to be a receptionist in the County years ago. Voice mail is great, but having someone answer the phone or giving directions is very valuable. The investment in having a receptionist would be worthwhile. Commissioner Houpt stated she was willing to have a cut her office wall in order to put a counter up, have a place to put materials, and for the position to help with light administrative work. We'd have a friendly space.

Chairman Martin agrees that we need this position. At this point, a feasibility study needs to be done and information in a report back to the Board.

Commissioner McCown – questioned the validity of a receptionist in just one building that houses County employees and referenced the Taughenbaugh, Henry Buildings that serve our citizens to the west, the

Courthouse where the elected officials are housed; and asked if one individual were going to serve, will an individual walking in the Courthouse show up as well as the Taughenbaugh. This is a needless expense and reluctant, considerable phone expense to revamp our phone system and the purchase. Better signage, better directors, Theresa on 2nd floor. The time that staff would expend would be a waste as well.
Chairman Martin – suggested an evaluation would be helpful.
Commissioner Houpt – doesn't disagree that there will be expense, and would like to know if we can make adjustments to our current system, fall back to another line, to have someone in the place were a great deal of work is being performed, had the opportunity to speak to hundreds of people and want to have a personal touch in the County.
Since Houpt and Martin want this, staff was directed to proceed.
Commissioner McCown – This week is open.
Chairman Martin – River District – Senator Taylor presenting a bill; CCI Legislation in Denver; and review a work job description for the oil and gas - $60,000 added for a full-time position. Judy, Ed and Mark were helpful and decide February 3, 2003.
Commissioner McCown – Oil and Gas position – he favors this to be as a Consultant and some requirements and duties would be changed.

CONSENT AGENDA

a. Approve Bills
b. Authorize the Chairman to sign a Resolution of Approval for the EnCana Oil and Gas Special Use Permit for the construction and operation of natural gas production water evaporation pits and associated holding tanks.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a; carried.
Commissioner Houpt requested item b be discussed in Executive Session.

PUBLIC MEETING:
DISCUSSION OF THE TEE PEE PARK LOGGING PLAN
Mark Bean, Jim Beckwith, Bill Gherardi, George Bauer, and Norm Carpenter, owner of Tee Pee Park Ranch were present.
Chairman Martin – Mark, you had some items that you needed to discuss in reference to the Management Plan.
Mark Bean - The Board had requested me to send a letter to Mr. Gherardi, who is with the Woodland Management Consultants, Inc. and Mr. Gherardi was hired as a consultant to the County as well as the applicant and the City of Rifle specifically as part of a condition of approval attached to Resolution 97-70, which basically says that the Forest Service Management Practices will be monitored for compliance with the proposed TeePee Park Management Plan by a consultant agreed upon by the Board of County Commissioners, City of Rifle and the applicant and paid for by the applicant. Mr. Gherardi has submitted various reports to us; the Board had requested we have an opportunity to meet with him. Originally my letter was sent to Mr. Gherardi suggesting February 3; our letters essentially crossed in the mail, he send me a letter basically stating that a report would be presented to the Board and he would be available today to present the report regarding the activities in the, what is referred to as the TeePee Park property that Intermountain Resources presently has the Special Use Permit to allow for the logging activity to occur. Mark provided the Board a copy of the report that Mr. Gherardi submitted to us, received on January 17th, the report is available to the Board and states some activities there. Mark didn't know what other questions the Board might have, but stated this is our opportunity to discuss with Mr. Gherardi the logging activities that are occurring there. We had at one point last year, received a request to amend or revise the Special Use Application; that request was sent back to the applicants and subsequently no additional revisions or request for revisions have been received by our office.

Woodland Management Consultants, LLC. Located out of Fort Collins, Bill Gherardi, Forester, submitted a written report at the request of Mark Bean's letter dated December 10, 2002. He stated the current activity within Tee Pee Park received January 17, 2003 by Mark. The letter states:

a. The area of the east side of Beaver Creek that is designated for tractor logging was complete on November 1, 2002;

b. From November 1 through January 7, 2003, a fire and recreational access road to Houston Mountain were constructed.
c. As of January 9, 2003, timber harvest has started around Houston Mountain.

Bill Gherardi – you should also have a report from last fall, which was the first report the Board asked for, it was supposed to be in November 1st and he said he mailed it the 25th of October.
Mark noted that he had submitted copies of the reports to the Commissioners from Mr. Gherardi that were submitted in compliance to the request that were due November 1, 2002, as well as the recent report dated January 13, 2003.
Chairman Martin – so the three items labeled a, b, and c in the current report are new information.
Bill Gherardi – right.
Chairman Martin stated information had been brought to us in reference to inspection of the property, if it was deemed improperly, if it was within the Forest Guidelines, etc. and Bill is here to fill us in if we have those questions.
Commissioner McCown – to your knowledge is there any, and I'll say this as a term, is there any conventional logging taking place in the area that was designed in the original plan as the area required for helicopter logging, is there any of that going on right now to your knowledge that's been conventional timber method being skidding and cutting.
Bill Gherardi – As I said in the most recent letter, the area around Houston Mountain has just started to become logged conventionally.
Commissioner McCown – And was that part of the helicopter area?
Bill Gherardi – Yes.
Commissioner McCown – And this is being done conventionally.
Bill Gherardi – Yes sir.
Commissioner McCown – Yes sir. Do you see that as any discrepancy or violation of the Special Use Permit that we approved? I mean if an area is designed as helicopter logging and a conventional method is currently taking place, do you have any problem with that?
Bill Gherardi – That's, this is the essence of the argument. Is the Forest Management Plan the Bible or is it a working document with changing technology, even contained within the Forest Management Plan, it says tractor logging will occur on slopes of less than 50%, but generally up to 35% within the Beaver Creek and Porcupine Drainages. Commissioner McCown – in the Special Use Permit, not being a forestry specialist and not getting into technical arguments, as a layman a special use permit, if we approved it under the conditions that certain areas were helicopter logging, I don't think there was any situations where, well if the ground's froze, we'll let them skid it out of an area that was helicopter or if there's snow on the ground, conventionally logging would be okay if it's helicopter. I think the area we approved was helicopter logging and it's being conventionally timbered. I realize the Forest Management Plan is a moving target but it makes it real hard to approve things if we don't know what we're approving and I think we did, in 1997 in fact approve this special use permit with the knowledge that there were varying techniques of timbering being implemented, there were area that were off limits around the creeks and certain set back from all of those drainages that was important to the watershed for the City of Rifle. And, I think it was clearly evident that there were certain areas that were to be logging solely by helicopter logging; or I believe there was another method that was included in that, and that was the cable method. And, those areas now have been, because of technology or whatever, are being conventionally logged and I don't know what's changed. A skidder is a skidder is a skidder.
Bill Gherardi – well, two things: within that Forest Management Plan you also give definitions for the kinds of areas that those kinds of logging will take place and as I said, you said tractor logging up to 50%, helicopter logging on steep slopes with highly erosive soils, cable logging somewhere in-between those two. Okay. And if you look at all the areas that were designated, particular the helicopter logging, it has some area that is less than 20% slope, so is it helicopter logging or is it tractor logging? I don't know. I mean, those methods are defined within the plan and where they should occur.
Chairman Martin – other questions?
Commissioner Houpt – so, I need to know, where, when we're talking about the SUP and you're talking about the Forest Service Management Plan, and we're talking about work within a certain area that falls under the SUP and need to get a better understanding of that relationship, either from the County or from you.

Chairman Martin –I think the argument is, and we've brought it up before, and that was the availability of the helicoptering the extensive public hearing and approval that was based upon the helicopter logging, staging areas, etc. and I don't think we've seen that and I think that maybe we need to address staff on exactly why that hasn't happened yet.
Mark Bean – well, we have, in the past with numerous discussions with Intermountain, typically relied on the plans that are submitted as a part of an application as being the methods and means by which somebody will comply with and meet conditions of approval on any special use permit. So in that sense to sort of go to the issue that Mr. Gherardi brought up here earlier, to a certain yes, the plan becomes some sort of a Bible and any change to that, not saying that it cannot be changed or revised, has to come back to the Board of County Commissioners in a public hearing to allow you the opportunity to review the new change to see if there are any issues that are based upon our standards of approval but maybe of concern or maybe a reason not to approve that particular change in the operation as it was approved. Intermountain, at one point, had discussed some issues that they felt were not consistent with the original approval in the logging plan itself, as a matter of fact, Mr. Gherardi's October report referenced an application being submitted to revise some of the conditions of approval, as I said earlier, that was reviewed and sent back noting that there were certain area or information that needed to be included in the application before it was presented to the Board of County Commissioners and set for a public meeting. We've not seen any of that additional information or at least that report coming, so as a result the changes that were noted back in October have never occurred.
Commissioner McCown – what is the time frame for notice and everything if we today decide to schedule this back for a noticed public hearing on the possible revocation of this special use permit – what's the notice period.
Mark Bean - 30-days. It would be the same notice period required for any special use permit.
Don DeFord – practically Mark, how long does it take?
Mark – realistically, you mean as far as setting up a time and a date?
Don – Yes.
Mark – probably we're looking at 45 days plus or minus.
Commissioner McCown – so the last week in March, the 24th of March.
Mark – the 24th – that would be a special meeting for you. Oh, we're moving those dates.
Commissioner McCown – and you would be here for that meeting Tresi? Would the 17th meet the criteria?
Mark – there would be no reason why we couldn't.
Commissioner McCown – timing wise.
Mark – no, we would be able to get a hearing scheduled for that date, or arguably the 10th.
Commissioner McCown said, I would make the motion that this matter be scheduled for public hearing, the County will take care of the notice, all adjacent landowners and that be scheduled on March 17, 2003, which would be our afternoon time at 1:15 PM and at that time, we will public testimony and any evidence that the applicant may have regarding this matter as well.
Don – concerning your motion, would that be for consideration of suspension, revocation, alterations of the permit?
Commissioner McCown – yes, it would.
Mark – this would be pursuant to Condition Number 9 in the Resolution 97-70?
Commissioner McCown – that's the reason for my motion.
Mark Bean – okay.
Commissioner Houpt – second.
Chairman Martin – I have a motion and a second to go ahead and have a public hearing, notice of revocation, change, etc.
Don – one comment on that, today we were provided with certain written materials, title on that, all written materials concerning the status should be submitted at that hearing by the defense attorney.
Chairman Martin – all right, there was items that were placed on our desk, etc. I haven't had a change to read any of those, but that will be part of the public process and has to be introduced as either an exhibit or something for consideration. And, at that time, we'll have a chance to review everything. Motion carried. Bill, will you be available at all.
Bill Gherardi – yes.
James Beckwith – is there any alternate date other than March 17th?
Chairman Martin – is there a conflict in your time.

James Beckwith – well, it will be a conflict for me and that's why I was asking, had my hand up relative to this schedule.
Chairman Martin – I can't take testimony in that matter, but I understand.
James Beckwith – I'm not trying to testify,
Commissioner McCown – the 10th would work for me.
James Beckwith – the 10th would be pushing it, I was looking at later, but if you can't adjust the 17th, I'll adjust my calendar so I can be here.
Commissioner McCown – to make it later, it would go to April.
James Beckwith – It would have to go to April.
Chairman Martin – we have another conflict on this side.
George Bauer – we've got a motion here to review this information and potentially revoke this permit and I think the sooner we get this done the better, because there's logging taking place right not, as Mr. Gherardi stated and they're not supposed to be doing it, so the sooner the better.
Chairman Martin – the motion has been passed and it is on the 17th, we're looking
Commissioner McCown – can you adjust your schedule, Mr. Beckwith?
James Beckwith – I will. And just for clarification, written materials from us you want how many days in advance of the 17th?
Mark – I'd like to have those 10 days in advance if I could so I could get them to the Board.
Chairman Martin – that's anyone that has written documents. That will give us a chance to go ahead, review those, and introduce them, as exhibits through Mark's office and then you'll have an opportunity to have copies of everything in return.
James Beckwith – I was going to ask, will Mark be sending me a notice of the specific issues?
Mark Bean – yes.
James Beckwith – Okay.
Mark Bean – I'll send you a copy of everything that goes to the Board of County Commissioners.

REFERRAL OF THE SPRING VALLEY PUD TEXT AND PLAN AMENDMENT

Mark Bean stated this is a formality and requested a motion to refer this to the Planning Commission.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer the Spring Valley PUD Text and Plan Amendment to the Planning Commission.
Mark stated this would be on the Planning Commission on February 12, 2003.
Motion carried.

PUBLIC HEARING:

REQUEST FOR CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION AT 0208 CR 227, RIFLE, O. APPLICANTS: MIKE AND NETTIE MILLER

Fred Jarman, Mike and Nettie Miller 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.
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 – Application; Exhibit F – Staff Memorandum and Exhibit G – Letter dated December 9, 2002 from Lisa L. Caskey voiced her disfavor in approving the CUP for the Millers.
Chairman Martin entered Exhibits A - G into the record.
This is a request for a Conditional Use Permit to legitimize an existing subcontractor's glass business currently operating on the property as a "home occupation." The applicant/owners live in a residence on the property that is approximately 6 acres, and currently operate a subcontracting glass business installing glass for new construction and residential work.
Recommendation:
Staff recommends that the Board of County Commissioners approve the request for a Conditional Use permit to allow a home occupation for Mike and Nettie Miller on a property located at 0208 County Road 227, Garfield County with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval unless specifically altered by the Board of County Commissioners.
2. In the event any representations made in the application for which this permit is granted, change and are no longer consistent with the representations in this

application, the applicant shall be required to submit a new permit application to the County addressing the changes.

Nettie stated they have personal campers on the property and her boys work in the shop. There is no walk-in traffic but they do have a couple of deliveries per week, the largest vehicle is a 32' Tandem truck.

Public Comment:

Ada Wagstrom – concerned regarding the increase of traffic and opposed to any changes to zoning. Additionally, that only a numerical sign be posted and no business sign.

This is a Conditional Use Permit (CUP) and in terms of the County regulation, the permit is granted only on the conditions that you apply to it. With the CUP, the Board has the authority to deny it based on a variety of categories. The Board has tied to the individual making the application. The change in ownership is not included in our provisions. There have been occasions when the Board has done this with commercial uses. Don added that be very clear this should be recorded in the property records that this is not a transferable permit.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a Conditional Use Permit to allow a home occupation for Mike and Nettie Miller on a property located at 0208 County Road 227, Garfield County with the two conditions of staff; and to include a wholesale glass storage disallowing any retail glass sales, including auto glass sales alluded to day and the CUP apply to this specific individual and note that it is a non-transferable permit; motion carried.

PUBLIC MEETING:

APPOINT MEMBERS TO BOARDS AND COMMISSIONS:

PLANNING AND ZONING COMMISSION

The following individuals have expressed interest in becoming Planning Commission Members or existing members whose term have expired technically on December 31, 2002 and wish to continue their service on this Committee. Mark informed the Board of the three spots available as regular members, and three alternate spots. This list was submitted: Mike Deer – Continue; David R. Stover – Continue; New – Kit Chapin Lyon; New – Steve Carter; New – Bob Fullerton

New – Jock Jacober; New – Charles G. Kent; New – Thomas K. Lloyd.

Commissioner Houpt stated she would like to interview these applicants since Planning Commission members are so important. She cannot get a sense of who these people are from the letters. She can complete this activity by February 3, 2003.

BOARD OF ADJUSTMENT

Mark submitted this list for the Board of Adjustment.

Re-appoint – Leo Jacober

Re-appoint – Steven Boat

Re-appoint – Brad Jordan

Re-appoint – Peter Cabrinha

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to reappoint Leo Jacober, Steven Boat, Peter Cabrinha, and Brad Jordan to the Board of Adjustment; motion carried.

FAIR BOARD

Seven of the vacancies on the Fair Board are due to the expiration of the current Board's terms: Ed Elder, Keshia Sheets, Leon Hanhardt, Kevin Runia, Kathy Runia, Perry Will and Patty Scarrow. All have expressed an interest in seeking reappointment. Additionally, Daneen Conn and TJ Dice have expressed an interest in being appointed.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the seven existing board members be re-appointed and TJ Dice to the Board and Daneen Conn as the alternate; mo

WEED BOARD 2-1286

Currently there are 4 vacancies on the Weed Advisory Board. Three of these vacancies will be from Board Members whose term expires: Bob Miller, Brit McLin and Charles Ryden and Walt George have verbally expressed an interest in seeking reappointment to a second term.

Commissioner McCown said he would like to add Walt George to this Board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Brit McLin, Bob Miller, Charles Ryden and Walt George to the Weed Board; motion carried

LIBRARY BOARD

Jaci Sphuler, Director of the Garfield County Public Library System submitted a memo stating there are currently two open positions on the Library Board of Trustees. The remainder of Tom White's term, 2 years, expires December 31, 2004. The alternate term (4 yrs) expires December 31, 2006.
Jaci also stated that currently they do not have a representative from Carbondale on the Board.
Chuck Dixon – 2-1497, John Steele and Mark Iddings have requested to be reappointment.
Three letters of request were considered: Patti K. Bateson – New Castle, Cheryl Currier - Rifle, and Bob Lamont – Carbondale.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Bob Lamont, Chuck Dixon, John Steele and Mark Iddings; and alternate Patti K. Bateson to the Library Board; motion carried
February 6, 2003 in New Castle at 6:00 PM.

CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING PROCEDURES FOR VACATING PUBLIC ROAD AND RIGHTS OF WAY

Don submitted a draft Resolution for the Commissioners to review. He requested the Chair be authorized the sign the Resolution. The Board requested this item nearly one year ago. It has been reviewed by the Planning Commission and changes as submitted were made.
Discussion was held and Commissioner Houpt requested more information. Don stated the policy in the past has been ad hoc; a request comes to the Board, directions given to Don to do research and come back to the Board with a report. However, the Board felt this was too hap-hazardous. Don took a look at County Roads that have come to the Board for vacation. Most of the time vacations come to the County for partial vacation or right of way. He directed the Resolution to establish what agencies the Board wanted this referred to and the process for a specific road. Historical use of a roadway to forestland is considered and investigated carefully.
Commissioner Houpt inquired about roadways connecting to trails, etc. Some of the trail system as it is currently is private land. Don responded a trail, a public road for which the Board would consider vacation, is usually connected to another public road. The trail is very similar to a public road. These is no law for Garfield County that deals with trails. Public lands are a policy decision. You cannot leave a parcel without access. Commissioner Houpt – the trail system is starting to be a very energized process and if the County owns right of way that protect the trail system, it would behoove the County to look at the vacation of these roads and roadways in order to determine if there was a possible future use for a trail.
Commissioner McCown said we do have a law to fall back on – would the trail system have to be in place in order to apply. Commissioner Houpt – it would have to be in the Planning Stage.
Commissioner McCown – any Planning could eliminate any vacation. Commissioner Houpt – in a final planning stage where the trail has been identified but not built, i.e. connecting communities. Chairman Martin gave some examples where trails are in the County right of way, such as County Road 109. If the trail went through private land, it would have to include an easement identified by the property owner. This is a separate arrangement. He reminded the Board that this Resolution could be amended either now or later. This is not a limitation on the Board's ability to vacate a road.
Public Lands
Commissioner McCown would not include our current road systems, or the airport, areas owned by governmental entities – state, federal, municipal, or county. He referenced the Road and Bridge Shop saying it is a public owned building and lands, but cannot be accessed without a valid reason. He suggested putting "approved" usage – based on limitation of current uses on public lands.
Don suggested "state federal municipal or other governmental owned property available for recreational or other general public use" and then add "this definition of public lands shall not include municipal, state, or county roads or highways." That definition would include trails but it would include trails only to the extent that a municipality or special district owned the property.
The Board concurred that Don should draft this language and bring it back to the Board

Executive Session – Discuss Item b in the Consent Agenda – EnCana Oil Special Use Permit

Commissioner Houpt made a motion to go into an Executive Session for the discussion on item b of the Consent Agenda – the Resolution for EnCana Oil. Commissioner McCown seconded.
Motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; carried.
Action taken:

EnCana Oil Special Use Permit
A motion was made by Commissioner McCown and seconded by Chairman Martin to approve the EnCana Oil Special Use Permit – all included. This motion to approve was made prior to Commissioner Houpt coming on board and she said she would have requested a continuance. She would not have been able to support this particular application.
McCown – aye; Houpt – nay; Martin – aye.

HUMAN SERVICES COMMISSION
Kay Vasilakis, Human Services Commission, reminded and invited them to the Humanitarian Award Dinner, January 27, 2003, Hotel Colorado 945-2632 Ext. 101 to RSVP and tell them the amount of regular dinners and vegetarian dinners.
Today, they are here to inform the Board of new members and a calendar of groups to speak at a given Board of County Commissioner's meeting.
Nancy Reinish handed out the 32 position on Human services Commission. She requested the Board review the applications and fill these positions.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Sue Horn, Diana Martinez and Kate Somsel-Longmore to the Human Services Commission Board; motion carried.

BOARD OF HEALTH APPROVE COMMUNITY HEALTH PLAN AND PROGRESS REPORT – MARY MEISNER
Mary presented the Contract Renewal Letter saying she would request approval from the Board pending review of County Attorney. In 2002, the grant was for $7,7036 and for 2003 $9,7081, an increase of $2,045.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Department of Public Health contract upon review and approval of the County Attorney; motion carried.
Board of Health
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Health; motion carried.
Mary submitted the Annual Community Health Plan and Progress Report – Community Priority #1 with the medical advisory Robert Brokering. This was due to the Colorado Department of Public Health and Environment on January 15, 2003 and addressed the goals: control of communicable disease; to provide preventive health services to Garfield County children; to provide preventative health services to Garfield County residents; to prevent and reduce substance abuse in Garfield County; to enhance public and provider knowledge of Public Health County; and to improve emergency response. The Board was invited to share ways the Public Health can enhance public and provider.
The Smallpox vaccination plan is due to the State Board of Health by Friday. The Community Assessment process has been completed.
West Nile Virus – another project. Chairman Martin gave the particulars to Mary for follow-up – this includes horses and people. There is some money available through the Department of Health.
Vegetation Management Folks on River Districts, etc. was also referred to Mary.
HEALTHY BEGINNINGS
Wanda Berryman – reported on the program providing updates on the final numbers for 2002 – 382 enrolled; 275 delivered. They are taking in around 10 new women per week.
Funding – the year 2002 has matched revenue and expenditures. An additional administrative person was authorized in the budget.
A motion was made to go out of the Board of Health by Commissioner McCown and seconded by Commissioner Houpt; motion carried.
BOARD OF SOCIAL SERVICES
Lynn Renick, Michelle McMullen, Senior Accountant and Carolyn Dahlgren were present for the report.
Contracts before the Board of County Commissioners included:

Core Services Contracts – Placement contracts – Ariel Clinical Services, not to exceed $24,133.80 – Y800520; Gateway Youth and Families – $20,169.90 – Y697354; and Gateway Youth and Families - $20,169.90 – Y670859; Regional Mental Health and Y697354 for Substance Abuse $20,169.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to approve the contracts with Ariel Clinical Services in the amount of $24,133.80, Gateway Youth and Families in the amount of $20,169.00, and a second contract with Gateway Youth and Families in the amount of $20,169.90 those numbers being for the Ariel Clinic Y800520 the first contract with Gateway would be Y697354 and the second contract Y670859; carried.
Core Services Contract – Regional Mental Health Center – Two Separate Contracts
Lynn stated these were approved by the Board of County Commissioners for signature back in October 2002. The contractor, Colorado West, as well as the some of the other county directors involved in this regional contract, had some questions on the contract because it was re-done so it would be more reflective of how we're actually doing business. There are two issues: One was the risk corridor and it was Section 4.E where we have the 80% to 120 for a ceiling where the counties would to have to pay anything back and the contractor would not as well between that percentage of the contract used.
Carolyn added that we tried to negotiate a provision whereby Colorado West would pay us back if their numbers were really low. That did not go any place. So, there is a risk corridor and the good news is they will continue to provide without any further costs to the County up to 120% of the numbers.
Lynn added that we are not even close to the 80%, we're closer to the 120%, which is the typical way we've been doing on this contract for several years. The other issue had to do with the summary data and what data Colorado West will provide to us on a client-served and what type of client so we can have additional information for our accountability and program planning. This was in Section 4D. Lynn asked for a withdrawal of the motion of approval and to request approval of the current contracts included in the Board packet today. Clarification was made that up to 2001-2002 contract, we really did specify how the contract worked where we were breaking it up into two sections of the regional contract with a 4-county section with Garfield County as the fiscal agent for 4-counties and Moffat County was the fiscal agent for the 5-northern county area. The contact did not reflect how we were doing business and how we were maintaining the contracts, so after a lot of work with the county directors in education and understanding and in being more thoughtful in how we were doing the contract. Colorado West went through the contract and added some things.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of services contract, the 9-county regional agreement, Core Services Program, one for substance abuse and one for mental health; motion carried.
Regional Director's Meeting – Tuesday, Courthouse Plaza, January 21, 2003.
A motion to go into the Board of Social Services was made by Commissioner McCown and seconded by Commissioner Houpt; motion carried.
Michelle McMullen, Senior Accountant and primary manager liaison between Social Services and the County was present with Lynn Renick.
Warrants
Michelle submitted a list of electronic payments for employees for personnel for December 2002.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the expenditures for December 2002; motion carried.
Professional/Malpractice Insurance for Placement Providers
Lynn presented the Social Services Report covering the placement contracts, insurance coverage for placement providers, core services contracts, contract discussion regarding overlapping calendar year appropriation, updated internal control policy (electronic benefit transfers), regional directors meeting, foster care audit, and end of year program reports.
Asking for an amendment to the placement contract that states the $10 million placement. No provider can come up with that amount and asking for the $1 million per occurrence. From the placement of the providers, they will not sign the contract and at present, we have 80 children in placement.
Direction was given by a motion made by Commissioner McCown and seconded by Commissioner Houpt to remove the $10 million restriction; motion carried.
RE-1 - Q: can we do a paragraph 3b saying to the contractor that you will receive ½ of the money now and the other ½ in July. The contractors are not averse to signing this kind of a contract. The funds are handed down by the State in July and the funds being discussed were allocated in June of 2002. The suggestion

was to pay ½ out in January and ½ in July. The money will be in the County's books and in the State's books.
Lynn stated they did an estimate for the funds to be allocated to the County from the State in the County budget for 2003.
This is an attempt to bring the Social Services budget in line with the County's budget.
Commissioner Houpt felt this set up the smaller entities we contract with in a hard place to operate.
Lynn reported the projection for cuts was at $19,000 and will hit the County between now and June 30.
Carolyn commented they could bring back to the Board 6-month contracts if they prefer. This is in reference to TANF funds. TANF funds have been consistent and no issues related to budget cuts at the State level.
Regular Reports
Child Support was short $400,000.
Case Counts are very high – placements are high.
This directly relates to the economy. More young children are going into placement; child support collections are lowers and some definite factors related to the economy. They will not be filling the records administrative as it would impact the state budget cuts.
Janice George - The two out of state residential youth cost still remains at $10,000 a month per youth. One is hopeful of going to Grand Junction within 60 days.
Chairman Martin noted that from CTSI, a group of Commissioners would be going to the Joint Budget Committee (JBC) to make their plea for Social Services programs.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to approve the contracts with Ariel Clinical Services in the amount of $24,133.80, Gateway Youth and Families in the amount of $20,169.00, and a second contract with Gateway Youth and Families in the amount of $20,169.90 those numbers being for the Ariel Clinic Y800520 the first contract with Gateway would be Y697354 and the second contract Y670859; carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase of services contract, the 9-county regional agreement, Core Services Program, one for substance abuse and one for mental health; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the expenditures for December 2002; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Social Services; motion carried.

White Buffalo West – Liquor License
Mildred presented to the Board the fact that there was an application made to change ownership of the Flying Sheep – Grand River Grill in Battlement Mesa. This is scheduled on the February 3rd agenda. She asked the Board if they wanted to keep the same boundaries for the new establishment, which was primarily Battlement Mesa and Parachute.
The Board stated yes, they did want to keep it the same as before.

Glenwood Caverns – Liquor License
Mildred informed the Board of a public hearing on the Glenwood Caverns Liquor License saying this was scheduled on the February 10th agenda. She asked the Board to establish the boundaries.
The Board established the boundaries a 500-foot radius from the exact location of the license, which would be the bar and dining room.
ADJOURN
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adjourn; motion carried.

Attest: Chairman of the Board

_____ _____

JANUARY 23, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 4:30 P.M. on Wednesday, January 23**,** 2003 with Chairman John Martin present; Commissioners Tresi Houpt and Larry McCown present via telephone. Also present were County Attorney Don DeFord, County Assessor Shannon Hurst, Building and Planning Director Mark Bean and Mildred Alsdorf, Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 4:30 P.M.

Executive Session: Consideration of Appointment of Counsel – Board of Adjustments and Consideration Retention of Appraiser – American Soda

A motion was made by Commissioner Houpt 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 Houpt to come out of Executive Session; motion carried.

Action taken:

Commissioner McCown made a motion that we retain Nelson Bowes in the position of appraiser regarding the American Soda property in an amount not to exceed $12,500. Commissioner Houpt – second. Motion carried.

Commissioner McCown made a motion that Steve Carter be retained to represent the Board of Adjustment in the two upcoming hearings on Monday and would be retained through the appeals process should he be needed. Commissioner Houpt – second. Motion carried.

Adjourn

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

Attest: Chairman of the Board

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FEBRUARY 3, 2003
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 3**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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.
A moment of silence was observed for remembrance of the fallen astronauts of the Columbia Space Shuttle.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Bob Houska – President of the Battlement Lions Club stated he was present today in support of the Senior Citizens Center in Parachute, Colorado. Bob requested the Board to consider some funding for the Center. Commissioner McCown recommended some assistance might be available through the Human Services Board. The application needs to be in by May in order to be reviewed and prioritized. The awards have already been made for 2003 but every year new grants are requested.

COUNTY MANAGER UPDATE – ED GREEN

Employee of the Month for February 2003 – Paul Schoeppner, Assessor's Office

Shannon Hurst presented the award to Paul Schoeppner saying he is an appraiser in her office and a very hard worker. Shannon said that she and Paul started working in the Assessor's office on the appraiser's staff at the same time in 1987 and they did all the residential appraisals. This gives you an indication of how the County has grown. Paul's obtained his certified residential appraisal license in 1992 and this involves successfully completing the classes, gaining the required experience and passing an exam. Paul appraises all residential property in the rural areas of the County. His previous construction experience has helped him immensely in the appraising of property and training of personnel in the office. Paul is a roll model and helps train new employees in field inspections. He is always very willing to assist the taxpayers and employees in the office with any questions or problems that may arise. His humor keeps the staff entertained even during the stressful times. The employees that nominated Paul have the following things to say about him: Paul is a great asset to the County and always has an upbeat attitude for his job and fellow co-workers. Paul is a wonderful person and should be acknowledged for all the nice things he does for others in and out of the office. Shannon stated she was proud to have Paul selected as Employee of the Month.

Review and Sign Annual Highway User's Tax Fund Road Inventory

Rob Hykys and Marvin Stephens were present. Since March of 2002, data has been compiled in to the present report. This is not the report that was worked on all summer.
A comprehensive summary of Revisions for the 2002 Highway User's Tax Fund (HUTF) was prepared by Rob Hykys, GIS Analysis and Tom Holslag, GSP Tech of the Information Technology Department, in connection with the assistance from Marvin Stephens, Kraig Kuberry, Jake Mall, Doug Thoe, and Mike VanderPol of the Garfield County Road and Bridge Department, was presented to the Commissioners. The detailed report included roads that appear on pre-existing County Road maps and not accounted for in HUTF; Surface Improvements; Dropping of previously abandoned road segments, or private roads, which never held County Road status, but still appeared in HUTF; Road segments previously annexed into a city or town, but still appeared in HUTF; Access Denied of road segments behind a locked gate or barricade, also denying access to public lands, and which are now ineligible for HUTF funds; Access denied, candidates for abandonment consisting of road segments behind a locked gate or barricade, offering no access to public lands (private access only) and which are now ineligible for HUTF funds; redundant HUTF entries; Road segments included in HUTF that cannot be documented utilizing available resources from County maps dated 1910, 1935, 1948, 1961, 1975, and 1999, County Road Inventories dated 1988 and 1998, current Assessor's Parcel Maps, current Assessor's Status Database, and personal knowledge and experience of Garfield County Road and Bridge Staff. The report added mission road names on approximately 80 roads and these were added to the HUTF. Of 452 County Roads, 37 still remain nameless; Road segments renumbered at the request of Emergency Services and Roads not GPS mapped due to difficult remove 4WD access via Rio Blanco County.

The final mileage statistics and totals for 2001 vs. 2002:

HUTF ELIGIBLE: CENTER LINE MILES

	2001		2002	
Paved	270.69		302.19	
Unpaved		461.59		451.10
Arterial	392.71		408.04	
Local	339.57		345.25	
TOTAL HUTF ELIGIBLE		**732.28**		**753.29**

HUTF ELIGIBLE: LANE MILES

	2001		2002	
Paved	692.705		744.24	
Unpaved		794.244		793.40
Arterial	885.647		953.94	
Local	601.302		613.70	
TOTAL	**1486.949**		**1567.64**	

HUTF INELIGIBLE: CENTER LINE MILES

	2001		2002	
Paved	10.65		5.38	
Unpaved		218.33		196.00
Total maintained by others	217.19		188.65	
TOTAL NON-MAINTAINED		**11.79**		**12.73**
TOTAL HUTF INELIGIBLE		**228.98**		**201.38**

HUTF INELIGIBLE: LANE MILES

	2001		2002	
Paved	24.318		13.79	
Unpaved		256.063		252.92
TOTAL		**280.381**		**266.71**

Rob stated some of the roads in this report were dropped because they were not eligible for HUTF funds. Some road segments should never have been on this list.
Marvin stated this is the first time the roads were GPS.
Commissioner McCown stated the access denied road segments behind a locked gate or barricade will be discussed on Tuesday at the BLM meeting.
CR 154 – a last minute request was made by 1-1000 by Emergency Services to help them identify road segments. CR 154 is split into three discrete segments. These were all designated 154. To differentiate these segments, the North portion shall now be designated 154N on all Road Maps produced by the County GIS. The South segment shall be 154S. The middle section, a frontage road with no residential access, shall remain 154.
This will need further discussion and these changes will be void until further notice.
One thing not contained were changes in the Battlement Mesa road. They ran out of time as the due date is today for submittal. These will stay the same as last year however, according to Road and Bridge there is no change.
Don clarified the road "drop". Rob stated these roads are being dropped. Don informed the Board that there is a first and secondary road system. Rob clarified that these were roads annexed by cities, closed off many years ago, or private roads, which were never County Road status. Don said the problem is if these roads have not been officially dropped by Resolution of the Board, but only dropped for the HUTF map. Otherwise, it can create many problems with citizens and the Commissioners.
Commissioner Houpt suggested to call these "roads not eligible for HUTF" rather than dropped.
Commissioner McCown stated they were going to additional work. Don agreed, a road would be considered abandoned only if action is officially taken by the Board. Also, on the road segments previously

annexed, Don questioned these and indicated the City of Glenwood Springs still consider some of these roads as County roads.
Rob stated that C-DOT would find any overlapping, i.e. with the City of Glenwood Springs. The software provided by CDOT will find any discrepancies.
Rob stated the Color Report did not go to CDOT only the listing of CR's.
Rob was directed to include the road segments that need further
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to adopt the summary of revisions for the 2002 Highway Users Text Fund along with revisions as discussed making roads indicated as dropped roads secondary road status and that by this action the Board does not intend to affect the legal status of any of these roads as a public or county road and authorization for the Chair to sign; motion carried.

Out-of-State Travel Request – Judy Osman, Human Resource Director

Judy Osman was present and stated she used to attend this regularly and this is the first one close enough to drive and the cost is not prohibitive. They are very beneficial.

The 34th Annual Employment Management Association Conference/Society for Human Resource Management Conference travel request was submitted with a total maximum authorization of $1,700.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the out-of-state travel request for Judy Osman as presented not to exceed $1,700. Motion carried.

Decision on Oil and Gas Auditor

Ed stated a job description had been completed and submitted it to the Board for review.
Chairman Martin favored having a person full time person versus a part-time consultant in order to provide the day-to-day information. He sees this person as an educator and as a point person and not enforcement.
Chairman Martin made a motion to designate this position as a full time person.
Commissioner McCown does not favor a full time employee. He originally made the motion to make this a part-time consultant and stated his opinion that this decision is moving excessively fast. No, matter what we call it, he recalled that during the budget hearings, department heads were asked to cut personnel and not increase their positions. He still agrees to the part-time consultant.
Commissioner Houpt said, as she was looked at this, she sees a very rigorous job description and the need for a full time position. She said she doesn't think the County has moved quickly. With all the oil and gas activity, it has been needed for a long time. This is a position long overdue. This is a very comprehensive job description. It involves research, being a resource, ability for technical expertise, communicator with the State and negotiator with landowners. We rely heavily on this industry and needs to be a good neighbor.
Commissioner McCown the impression of what this position can do is misleading. The oil and gas and the landowners of the mineral rights and sees the County could be in court over a situation very quickly. This individual may become a $120,000 position.
Chairman Martin – the oil and gas industry brings in a tax basis and we need to pay attention to this.
Martin – aye; Houpt – aye; McCown – aye.
Jesse was directed to post the job description. The individual would report directly to Ed Green.

Report and Update on Receptionist Position – Dale Hancock

At the request of the Board, Dale Hancock and Chuck Brenner presented information to the Board with respect to some potential remodeling of Commissioner Houpt's office to accommodate the position of Receptionist.
Dale submitted the preliminary cost estimate. Secretary/Receptionist job description of $11.40 plus $1.00 additional for Spanish speaking. Total cost of the job including benefits would be $17.36 for 2080 adding .25% added for a relief person plus 80 hours of vacation and 8 hours per month of sick leave for a yearly cost of $42,742.
Construction costs would range from $1,500 to $4,000 and includes $300 for professional services fee. The equipment cost for a console telephone is $1500. The one time costs range from $3,000 to $7,000 plus the on-going annual personnel costs.
The location, within Courthouse Plaza, for this position was fully discussed as well the potential for a newly created office space where they would move Commissioner Houpt.
Commissioner Houpt presented her arguments for the newly created position stating she was encouraged by these costs. Oftentimes we make a decision to live without an asset that is potentially harmful for the

County. There is no one to assist the public to let them know they are within the right building. A receptionist and a responsibility to the public and favors moving this forward.
A motion was made by Commissioner Houpt to go with the open concept versus the bank concept and to move forward with this position with a bilingual person, who speaks English as a second language, and began moving with the office reconstruction.
Chairman Martin stepped down to second the motion.
Discussion
Shannon Hurst, Assessor stated the County used to have a receptionist. The request is for a full time position and that's not a full time job. This is what happened before and it wasn't warranted and therefore eliminated. Sitting here today are representatives from various departments. The Board is making motions to approve all this extra money for position and she said she wants to make sure her promotions are approved. How can this happen when all elected officials were told not to create new positions in this year's budget. Additionally, if something wasn't included in the budget that was approved, then it could not be accomplished without prior approval of the Board. That's the purpose of a line item budget.

Mildred commented that all of us were told not to put extra position in our budgets. We tried having a receptionist before and there's not enough people looking for direction to warrant having a receptionist. There is simply not a need for a full-time employee. Employee morale is at stake; the Board reiterated not to add staff, therefore she said her staff is working twice as hard to serve the number of customers coming through the doors and it's not a good idea right now to create a new position.
Jesse stated that when the building of Courthouse Plaza was in the works, there were many concerns regarding potential violence due to the Social Services component in the building and extra money went in to protect the staff. It was discussed that if someone were to come into the building with violence, then how would we handle that crisis. If we put a receptionist out front, then the location should be secure.
Commissioner Houpt reiterated it was not simple greeting the public and giving direction, it was a matter of the inability to get a live person when you call the County. Sometimes individuals are o the telephone for 10 minutes or more and are lost in voice mail. The additional position would also meet the need for assistance in administration on smaller projects and that person would be able to do light secretarial. This is truly a necessary position that is needed in the County.
Chairman Martin said that accounting has added an administrative clerk to support accounting and sit at the front desk. The original intent was that they could direct the public that is unable to locate the person or office they need.
Ed said that once the KVS system is improved, it is hoped to distribute work to this individual.
Commissioner McCown asked what portion of this County government would this individual serve. Is it only this building, the Courthouse, or will it serve the entire County. Both of these buildings, the Courts, the DA, Taughenbaugh, Road and Bridge, Henry Building or just this building only.
Commissioner Houpt felt they could contact anyone in the County, no matter where they are located.
Commissioner McCown questioned if a mere console would allow this person to handle all these calls.
Dale - the phone will be able to serve the switch that handles all the phones.
Commissioner McCown felt that for much less than $60,000 the County could do a better job of advertising. If there is this mass confusion, then we need to do a better job of signing. Displacing personnel and creating another position in his opinion is the wrong avenue. He added that he's not here everyday, but on Mondays and when he's here for other meetings he has seen very few confused people looking to be directed. They read the sign or when they come in; they know where they are going. He personally sees this as a needless position. The former receptionist position went away for a very good reason. He referenced the fact that every office has voice mail, except for the Clerk's Office.
Mildred said she does not have voice mail and she doesn't want anyone else to answer her phones except her own staff.
Chairman Martin suggested that the County make some improvements and avoid the costs of adding this position. The perception of present County staff is a very big issue. He therefore suggested that we make changes and try to make improvements before we start adding another position.
Vote: Houpt – Aye; Martin – opposed; McCown – opposed.
Chairman Martin noted that operations have their directions.

RETAC Appointment

Dale Hancock stated that on August 19th, under the Chair's signature appointed the Northwest RETAC for the year of 2003 and there have been some changes in the pre-hospital care community. Steve Buckman

has been hired to be the trauma coordinator at Claggett and as such would like to substitute for the prior representative at Claggett. He submitted a letter for signature by the Chair to have this additional appointment; the dates are specified in the letter.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the updated letter on RETAC given the changes as explained by Dale Hancock at Claggett Hospital; motion carried.

Discussion Item – RETAC act as a Licensing Agency for the Ambulances

Dale informed the Board that he watched the function of the RETAC since they've been operating. The State Department of Health and Environment is looking at becoming regional in all of their applications. Presently, the only thing that links the County statutorily to this entire process is the licensing of ambulances and inspection on an annual basis. This was discussed at the RETAC meeting as to whether it would be a good time to think about amending that statute and having the RETAC becoming the responsible agency for licensing ambulances. The County's participation in this has been significantly diminished on an individual basis, there is a lot more process, and regulatory matters than in some respects this is entitled.
Don said the statute is very specific on the fact that County government is to handle this licensing.
Commissioner McCown – the Northwest Associated Government is the monitoring entity for the RETAC in this area and all of the Board members that represent Counties on that Board have been very emphatic to keeping the $15,000 coming back to the Counties because once that is changed, we know we will see no more funding for ambulances or anything else. The consensus from that Board was to leave it along.

Homeland Security Initiatives

Dale said this ties into more issues. Within the next week or so the Board will hear the next thing about additional Homeland Security Initiatives and perhaps another yet another region of planning to address that topic.
Chairman Martin mentioned that the Department of Local Affairs and Ms. Kirkmeyer and her associate wish that Garfield County would come up with a plan so that they can put in their regional and state plan for Homeland Security. They want to have Garfield County Commissioners proceed to designate an area that we want to work with within the region. He suggested using the RETAC as a defined area, which is already under Associated Governments for review. They could to the mapping and send it to her and State that the RETAC should be the one entity to communicate with the Homeland Security effort.
Dale added that this was discussed with Guy. Guy and Jim Sears are collaborating on what emergency management would look like within the County and at present their thoughts are to replicate the regions that the State Highway Patrol uses, which is different that the RETAC. This is a topic that deserves more discussion before the Board prior to making a commitment back to DOLA and Ms. Kirkmeyer as to what this County wants to do. This would take in Summit, Eagle, Pitkin, Garfield, and Mesa Counties. This would leave those counties to the north out of it.
Commissioner McCown disagreed with that concept.
Chairman Martin suggested looking at some of those maps and exchanging ideas in order to accomplish this within the next several months.
Dale stated this was going to be discussed at the Emergency Managers Conference. Funding for this would come from a pot of about $17,000 per county coming from the State Homeland Security. None of those funds have been released.

Wellness Committee

Discussion was held with respect to having a Gym membership for $325 that is ultimately paid by the employee; however since the County involvement is to support this benefit, it was suggested that the County act as the pay agent for this special offer and pay the initial cost, then have the employee repay the County. This was frowned upon by the Board saying County taxpayers funding a gym benefit would not be well tolerated – it was solely at the option of the employee. Legally, Don if this would be like a loan and there are legal problems involved. He suggested it could be a straight payroll deduction and pay it directly to the gym.
The Board did not have a problem handling this as a payroll deduction.

Memorandum of Understanding between Garfield County and the Bureau of Land Management – Roan Plateau Area Planning Process

Randy Russell presented the Memorandum of Understanding (MOU) for signature of the Chair. This describes the relationship and duties of the BLM and the County in the development of the Environmental

Impact Statement that will amend the Glenwood Springs Field Office Resource Management Plan for the Roan Plateau area.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the final Memorandum of Understanding; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Consideration and Approval of Intergovernmental Agreement with Rio Blanco County for the Joint Funding of Expert Witness Services

Don DeFord presented the IGA and explained this is for the services of Nelson Bowes, MIA for the purpose of providing expert witness services for both Rio Blanco County and Garfield County at their Board of Assessment Appeals hearings on March 11 and 12, 2003. This is in regard to the valuation of property owned by America Soda, Inc. The amount not to exceed $10,000 also includes the rendering of an opinion concerning the appropriate rate of obsolescence for the personal property held by the corporation in both counties.
The board has already approved an agreement and ready for the Chair's signature.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the IGA with Rio Blanco County for Joint Funding of Expert Witness Services in the amount not to exceed $10,000. Motion carried.

Consideration and Approval of Resolution Establishing Electronic Filing Technology Fund

Don DeFord explained this was to establish a fund for the Garfield County Clerk and Recorder that the Clerk is authorized to deposit and withdraw certain amounts collected through a surcharge assessed against documents recorded or filed under the provisions of Section 30-10-421 C. R. S., as amended. Mildred and Georgia requested this be placed before the Board. This is split 50-50 with the State.
Mildred Alsdorf stated that the funds must be deposited into a separate fund and must be used toward implementing electronic recording technology and may not purchase other general office equipment or technology using these funds. This will help update a fax machine; people all over the United States can submit their filings via fax. $1.00 is charged per document. Georgia will not have control of the account but she would be handling the funds. Mildred stated that she would honor the purchasing policy. The funding for the electronic filing and recording capabilities must be used by January 1, 2006 or refund the money. The $1.00 per document fee is set by the Statute.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Resolution establishing the Electronic Filing Technology Fund for the Clerk & Recorder; motion carried.

Consideration and Approval of Resolution Establishing Procedures for Vacating Public Roads and Rights of Way

Don stated that the Resolution before the Board included the corrections as discussed during a previous Board of Commissioners meeting. He reviewed the corrections and updated the Board. Commissioner Houpt was still not satisfied with the Resolution. She added that the Prehm Ranch issue debated last year was the issue. This was a public asset of value that was then vacated. She requested to continue this discussion until this can be addressed and answered to her satisfaction. This was reset for discussion next week.

Executive Session: Advice on County Property – Legal Advice Concerning County Commissioner Procedures – Claim at Landfill – Authority to File Litigation on Building and Zoning Violation – EnCana Right of Way Placement of Pipe – Update on Grant Brothers Litigation – TeePee Park Potential Revocation

Don requested Marvin for the Road and Bridge issue, Randy for engineering, Commissioners, Mildred, Carolyn and that he be included in the discussions.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – January 21 through 24th she was at the Colorado County Inc. (CCI) and attended various Committee meetings and what really stood out to her was the fact that during the legislative session it would be real valuable to us to have discussion on bills that will impacting the Counties and what position we take as a County on those more significant bills. The 27th she participated in the Humanitarian Awards Banquets on behalf of the BOCC; On the 29th she met with Margo Livingston in Denver, Director

of the Human Resources along with four other Commissioners from around the State and Human Resource Directors to discuss future cooperative opportunities. On the 30th she met with representatives from Williams Energy and toured various drilling sites and met with representatives from Shale Exploration about the Oil Shale research project they are conducting in Rio Blanco County; Tuesdays at 9 am Transportation; on the 10th a Grand Valley Citizens Alliance meeting; the 12th Social Service Commission Meeting.
Commissioner McCown – Meeting with the Forest Service Tuesday, 2/4/03 at 1:00 pm on the Trails Committee; Meeting Tuesday morning with a Subcontractor with BLM regarding the impact of the first phase of drilling on the Roan Cliffs area; and Associated Governments Northwest Colorado in Rifle on Thursday, 10 am.
Chairman Martin – the 21st met with the Colorado River District and sat in with Dick Hunt at which time the largest discussion was the Shoshone Diversion. The Board took a position not to support that effort but they met the following day at Club 20 in Denver with the Denver Water Board and the Denver Chamber of Commerce and discussed those issues. Some of the diversion may take place. That is Xcel Energy's water rights that come through Shoshone Power plant and it's their right to do diversion. Met with the Legislative reception – 30 out of 31 new commissioners attended. Met with the subcommittees on Thursday and Friday. The last few years, he has talked to the staff members of Social Services and this year Dale Hancock has been assigned to him to get information for Legislative action. There are a tremendous amount of bills that will affect us locally both with taxation and policy. Williams Energy – 28th – land use and how it overlays with drilling plans; they will furnish year-long drilling plans and how they or we affect their operations. One drill rig operating versus the eight they have now. Between now and October they will finish all the pads they have started but then they are cutting back. Planners meeting on Friday and discussed many issues in reference to the watershed issues and the final topic was to have a State of the Region Seminar coming up in May and Colin Laird from Healthy Mountain Communities will have the speaker as well as local folks identifying where we are and what we could be doing dealing with watershed, growth and economics.

CONSENT AGENDA
a. Approve Bills – Jesse explained that a letter was included with the bills asking that warrant number 365505 be voided for $2,000 dated 1/20/2003 made to US Bank for a management fee for KOPS. This $2000 check written against Fund 450 where there were no funds appropriated in this fund directly. The Budget that was approved back on 17th of December showed an inter-fund transfer going into Fund 450. Don did research and found that we cannot transfer monies from Fund 500 into Fund 450. Other arrangements will need to be made. Consequently, the Treasurer indicated that she was going to stop payment on this check and therefore Jesse is asking the Board to void it. He called US Bank immediately to let them know and they said just re-issue it next week as part of regular business. This $2000 has been placed back on the Warrant list for today, made payable to US Bank out of Fund 501, public works fund. he 2,000 was written against the 450; no funds were transferred. Don researched and the County cannot transfer funds from 501 to 450. Jesse called US Bank and the check will be re-issued. Jesse asked the Board, under the Consent Agenda, to approve a new voucher against Fund 501. Georgia requested the Board to wire this money to US Bank today. Jesse corrected that this would be on a regular processing expense. Jesse provided the Board additional information on how Fund 450 will get money monthly from rent and the lease funds will be paid out of two different funds. Part of it out of Fund 450 and part of it out of Fund 501 or Fund 500. Depreciation funds will be accomplished through journal entries provided to Georgia every month. Georgia requested an additional meeting with Jesse and to have the specifics and those journal entries done for the entire 12 months completed at one time in order to have a straight forward procedure. Commissioner Houpt reiterated that the whole idea as Jesse described was to keep these funds separate from the rest of the budget and now we're taking it out of two accounts. Jesse said the idea was a good one, but statute will not allow it, so adjustments have to be made. Jesse said they didn't want anyone in future to have the County, down the road in fifteen years, building another building and all of the sudden having funds getting co-mingled. Therefore, the idea was to keep the funds isolated and separate so they didn't cause confusion later. Jesse will talk to Don further as he believes we can transfer monies from Fund 501 – Public Works into Fund 450. Don explained that the prohibition on transfer of money out of the capital expenditure fund to any other fund and that's the reason it can't be transferred, so whatever fund receives the mill levy for capital expenditures is the fund you cannot use for transfer. Jesse explained this

was the same as they are using for credit cards using the same journal entries with rent that has been flowing through for the last several months.

a. Authorize Chairman to sign Memorandum of Understanding with BLM Regarding Roan Cliffs Assessment
b. Authorize the Chairman to Sign Amended Final Plat of Tract 22, Antler's Orchard Development Companies, Plat Number 1. Applicant: Eleanor Piffer

Commissioner McCown noted on the bills that there were late charges and stated that all department need to be diligent in turning in bills with a warning to those individuals that continue to have late charges that they will be paying those out of pocket.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a -d; along with the Checks written on the 27th and the voided warrant No. 365505; motion carried.

PUBLIC MEETINGS

UPDATE ON FOREST SERVICE PLAN REVISIONS, TRAVEL MANAGEMENT REVISIONS AND GENERAL FOREST SERVICE UPDATE – DAVE SILVIEUS

Dave Silvius presented a handout with existing projects and the map saying they are in the process of revising their service plan. A focus was on the Rifle Ranger District in terms of the White River National Forest.

List of projects: ***White River Forest Plan – Revision***. The 14 appeals from last August are being negotiating with the appellants and they are moving forward with the revision of the Travel Management Plan for the whole forest. They are working on an EIA and updating inventory, continue to work with groups and individuals and a report should be ready about one year from now. ***Coal Seam Restoration*** – a lot to do in the summer with weed monitoring and control, soil erosion; Mitchell Creek now has three weather stations that will monitor heavy rainfall and triggers potential evacuation. That fire burned 15,000 acre and 4,000 of that was on Forest Service land. ***Spring Creek Fire - East Elk*** – plans for this summer will focus on roads, trails, weeds, signs, monitoring and restoration, and a salvage sale of burned timber, selling part of the burned timber. This timber will be hauled through Castle Valley Blvd, in New Castle. Cline top restrictions only on the National Forest Road. Signs will be posted about delays. The ***Cow Camp Timber Sale*** – 2003, 04, and 05 and road use restrictions will be on 801 road, as there are 17 switchbacks and makes it very difficult to mix log trucks and private cars. They will use pilot cars. ***Fuels Program*** – focus on high-risk areas that threaten private lands and interface problems with BLM and private entities. Some problems we saw in East Elk Creek and East Rifle Creek on a lot of recreational areas, cabins, Coulter Lake Lodge, etc. where we are concentrating prescribed burning. This is impactive on smoke issues we encounter and deal with the County and the State. The fuels program for the most part does not include harvesting. Some harvesting and thinning opportunities and creating some openings are available around the recreational improvements around East Rifle Creek but for Cashe Creek and West Divide, it is Oak Brush that is not for commercial product. ***Baylor Park Timber Sale*** in Pitkin County and the hauling would come through Garfield County occurring in the summer of 1999. Part of this was logged last summer; Baylor No. 1 was sold and harvested of about 1 million board feet. We're in court over Baylor No. 2 and No. 3 and the big salvage effort is Baylor 2. Baylor 3 is green tree thinning around the blow down and that work will continue with two sales that are in the negotiating stage with the litigants. The ***Reservoir Park Timber Sale*** is located north of Garfield County but the hauling will come down East Divide over Uncle Bob and west down West Divide. This should be finished this summer. In the planning stage, is the Meadow Ridge Timber sale around the recreational improvements around Meadow Lake that will involve some timber harvesting and thinning opportunities. Another analysis is an evaluation of the eleven sheep allotments on the Flat tops. Five are vacant and the public part has ended. There are opportunities of re-configuring, combining and eliminating sheep allotments. EnCana held an open house at Hotel Colorado to listen to their plans for 2003 and we heard from them on that plan. EnCana informed us they were planning on drilling as many as 200 additional wells this summer with 6 on National Forest land and 20 on BLM holdings and the others on private land.

Consolidation of Recreational Facilities – East Rifle Creek

We're working with the City of Rifle and the State of Colorado to possibly consolidate recreation facilities in the east Rifle Creek recreation corridor where you have the State of Colorado operating, Rifle Creek Falls, and then you have Rifle Mountain Park and then at the head end of east Rifle Creek, you have two

National Forest Campgrounds that we haven't been able to keep open the last couple of years due to a lack of funding, so we're hoping we can work with the State of Colorado and with the City of Rifle and see how we can join efforts up there and instead of having three government agencies trying to manage three parcels of land and recreational opportunities, possible combine efforts. Our hope is that the State of Colorado would actually be able to take over all of those recreation facilities up there and they would hopefully have the wherewithal, the resources to do a good job of managing those sites where we have not and the past two years we've close Three Forks Campground and we've had to close our Spruce Picnic Area. We'll continue to work through that process with the State and the City. There's three types of fees; three different fee classes for the same type of opportunities.

Beaver Creek Trail that went through TeePee Park

Dave stated that we've got a reception right of way from the landowner there, Norman Carpenter. When he submitted his plans for harvesting his land up there, he needed to do some improvements on the National Forest road, we agreed, but we need a reciprocal agreement from you to allow public access through TeePee Park up Beaver Creek. Our records, as long as we research, didn't allow us to identify, we were not able to locate a public right of way through there, but we were able to work with the landowner and having him agree through our laws to provide a reciprocal right of way in turn for his ability to improvement, and actually relocate the National Forest Road. We have received that right of way but it's described as a broad corridor where the Forest Service, in turn are responsible for locating a trail, a foot and horse trail in that broad corridor working with the landowner. His wishes were that we would actually construct a new trail that didn't follow the location of the old route because he was planning on building some structures right next to that old route, and we said fine, we felt we could probably find a suitable location that didn't follow exactly that same route. We're in the process now of identifying that location for foot and horse traffic, we hope to have it built this summer to allow folks to once again pass through there to get to the National Forest lands up at the head of Beaver Creek.

Funds coming back from the White River National Forest returned back to the County have not been researched, but we do know that between 1989 and 1999 there was an average of about $317,000. These are primarily funds, 25% of the receipts that are derived from timber sales, special use permits for ski areas, etc. And then a pretty fair chunk comes back from the royalties paid on oil and gas and lease rentals and that, we figured amounts to about $50,000 a year. Other source of funds not in the report are the Schedule A Highway Users Fund where money comes back to Garfield County but the County is responsible for maintaining roads that are actually National Forest roads. It's between $1500 and $1800 per mile.

Training for Fire Departments - The Forest Service is sponsoring fire training this spring for volunteer fire departments in the county and we think we're going to have somewhere between 75 and 85 volunteers come through our Wildland fire training class.

Forest Service and County - The second meeting with the Forest Service and the County is coming forth. Commissioner McCown stated they are trying to address access issues not only on public but private roads that have been blocked off for various reasons. They are trying to operate on a proactive basis to insure that we keep this access viable before they get closed and have to take a reactive situation. The first meeting was very productive with the Forest Service, BLM, landowners, people from motorized users and various different interests are involved in this access issue.

APPOINTMENT MEMBERS TO THE PLANNING AND ZONING COMMISSION

Discussion was held with respect to the applications submitted for the Planning Commission.

Planning Commission

Those submitting letters to be retained as Planning Commission members included: Mike Deer and Dave Stover. For vacancies, the following submitted applications: Kit Lyon, Steve Carter, Bob Fullerton, Jock Jacober, Charles Kent, and Tomas Lloyd. Mark stated there are three vacant spots to fill on the Planning Commissioner Board. The Planning Commission requested the Commissioners move the two current alternate members up to regular members, which would leave three vacant spots under the Alternate Member Section.

Board of Adjustment

Letters requesting to be reappointed included: Leo Jamarron, Steven Boat, Brad Jordan and Pete Cabrinha. The Board of Adjustment has requested that the Commissioner move the two existing alternate positions up to regular members, which would leave three vacant spots under the Alternate Member Section.

Commissioner Houpt stated there are problem with the process. In the past, what happens is those people who have served want to be reappointed. By reappointing the ones requesting to be reappointed, they don't have an opportunity to state why they are interested and what they offer in qualifications. Something's

wrong with this system and she said she doesn't want to move forward until interviews can be done. We owe it to people who come forward to give them this consideration. She wants to see the Board go through an interviewing process made up of this Board, Mark or a designee and Don or a designee.
Don reminded the Board that by statute it is clearly the Board of County Commissioners who makes these appointments. Several years ago when there were several openings and many applicants, there was a regular Board meeting interviewing process and is open to the public with the only excluded individuals were the ones who were going to interview. There was an outline for a standard set of questions, however this is important to be a Board decision because ultimately you have to answer for what the Planning Commission does as they are a critical advisory body.
Commissioner Houpt made a motion to have a special meeting for the appointment of Planning & Zoning folks including the alternate positions. The motion died for lack of a second.
Commissioner McCown made it clear that these are Board appointments.
Chairman Martin phrased the second motion to go ahead and contact the people, select a date, and do the interviews based around that information; the Board will make the determination of the appointments.
Commissioner Houpt made that motion that we set a date for a meeting to interview the potential candidates for the Planning Commission interviews to be conducted by County Commissioners, representatives from the Planning Department, the legal department (Don and Mark) and/or their designee and representative from the Planning Commission.
That died as well.
Chairman Martin clarified that we are trying to get a meeting so that we can interview these people.
Commissioner Houpt made a third motion that the County Commissioners, Mark Bean and or designee and Don DeFord or designee and a member of the current Planning Commission interview the interested candidates for the Planning Commission.
This died as a motion.
Commissioner McCown would not make a motion stating his feelings are know that this Board makes the final appointment and he does not want to be a part of the public interview process; he made a motion two weeks ago that failed for lack of a second on the appointment of the existing members.
Chairman Martin made a motion to go ahead and set a time in a regular meeting to have a discussion on the appointment of members to the P & Z Commission within the next two weeks, do a public meeting and an interviewing process asking the same questions of those that are interested in coming to the public meeting with no staff involved, only the Board asking the questions and making the final decision. Commissioner Houpt seconded the motion. A date was set for February 18th beginning at 2:30 pm. All agreed – motion carried.
Mark will call all the applicants and see if they have a conflict and report next week.

APPOINT ALTERNATE THE LIBRARY BOARD

Patty Bateson did not accept the appointment as alternate to the Library Board. Therefore, Cheryl Currier was appointed as the alternate. Cheryl's application had been reviewed at the January 20th meeting.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Cheryl Currier to the Library Board as an alternate; motion carried.

TREASURER'S SEMI-ANNUAL REPORT – GEORGIA CHAMBERLAIN

Georgia Chamberlain and Jean Richardson were present.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the year-end Treasurer's report and to direct the Treasurer, Georgia Chamberlain to publish in the newspaper of general circulation; motion carried.
Tax collection is at 99%.

PUBLIC TRUSTEE ANNUAL REPORT – GEORGIA CHAMBERLAIN

Georgia and Jean presented the report and stated for the year 2002 there were 6,034 releases and 69 foreclosures included in the reports. The real moneymaker is the Releases.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the year-end Public Trustee report and to direct the Treasurer, Georgia Chamberlain to publish in the newspaper of general circulation; motion carried.

UPDATE OF EXHIBITS IN BANKING AGREEMENT – GEORGIA CHAMBERLAIN

Georgia provided updates as Exhibit F – provided for Chairman Pro-tem Commissioner Houpt, Jail Administrator Scott Dawson and the Detention Offices will have signing privileges. Attachment on the wire transfer, Attachment F - Funds Transfer Authorizing Agreement (Call-Back Security Override) wasn't included and she needed to make the presentation once again. The reason this wasn't signed is because it

asked for an indemnification on our part on any errors from making a wire transfer without a call back to our office and Georgia and Don both agreed that a call back was necessary. Therefore, she requested the Banking Agreement be altered to include these updates.
Commissioner McCown made a motion that the Chair be authorized to sign the modified banking agreement as presented. Commissioner Houpt seconded. Motion carried.
A list of current individuals who fill authorized signature positions was submitted to the Board.
She also submitted

UPDATE OF EXHIBIT IN FINANCIAL ADVISOR AGREEMENT – GEORGIA CHAMBERLAIN

Georgia stated that on January 14, 2002 MBIA Municipal Investors Service Corporation and Garfield County entered into an Investment Advisory Agreement for the Advisor to provide investment management services to the Client. Today, Georgia requested that the Chair be authorized to sign the Amendment of Investment Advisory Agreement with the change in para 2 of Exhibit C that states," The annual fee for providing investment advisory services for Garfield County is .14 of 1% (14 basis points), of the net assets under management (1.6667 basis points per month). Therefore, it is agreed that effective January 1, 2003, the annual fee for providing investment advisory services for Garfield County is .13 of 1% (13 basis points), of the nest assets under management (1.08333 basis points per month). All other terms and conditions of the Agreement remain unchanged.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the MBIA Municipal Investors Service Corporation Amendment of Investment Advisory Agreement reflecting a 13 basis point versus the 14 basis point; motion carried.

Investment Policy

Georgia gave the Board the Updates to the Investment Policy. She would like Annex 4 of the Investment Policy on approved Broker/Dealers to add the name of Solomon, Smith, Barney and Morgan Stanley/Dean Whittier was shown and the more correct name would be just Morgan Stanley. This was a clerical error when presented last December.
Annex 5 – listing the following depositories has been approved by Garfield County where Georgia can invest the money. Due to our change in way we are going to handle short term disability we are required to wire the money to Citi Bank, Delaware and then payments would be made from there, so she needs to have Citi Bank listed on approved depositories and custodian banks.
Commissioner McCown made a motion to authorize the amendment and the Chair authorized to sign the Investment Policy. Commissioner Houpt seconded; motion carried.

APPROVAL OF PARTICIPATION IN ALPINE TRUST AND ASSET MANAGEMENT GOVERNMENT FUND – GEORGIA CHAMBERLAIN

Gina Murphy, Georgia Chamberlain and Jean Richardson were present.
Georgia presented the Alpine Trust and Asset Management Portfolio, submitted by Gina M. Murphy, vice president of Alpine Trust and Asset Management for the Commissioners to review.
Georgia will start investing based upon the other opportunities and the amount of return on the money. This is an opportunity locally and will vary just as other entities.
Gina 1.58% is low but it is hard to get something that sounds good at this time. This is very comparable in investment.
Georgia said they had discussed opening this with $100,000 and will compare within one year.
She said that she needs a lot of liquid money during tax season. She has not had time to go over this with Don, so the request is to authorize participation in this after review of the agreement by Don DeFord.
Commissioner Houpt made a motion that we approve the participation in Alpine Trust and Asset Management Government Fund contingent that Don reviews it and feels comfortable about the agreement and upon his approval that the Chairman be authorized to sign the document. Commissioner McCown seconded; motion carried.

PUBLIC HEARINGS:

CONSIDER A LIQUOR LICENSE APPLICATION FOR WHITE BUFFALO WEST, LLC.

Mildred Alsdorf, Dick Sipprage and Margaret Cook were present.
Chairman Martin swore in the speakers.
Mildred presented the Publication exhibit stating it was published in the January 16th issue of the Daily Sentinel and the sign was posted in the building.
Chairman Martin entered Exhibits into the record.
Mildred said they would take over the Grand River Grill. An inspection will be handled before issuance of the license.

Dick explained the plans included having a Cinema night on a large screen on TV, twice to three times a month. The bar area will have a larger screen and they will have sporting events as well. From surveys taken in Battlement Mesa, an indication was for some changing of foods; therefore, they will change 30% of the menu and include pizza and Buffalo wings. They will also increase the restaurant 7-day operation but probably not until May. He said he was looking forward to being a part of the community. He is installing a full size White Buffalo on the patio. He has operated bowling alleys in the past and has a background in management and promotion.
Mildred stated they would take the TIPS to understand the service of alcoholic beverages. The plan includes opening March 1, 2003. Dick stated they will have outdoor dining the same as it is now, and submitted a sketch plan in the application to Mildred.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the application for a Hotel and Restaurant Liquor License for White Buffalo West, LLC. motion carried.

CONSIDER COMMUNITY SERVICE BLOCK GRANT (GSBG) FUNDING FOR HEALTHY BEGINNINGS

This is a Public Hearing. Chairman Martin swore in the Speakers.
Wanda Berryman was present and submitted Exhibit A – Proof of Publication in the Glenwood Post/Independent for the record.
Chairman Martin entered Exhibit A into the record.
Wanda stated she would be submitting the application for the Community Service Block Grant (GSBG) funding for the Healthy Beginnings program. The grant will stay the same, $37,000, for operations for Healthy Beginnings. It's a Federal Grant from Department of Local Affairs.
A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Houpt; motion carried.
Wanda informed the Board that no action was necessary by the Board. This was to let the public come forward with comments, if any.

BUILDING AND PLANNING – PUBLIC HEARINGS

REQUEST FOR CONSIDERATION FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING (ADU). LOCATION: 9500 COUNTY ROAD 117 (FOUR MILE ROAD). APPLICANT: RICH DUNSTAN

Fred Jarman, Rich Dunstan and Catalina Cruz were present.
Catalina Cruz 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.
Fred 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 – Application; and Exhibit F – Staff Memorandum.
Chairman Martin entered Exhibits A - F into the record.
This is a request for approval for a SUP for an accessory dwelling located on 185-acres located at 9500 R 117 (Four Mile Road). The applicant has recently constructed a single-family dwelling with a building permit on the 185-acre tract near Sunlight Ski area. The applicant has constructed a 610 square foot space above the detached garage next to the house as part of the same building permit and is requested the SUP to use the living space as an accessory dwelling unit. Fred noted that the applicant received approval from the Building and Planning Department for the space to be used currently as a caretaker's unit, which is an accessory use.
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.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Special Use Permit request for an Accessory Dwelling Unit for Rich Dunstan on property located at 9000 County Road 117 with the one condition as recommended by staff; motion carried.

REQUEST FOR CONSIDERATION FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT (ADU). LOCATION: 4151 COUNTY ROAD 117, (FOUR MILE ROAD) APPLICANT: DON SEATON (OWNER), REPRESENTED BY JOHN GROTH

Fred Jarman, John Groth for Don Seaton for the Applicant and Catalina Cruz were present.

Catalina 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.

Fred 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 – Application; and Exhibit F – Staff Memorandum.

Chairman Martin entered Exhibits A - F into the record.

This is a request for approval of a SUP for an accessory dwelling located at the "Red Barn: at 4151 County Road 117 on 13.217 acres. The applicant recently constructed the subject structure, which looks like a barn and is quite visible as you drive up Four Mile Road. The applicant requests approval to convert the second floor of the space into a 600 square foot Accessory Dwelling Unit.

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 be required to amend the current building permit (for the garage) to include plans for the 600 sq. ft. ADU per the Universal Building Code and any other Garfield County Building Department regulations to be approved by the Garfield County Building Official

John Groth clarified why this was completed in two processes. The lots were combined and Don came into more money and therefore could speed the process of the original plan.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a Special Use Permit for Don Seaton, the Red Barn at 4151 County Road 117 to convert the second floor into an Accessory Dwelling Unit with the two conditions as recommended by staff; motion carried.

REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATION: A 29-ACRE TRACT APPROXIMATELY THREE MILES WEST OF SILT, OFF COUNTY ROAD 225. APPLICANT: MICHAEL DOOLEY.

Fred Jarman, Michael Dooley and Catalina Cruz were present.

Catalina reviewed the regulations for noticing but it is not the sign that was provided by the Building and Planning Department and the submittals from the applicant. The Board determined that the sign submitted is acceptable. She determined the rest of the requirements were adequate in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Fred 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 of 1984 as amended; Exhibit F - Application; Exhibit G – Staff Memorandum and a new Exhibit H – a letter from Frank and Rosemary Frazier dated January 31, 2003.

Chairman Martin entered Exhibits A - H into the record.

This is a request for approval for an exemption from the definition of subdivision for Michael Dooley on a 29.8-acre tract of land located approximately three miles west of Silt, off CR 225. The applicant requests the Board to approve the exemption to subdivide his property into two lots: Lot 2 having 21 acres and Lot 3 having 8.81 acres. The new lot to be created is Lot 3 leaving the remaining parent lot, Lot 2 with the 21 acres. The property was approximately 40 acres on January 1, 1973 with the first exemption.

Particular interest was brought to the Board's attention saying the applicant obtained an easement from the adjacent property owned by Richard Murr in order to serve this newly created lot. This was revealed during a survey of the property.

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.

2. The applicant shall submit a final exemption plat indicating the legal description of all the lots created, dimensions and areas (in acres) of the lots, and all easements (suck as access and well easements) encumbering the property.
3. The applicant shall record a well sharing agreement that governs the water serving Lots 2 and 3, the access easement for the purpose of maintaining access to Lot 3 from CR 225. In addition, the applicant shall need to amend the well easement between Richard Murr and Michael Dooley so that it correctly addresses the ability to serve Lot 2 as well as lot 2. These two documents (well sharing agreement and the well easement shall be consistent with each other) so that legal and adequate water is served to Lots 2 and 3. These easements shall be recorded in the Clerk and Recorder's Office and shown on the exemption plat with the associated book and page number.
4. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.
5. That the following plat notes:

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

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

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.) "Soil conditions on the site may require engineered septic systems and building foundations."

f.) "All residential construction will be consistent with the Colorado State Forest Service (CSFS) recommendation

6. That all recommendations contained in the September 12, 2002 letter of the Rifle Fire Protection District related to the posting of an address, road construction, and defensible space will be considered conditions of approval.
7. Prior to the approval of an exemption plat, the applicant will demonstrate that the well will meet the following items as applicable:

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 number of proposed lots.
e. An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
f. The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates;
g. A water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

Commissioner Houpt asked about the traffic on this narrow County Road. Fred stated this is a slight impact on the County Road as it exists today. Chairman Martin noted that if there was a 20% increase in traffic then it would need to have a review.

Michael Dooley stated the neighbor, Exhibit H, listed concerns are valid and he explained for short term they planned to keep the larger tract of land as it is.

Marvin Stephens stated he didn't feel this would impact the road that much. Commissioner Houpt said with an exemption you could never collect the impact road fee. Michael stated they did pay the road impact fees on the first exemption.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for an exemption from the definition of subdivision for Michael Dooley with the recommendations of staff 1 - 7 correcting "the well serving only two lots and to make sure there was an access agreement and a well sharing agreement included as recommended by staff; motion carried.

PUBLIC MEETINGS:

DISCUSSION OF REFERRALS FROM THE TOWN OF SILT:

SUBDIVISION EXEMPTION – STONEY RIDGE SUBDIVISION

Mark stated this parcel is an existing lot that is adjacent to the south side of the previously noted Stoney Ridge Subdivision. This lot has an existing residential lot on it and no additional dwellings are proposed. There do not appear to be any issues of concern for the County.

I. RED FOX TRAILS SUBDIVISION SKETCH PLAN

This is an 8-lot subdivision located on the north side of the Town, off Charlin Avenue. There do not appear to be any issues of concern for the Board, given that access is via Town streets and no access to County properties is proposed.

II. STONEY RIDE SUBDIVISION PRELIMINARY PLAN

This property is located between the Eagle's View Subdivision and the Mesa View Subdivision in Silt. The applicants are proposing to subdivide the 55.39 acres into 140 lots, with 22 duplex dwellings. All water and sewer will be provided by the Town of Silt and all access to the property will be via Town roads and streets. Mark stated there do not appear to be any issues that the County needs to comment.

DISCUSSION OF REFERRALS FROM THE CITY OF RIFLE

PIONEER MESA SUBDIVISION

Mark stated this issue is being brought before Planning Commission on February 25, 2002. This is a 40-acre tract with access off CR 264 near Blackmore's. Comments will be made by the Planning Board.

CREEKSIDE TOWN HOMES

This is a 2-acre proposed to be split into nineteen town home lots.

Mark recommended the Board comment that this is not an appropriate use of this land.

Marvin stated the creek fluctuates too much and would not want kids near the creek. He recommended that Rifle annexation of that portion of White River that's next to the proposed development. He added that a new culvert was due to be placed close to this location. Therefore, this is another reason for Rifle to annex this portion of the road.

REQUEST TO CONSIDER APPROVAL OF THE HENDRICKS AMENDED PLAT TO ELIMINATE THE LOT LINE BETWEEN LOTS 20 AND 21, BLOCK 4 OF THE AMENDED COOPERTON TOWNSITE TO CREATE ONE LOT. APPLICANTS: GEORGE (BRAND), HEIDI AND HARMONY HENDRICKS

Tamara Pregl, George Hendricks and Catalina Cruz were present.

This is a request for an amended plat. The applicant is requesting approval to eliminate the lot lines between Lots 20 and 21 to create one parcel consisting of approximately 8,402 sq. ft. for the purpose of constructing a single family residence and customary accessory uses. The property is located off County Road 106 in an area adjacent to the Town of Carbondale known as Sutank. Staff did not conduct a site visit of the subject property. The applicant indicated that there is an existing garage on the southwest corner of Lot. 20.

Tamara stated she sent a copy of the application to the Town of Carbondale, but not comments were received.

Recommendation:

Staff recommends that the Board approve the Hendricks Amended Plat application to eliminate the lot line between Lots 20 and 21, Block 4, Townsite of Cooperton, subject to the following conditions.

1. That all representations of the Applicant, either within the application of stated at the meeting before the Board, 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 RS 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 McCown and seconded by Commissioner Houpt to approve the amended plat to eliminate the lot line between lots 20 and 32, Block 4 of the Amended Cooperton Townsite to create one lot for George, Heidi and Harmony Hendricks; with the two recommendations of staff; motion carried.

REQUEST TO CONSIDER APPROVAL OF THE ROBERTS/FENDER AMENDED PLAT TO RECONFIGURE THE PROPERTY LINE BETWEEN PARCELS 1 AND 2, COOPERTON TOWNSITE. APPLICANTS: DEBRA FENDER AND WALTER ROBERTS

Tamara Pregl, Catalina Cruz and Debra Fender were present.

This is a request to relocate the property boundary line between Parcel 1 and 2 approximately 9 feet to the east to align with an existing fence. According to the applicant, the fence has been in its current location since the 1960's. The proposed change in the property boundary line would add approximately 633 square feet to Parcel 1. In addition, Ms. Fender proposes to deed back her share of the shared well easement, which is located on Parcel 1, to Mr. Roberts. The well for Parcel 2 located on Parcel 1 is not utilized. Both parcels have domestic water taps from the City of Carbondale. With the boundary line adjustment, Parcel 1 will contain approximately 9,283 sq. ft and Parcel 2, 7,500 sq. ft.

There was a discrepancy in the staff report and location of the lot lines. Basically, they are wanting to keep the property line where the fence line is located. Both parties are selling their property.

Debra has parcel 2 and is giving back her ½ of the well, she has domestic water from the Town of Carbondale. She used the well for watering, but uses ditch water to irrigate. This is a mutual agreement between Mr. Roberts and Ms. Fender and needs the Board approval to allow it.

Recommendation:

Staff recommends approve the Roberts/Fender Amended Plat, subject to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval.
2. The plat shall be titled "amended final plat of the (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's 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 Houpt to approve the proposed boundary line adjustment as presented which would alter the Roberts/Fender and adopt the amended plat with the conditions outlined by staff; Commissioner McCown seconded; motion carried.

DISCUSSION REGARDING PROPOSED COMMERCIAL DRIVEWAY PERMIT OFF COUNTY ROAD 221. APPLICANT: ROBERT KLEIN

Marvin Stephens and Kraig Kuberry were present to discuss this with the Board. This was a request to permit a driveway from a commercial driveway and the direction of the Board was not to issue any more driveways for commercial use off CR 221. They suggest to access via Highway 6.

Mark Bean confirmed the Powerline Subdivision Plat Agreement had an access. The Powerline Plat and this commercial request is the same owner.

Discussion was held. Commissioner McCown stated they were trying to avoid any additional traffic on Green Lane and the recommendation was to use Highway 6. Continue to have commercial traffic use

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to recommend denial and also any commercial driveway permits off CR 221 and any type of traffic would be residential traffic only; motion carried.

REQUEST TO CONSIDER SIGNING AND AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF LACY PARK SUBDIVISION. APPLICANT: DAVID JOHNSON

Mark Bean submitted the letter from Nick Goluba and a copy of a Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Lacy Park Subdivision. The County was a party to the original covenants for the subdivision due to the contaminated ground water I the area. This is unusual, but it was a solution that met the developer's concerns and provided the ground water protection that the Department of Energy (DOE) wanted to see in the area. This amendment will accommodate the transition of the development water supply from a well treated by reverse osmosis to the City of Rifle water supply provided to the area at the expense of DOE.

Recommendation:
Staff would recommend that the Board authorize the Chairman to sign the Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Lacy Park Subdivision.
A motion was made by Commissioner McCown and seconded by Commissioner McCown to authorize the Chairman to sign the Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Lacy Park Subdivision to allow for the extension; motion carried.

DISCUSSION WITH TOM BEARD REGARDING BLUE CREEK AFFORDABLE HOUSING (AH) (WINDRIVER DEVELOPMENT, LLC,)

Tom Beard, Larry Green, Galvin Brook, and Mark Bean were present.
Mark Bean submitted the background stating the Board approved the Blue Creek Ranch PUD in August 2002. The approved development included the provision of 4 affordable housing units to be constructed by the developer as well as 5 additional deed-restricted lots to be constructed by future lot purchasers that qualified under the Garfield County Housing Guidelines. The specific condition of approval is as follows:

> *18. All nine (9) lots approved for deed-restricted affordable housing units are to be "for-sale" units. The applicant shall construct four (4) of the units as deed-restricted affordable housing units pursuant to the Garfield County Housing Guidelines in the Garfield Zoning Resolution. The five (5) remaining lots approved for deed-restricted affordable housing units are to be constructed by future lot purchasers who qualify for those lots in accordance with the Garfield County Affordable Housing guidelines. The applicant shall present further details to the Planning Department as to the proposed nature of how the remaining five (5) deed-restricted affordable housing lots are to be sold within the regulatory parameters of the Garfield County Affordable Housing Guidelines. This language shall be provided at the time of Final Plat.*
>
> *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 address the regulatory intent of the Affordable Housing Regulations.*

Tom Beard, the County Planning Staff and the developer would like to discuss the concerns raised regarding the developer's proposal for the five additional affordable housing lots with respect to the condition of approval. This is the first time actual lots have been given to the HA. If they assume the price of the lots as proposed, it locks in a sq. ft. price the winner of the lottery they will have to build to. They have already satisfied their four units.
Commissioner McCown suggested moving forward with the condition as laid out and they can charge 1/3 of the lot price. If someone is given the opportunity to purchase the lot, then it would not be a concern of the Board. If no one wants the lots, then they would have to readdress it.
Commissioner Houpt suggested that the Habitat for Humanity could purchase these lots.
Tom stated this is outside what is included in the AH guidelines.
Mark stated we would have to change our regulations as they are used by the Housing Authority because lottery is only for individuals or parties that qualify on the income levels and businesses and/or non-profit organizations would not meet that criteria or we need to change the PUD approval to acknowledge some different flexibility in this situation. Discussion was held.
Commissioner Houpt suggested more flexibility in the regulations to address situation like this.
Fred stated the Commissioners spent a considerable amount of time in addressing this issue when it was before them. Mark stated the Resolution was written to have some flexibility regarding these lots.
Larry Green summarized saying they think if they can put this program together, it will attract a section of people that might not otherwise be attracted to purchase an affordable housing unit. He wanted to make it perfectly clear that this is not intended to be something that a subsequent developer can use to satisfy his minimal requirements for AH within a PUD, that our minimal requirements with the four (4) AH to be in the lottery and meet the language of the guidelines; that these five (5) are extra. They did interpret the language of the Resolution to provide the developer with the flexibility to sell these five (5) lots unimproved upon the condition that we put together a program with the County that demonstrates the sale is unimproved lots meet the intent of the Garfield County Housing Guidelines. They submitted two suggestions as to how to further define this program to demonstrate this satisfaction: 1) to exempt the sale of these five (5) unimproved lots to the first consumer from the provisions of the lottery. In every respect the consumer would be qualified by asset limitations and income guidelines, but Habitat for Humanity, The Roaring Fork Conservancy and other groups approach us and say if we could buy one of those lots and build a home, we would then make the initial sale to our director and our director qualifies as they do not exceed the asset limitations and we only pay the salary that meets the income guidelines, so as an

organization they would be willing to take the risk that couldn't construct a home for the dollars that are there to make that initial sale under the maximum sales price for the first time. 2) If the County felt this was going to far a field from the intention of the regulations, then our next suggestion would be that we add another step in the qualification process. When someone applies through the lottery to buy one of these unimproved lots, that in addition to the asset and income material they have to submit, that they submit a statement as to what it is about their circumstances that they believe would enable them to construct a home and still sell it for the maximum resale price so they wouldn't lose money and the level of risk is not unacceptable for that person. We the developer would work with the Housing Authority to say that explanation satisfies us. This is how the program could be redefines. Presently there is no restriction of time to own the lot and not build. We are requiring the person be able to purchase the lot. Presently there is no restriction as to how long they can own the lot before they build on it.
Commissioner McCown asked if we needed to be sure they could afford to build that house or can they own the lot if they want to pay the taxes on the unimproved ground. We are requiring through this process these individuals be able to buy that lot.
Galvin Brooks said they contemplated the lot would go into the individuals name so then it would enter a typical resale process.
Commissioner McCown said then the non-profit would have to be willing to front the money to the individual to build the house, which he didn't have a problem with.
Larry Green said, or build it themselves and sell then sell it to their director.
Commissioner McCown didn't have a problem with that either as long as this application is in the individual's name, not the non for profit organization.
Genevieve Powell, AH Board Member, said a third option brought to her attention would be that if a non profit wanted to purchase the lot from Blue Creek, build a house on it and then put that house and lot through the lottery for qualified individuals it would be the same guidelines that we have presently. The CORE Group has approached them about this type of an arrangement. They have a zero energy house they want to put up to use for a model for other people to see, it would be great advertising for them. There is also Steve Novy and David Johnson architects are interested, if they could get a lot, he would build a house on it, put it through a lottery, Roaring Fork Conservancy and the Regional Housing Authority. That's three.
Galvin spoke to the zero energy house, CORE and Steve Novy of David Johnson Architects are discussing that and ideally for them to be interested it would be monitorable because they are usually establishing some energy efficiency goals and in that case excluding it from the lottery actually makes it easier in so far as a person who is willing to have their house monitored and shown, it wouldn't be a rider on the lottery and you've won a house, but oh by the way, you'll have people in once a month. So there are some issues around the proposal they are making specific. The other non-profit that has spoken to us directly is the Roaring Fork Conservancy and they are interested in building a house for their director.
Commissioner McCown stated we have to change our regulations in order to allow a non-profit to buy the lot because on their face, they do not qualify.
Commissioner Houpt said she feels it is a wonderful concept and agreed with Commissioner McCown that it is an important factor that the develop satisfy the requirement but if they are willing to come forward with more, it makes sense to have some regulations in place to allow for this type of creative opportunities.
Tom Beard said a simple solution to this is they've met the condition on the four houses, rather than trying to make a decision now and next Tuesday would it be worthwhile to look at what happens when someone does this and offers something above and beyond the actual requirement. Perhaps we should set some time aside and try to figure out the most reasonable alternatives. These lots could be treated differently, subject to the Commissioner's approval. This means the developer has to be willing to do so, but as we go forward, they would have alternatives if they want to go beyond the requirements and benefit the community, they could do it.
Larry Green - a concern is the timing and the desire to get these into the housing inventory sooner rather than later. He thought the developer would be willing to commit to construct and sell all four of the improved units at the front end of the project rather than phased as we set out in the draft SIA and what the regulations require that they go in sequence with the building permit. Then we could enter into a SIA that would have timelines. The SIA would say something like, a recognition between the County and the developer that the developer is obligated to sell five unimproved lots just like the condition of approval is written that satisfies the intent of the Garfield County Affordable Housing Guidelines and give us a period of time i.e. 90 days, to come up with a definitive program that can be submitted and amended or an addendum to the SIA and if we don't get it done, then we are in breach of the SIA.

Gavin Brooks asked if this would require a regulatory change necessarily or could an agreement that we reach about this development in particular. He would be hesitant to draw out this too long if we have the signed, sealed, and delivered plat without all the finished conditions.
Chairman Martin – in the language it says that everything will be completed, the language shall be provided at the time of the final plat, that's in the Resolution. There is no language now so if this were drafted before the final plat, we would satisfy it. It opens the door to allow the applicant, which is the developer and the Housing Authority to come up with that appropriate language at the time of the find, and if we want to make a lottery for lots along with the houses with guidelines, we could do that or put what you're proposing in writing and see if that's acceptable to the Housing Authority and this Board and then we act on it. The Plat is due next Monday.
The final plat is noticed for next Monday. Therefore, a decision was made to open the meeting next Monday and then continue it and give the developer a time to address it.
Commissioner Houpt would like to see both suggestions made by Larry.
Mark Bean explained that the language in the Resolution of approval for the Blue Creek PUD gives us some flexibility to make the decision as part of the Subdivision Improvements Agreement. We need to go through the regulatory change to deal with it. Larry has offered an opinion two of the options.
A decision was made that the language needed to be clarified regarding the Affordable Housing Units and the Subdivision Improvement Agreement needs to be clear.
Larry Green proposed to come back to the Board with the language at the February 10, 2003 meeting.
Executive Session - Continued – On-going Litigation, Direction from the Board – County Property and Legal Advice, Personnel Item and Authority on Litigation.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go back into an executive session to continue discussing the items not covered earlier; motion carried.
Don stated he would need representatives from the Planning Department, Road and Bridge, Carolyn Dahlgren, Mildred and the Board to be in the session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action Taken
Alpine Waste Settlement
Carolyn Dahlgren requested permission to extend your offer on the Alpine Waste expecting funding of that settlement of a claim this week and for authority for the Chair to sign a settlement of claim document.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.
Authority of the Board – Lawsuit in District Court – Building Code and Zoning Code Violation – Cole – Ranch at Roaring Fork
Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.
Sam Phelps – Benefits and COBRA Extended
Don requested action in regard to extending COBRA benefits for Mr. Phelps.
Commissioner McCown made a motion that the County pay for Sam Phelps COBRA insurance payment for the month of February and that it be reviewed on a monthly basis as long as he's under our employ.
Commissioner Houpt seconded;
Commissioner Houpt asked if we were having him pay his family, I think we need to be specific. Ed stated $154 for him as an employee, what a normal employee would have to pay. The Board wanted to go this way. Motion carried.
Chairman Martin stated we'll direct the staff then to go ahead and notify Mr. Phelps to advise him of that and if it's acceptable to bring word, if not to bring word and we'll make other adjustments.
Regarding the County Surveyor Position
Chairman Martin stated a time needed to be made when the Board would select finalists so that we can make that public and set up interviews.
Commissioner McCown suggested letting the Board have the list and narrow it down by next meeting in order to move forward on this and set this under Don's time.
Chairman Martin suggested everyone limiting it to four and then decide. Commissioner McCown suggested narrowing the list to three.
Commissioner McCown stated he would make that in the form of a motion for each one to come back with three applicants and hopefully there is some symbolism on one of them. Commissioner Houpt second. Motion carried.
Recognition for All the People who took the time and effort in reference to ***Budget Books***

Chairman Martin noted that this was submitted to the Department of Local Affairs and one of the nicest books ever done. This is one of the nicest documents we have produced to send to them and thanked the staff saying it was very much appreciated and very easy to read. Ed and Jesse were directed to make sure those people who worked on this project were recognized.

Adjourn

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

Attest: Chairman of the Board

_____ _____

FEBRUARY 10, 2003
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 10**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

a. Award bid to OMB Police Supply for Supplying Light Bars and other various safety equipment for the Garfield County Sheriff's Department in the amount of $179,994.

Tim Arnett and Frank Youland were present and explained that these were supplies for the new vehicles. Frank added that after three or so years of use, the light bars lose their visual effects and on the roadways, the vehicles need to be very visible.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid to OMB for the light bars and other safety equipment for the Sheriff's Department for $179,994. Motion carried.

b. Amend Water Lease with West Divide Water Conservancy District – Marvin Stephens

Marvin Stephens, Mike Vander Pol and Jake Mall were present.

Marvin has been working on the water lease to make sure we have enough water for our needs.

Mike reported we had four-acre feet of water and we need fifteen-acre feet. The West Divide Water Conservancy District had the water available and agreed to increase the contract to fifteen-acre feet and also increased their loading area. He asked that the Board proceed with the amendment with the added cost of $5060.00; however these funds will be taken out of the Mag chloride funds.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the amended water lease with the West Divide Water Conservancy District to increase the acre feet from 4 acre feet to 15 acre feet; motion carried.

c. ***DOE Aquifer - March 6th - Valium Issue – Rifle***

Ed made the Board aware of a meeting with the Department of Energy to be held on March 6, 2003 in Rifle to discuss the Valium issue.

d. Federal ***Government increased the Awareness of Terrorist***

Guy Meyer informed the Board that the Federal Government has issued an increase alert for terrorist's attacks to the color Orange. Therefore, Garfield County is making department heads and elected officials know of the heightened increased and to be alert to what is going on.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Consideration and approval of Resolution establishing procedures for vacating public road and right of way.

Don stated this has been in front of the Board on two previous occasions. He had added the Fair Market Value of public roadway or right of way and handed out a confidential memo for the Board to review. Commissioner Houpt asked Don to prepare additional language to allow the Board to include some procedures to protect public access to roads before they were vacated if it included public value for road purposes. Direction was requested. Don said the case law establishes procedures, as long a public road includes bike and pedestrian use that the road would not be able to be vacated it if any of these things occur. The language would include an adopted plan, a comp plan, a recreation plan, etc. and if it was included in the draft language it would cover the concern addressed by Commissioner Houpt. Discussion was held. This was postponed until February 18, 2003.

b. Designation of finalists for County Surveyor

Jesse provided the finalist for the position of County Surveyor to the Board and stated the list includes those individuals that meet the qualifications and whose rates were competitive.

The Board decided to narrow the decision to three each:

Commissioner Houpt – suggested Sam Phelps, who has been the County Surveyor for some time and the Planning Department has enjoyed working with him; Scott Aibner, who has been the deputy surveyor; and Mitchell Migchelbrink.

Commissioner McCown – Added Udell Williams from Grand Junction, who claims that his software is compatible but it has not been tested; Sam Phelps, Scott Aibner and Richard Migchelbrink.
Chairman Martin – agreed with the list presented by Commissioner McCown.

c. ***Executive Session: Litigation Update and Legal Advice to Control – Columbine and Healthy Beginnings – Road Issue– Legal Advice on TeePee Park – Negotiations/Discussions***

Mark Bean, Carolyn Dahlgren, Don DeFord, Ed, Jesse and the Board were to be included in the session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action:

Red Feather Public Hearings on Annexation

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to direct staff to attend any subsequent public hearing scheduled by the City of Glenwood Springs on the Red Feather Annexation; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to direct the County Attorney's Office to contract necessary property owners along the course of what used to be County Road 322, Shaffer Lane, to ascertain their position on the public status of that road. Motion carried.

Letter to CCI – Castillo County

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to direct the County Attorney's Office to prepare a letter for the signature of the Chair to CCI recommending that CCI participate as amicus in the appeal of the Castillo County Board of Commissioner Case to the Colorado Supreme Court; motion carried.

TeePee Park

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to direct staff to publish notice regarding a compliance review as scheduled on March 17, for TeePee Park Logging Operation and to cancel that March 17 hearing if and when we receive a completed new and separate application prior to that date. Commissioner McCown noted that this included notification to neighbors as well as public notification. Motion carried.

COMMISSIONER REPORT

Commissioner Houpt – February 4 – TPR meeting; Glenwood Springs Tourism Committee Meeting where they discussed bus routes to initiate during and after the re-pavement of Grand Avenue drawings including cross walks and some neat ideas. Associated Governments; MAC Emergency Exercise with Valley View Hospital; tonight - Citizens Alliance Board meeting in Battlement Mesa; meeting scheduled to discuss the Roan Plateau at 11:30 Tuesday; Human Service Commission this week; Community Corrections and Criminal Justices Board. February 13.
Commissioner McCown – Forest Service Access Committee on Tuesday at 10 A.M. last week; Thursday, Associated Governments Northwest Colorado in Rifle; this Tuesday is the City County Joint Meeting at the City at 7:00 a.m.; a meeting at 9:30 a.m. with a group of people regarding the Roan Plateau at Courthouse Plaza; Associated Governments will distribute $17,900 of RETAC money to go to Garfield County for Emergency Management. Access Committee had one concern on a road that the DOW had concern about by Battlement Mesa that had been historically closed. DOW is in negotiations with the landowner. The BLM had questions on a road by Okanela Lodge where there is a very narrow right of way and it inhibits parking during hunting season; additional parking was needed; BLM has extra land, but too steep so it would have to be private property owner that would have to donate. The goal of the Access Committee is to bring issues forward and to see how the Board of County Commissioners can address these concerns.
Chairman Martin – Transportation Meeting on the 4th – all municipalities and Garfield County to come up with the formula on how to proceed with the 20-30 Plan following the new guidelines of C-DOT on transportation; open for discussion on the RFQ referencing the re-write of all our land use and zoning rules on Wednesday – there were fourteen different firms and ten were selected for further evaluation, however, those to be called in for interview have not been determined; phone call from a stone cutter and at the Marble Quarry requesting that Garfield County to be the recipient of all good deeds of replacing the base of the Tomb of the Unknown Soldier. There's an organizational meeting on Wednesday night at Redstone and they wish to donate a stone to replace the broken base. The quarry is willing to donate a 59-ton piece of marble to replace this. A report will be available after Wednesday.

Letter to McKeel – Marble Quarry
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair's signature on a letter of support to Mr. McKeel; motion carried.

CONSENT AGENDA
a. Approve Bills
b. Authorize the Chairman to sign a Contract Change Order Letter for Public Health Nursing Services -
c. Authorize the Chairman to sign Williams Energy Services Division orders
d. Authorize the Chairman to sign the Boruch Amended Exemption Plat
e. Authorize the Chairman to sign the Gobassi Exemption from the Definition of Subdivision Final Plat
f. Authorize the Chairman to sign the Resolution of Approval and Special Use Permit for an Accessory Dwelling Unit approval submitted by Rich Dunstan for a property located at 9500 County Road 117
g. Authorize the Chairman to sign the Resolution of approval for a Special Use Permit for an Accessory Dwelling Unit submitted by Don Seaton for a property located at 4151 County Road 117
h. Authorize the Chairman to sign the L/J Subdivision Final Plat
i. Authorize the Chairman to sign the Dardine/Schwartz Final Plat. Location: Lots 3 and 4, Block 3, Elk Creek Subdivision
j. Authorize the Chairman to sign the Resolution of Approval and Special Use Permit for an Accessory Dwelling Unit approval submitted by John Bellio for a property located at 2775 County Road 214.

Commissioner Houpt was not present for the d, e, h, i, and j.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve items a, b, c, f, and g be approved on the Consent Agenda Items; carried.
A motion was made by Commissioner McCown and seconded by Chairman Martin to approve items d, e, h, i, and j be approved. Commissioner Houpt abstaining due to not being involved with the original hearings. Motion carried.

PUBLIC HEARINGS
REQUEST FOR APPROVAL OF A LIQUOR LICENSE. APPLICANT: GLENWOOD TRAMWAY, LLC.
Mildred Alsdorf, Steve Beckley, Chuck Peterson and Tom Regan were present.
Chairman Martin swore in the speakers. Mildred submitted the following Exhibits: Exhibit A – Proof of Publication and Exhibit B – Packet that contains copies of the fingerprints from CBI and FBI; Operating Agreement with Glenwood Tramway, LLC.; the list of members included; Articles of Organization; Individual History Records; Business Lease; and a copy of their Plan giving the layout of all three levels; a Map of the land and a Footprint of the building.
Chairman Martin entered Exhibits A and B were entered into the record.
Mildred informed the Board that Steve Beckley has applied for a hotel and restaurant liquor license to sell malt, vinous and spirituous liquors at the restaurant they are building at the top of Iron Mountain. They have submitted their application and Mildred has checked with CBI and FBI (reports have been received from CBI but FBI to date); however, she finds that there are no reasons to deny the liquor license. The Board set the perimeter boundary at 500-feet where liquor can be served. Access will be via the tram to the restaurant as well as a van for handicapped and other not wishing to ride the Tram. Tom Regan stated they will have a full service restaurant and bar to include deck space; upstairs for banquets, etc. and the plaza area located northwest that is flat for a gathering spot for special events such as weddings. Mildred stated they would have to have 25% of their revenue at the restaurant. Steve stated they will still maintain the van and is restricted for by Glenwood via their Special Use Permit. They will monitor who has paid when using the van with wristbands. Chairman Martin requested that they post signs saying no alcohol will be allowed on the tram and/or in the Cave. Steve stated not even water is allowed in the cave. Steve stated the building is planned to open prior to the end of April. Mildred will not be issuing a license before she does the final inspection and the tramway is open. Steve stated they will operate from 11:00 A.M. to 10:00 P.M. and all the bartenders, owners and servers will attend the TIP's training.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the liquor license for the Glenwood Tramway, LLC, with all the conditions identified by the County Clerk. Motion carried.

Executive Session Continued – Discussion on School Impact Fees – Negotiation on an issue brought forth by Lois Hybarger where 10% interest is being charged per day on a $47,000,000 that McKell is requesting and the Board is saying this will not be paid and it is not justified. The Board will send a letter to this effect.
A motion made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair's signature on the letter aforementioned; motion carried.
A motion to go into Executive Session was made by Commissioner McCown and seconded by Commissioner Houpt; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Executive Session; motion carried.
Commissioner McCown stated in Executive Session, the Board directed Mark Bean to look at some possible consultants on the TeePee Park Application and directed him to move forward with it. He wanted to codify this in the public session.

Oil and Gas Auditor Position – Screening Team
Ed mentioned that he and Judy Osman could review the applicants and pare down the list of people that they feel meet the qualifications of the job description and bring it forward to the Board.
Commissioner Houpt wanted to review the Resumes and be part of the process at some point.
Chairman Martin directed Ed to move forward and then provide the Board with a list after his technical review for qualifications. The closing for applicants is February 14, 2003.
Commissioner McCown was asked if this could be a job sharing position. The Personnel Policy would allow for it but it should be brought forward at their initial application. Ed felt this might give the County two complementary individuals based on experience. Commissioner McCown expressed if someone had the political and the legal aspects, then the other would have to be qualified on the technical aspects of the position and then come forward as a team approach.

REQUEST FOR APPROVAL TO CONSIDER APPROVAL OF THE COFFMAN RANCH SUBDIVISION EXEMPTION TO CREATE FOUR (4) TRACTS OF LAND FROM APPROXIMATELY 153 ACRES OF LAND APPROXIMATELY 1.7 MILES EAST OF CARBONDALE ON THE SOUTH SIDE OF COUNTY ROAD 100. APPLICANTS: REX AND JOANNA COFFMAN

Tamara Pregl, Carolyn Dahlgren and Tim Malloy for Rex and Joanne Coffman were present. Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant. The posting was undetermined if it was still posted today and Carolyn stated the Commissioners would need to determined if the regulations had been met. The Board did not have a problem and decided 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 February 10, 2003; Exhibit F – Application Materials; Exhibit G – Letter from Doug Thoe, Garfield County Road and Bridge Department dated November 25, 2002; and Exhibit H – Letter from Bill Gavette, Deputy Chief, Carbondale and Rural Fire Protection District dated October 24, 2002.
The applicant requests an exemption from the rules of subdivision to subdivide approximately 152 acres into four (4) parcels of 4.29; 4.29; 4.29 and 140.10 acres. The property is located 1.7 miles east of Carbondale on the south side of County Road 100. The applicant has owned the property, what is referred to as the "North Parcel and South Parcel" since 1965. Ackerman Handcrafted Log Homes is located on the northeast side of the property. This is also a sign for Strong Lumber adjacent to the existing driveway that is proposed as the shared driveway access for the four parcels. The Board approved a Special Use Permit for this business on October 14, 2002, however the actual Permit will not be issued until the conditions of approval have been met. As part of the Ackerman SUP application, it was represented that the owner of Ackerman upon SUP approval would acquire 35 acres of land from the application. Until this is completed, the SUP for the Ackerman Handcrafted Log Homes will run with the land, which is part of this application and would be Parcel 4.
Recommendation:
Staff recommends the Board approve the Coffman Exemption, 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 Commissioner, shall be considered conditions of approval.

2. The applicant shall have 120 days to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
3. The 1978 Garfield County Zoning Resolution standards shall be complied with.
4. The Colorado Department of Health standards shall be complied with.
5. A shared access driveway agreement shall be filed, with appropriate signature, with the Exemption Plat.
6. Existing and proposed easements for utilities, driveway, and irrigation shall be delineated on the Exemption Plat. These easements shall all be included on the deeds for the proposed lots, where appropriate.
7. A well sharing agreement shall be filed, with appropriate signatures, with the Exemption Plat.
8. 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. As assumption of an average of no less that 3.5 people per dwelling until, 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 assessment 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.
i. On or before filing the plat for Exemption, the Applicant must provide the County with a well permit allowing use of three properties.
j. The applicant shall demonstrate compliance with any conditions attached to the well permit issued.

9. 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
10. That the following plat notes shall appear on the Exemption Plat:
    A. Upon conveyance of the parcels, a new “private way license” shall be obtained from the Roaring Fork Transportation Authority (RFTA) by the new property owners for access over the railroad right of way.
    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 division by exemption from the rules of Subdivision will be allowed.”
    F. Slopes exceeding 40% shall be restricted from development. Areas of disturbance shall be revegetated with appropriate vegetation. Cut and fill areas shall be kept in balance and to a minimum. Disturbance of the existing vegetative cover shall be minimized.
    G. Foundations and individual sewage disposal systems (ISDS) shall be engineered by a Professional Registered Engineer within the State of Colorado.
    H. "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 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."

I. "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."

Tim Malloy gave the background saying the Coffman's have owned the property for many years and as they near retirement, they are getting things in order. In a previous memo from Tamara Pregl, there was a comment of being exempt of the $200 school impact fees and now it is showing on the conditions of approval. There were no geological hazards in this area.

Commissioner McCown – knowing there is another 35-acre parcel and asked why this wasn't done prior to this request.

Tim stated you lose eligibility for exemption if you change from the 1973 regulations. They decided to proceed and they have Skip Ackerman come in and split off a 35-acre parcel.

Commissioner Houpt – How far along are they on splitting of the 35-acre parcel. Bob Emerson is the one working for the 35-acre exemption procedure.

Tim stated even though this is a 5-parcel split but due to the 35-acre split, it does meet the comprehensive plan and the regulations.

Carolyn Dahlgren stated the Comprehensive Plan is only an advisory document unless and until this body or a similar body does certain things and this body has chosen to bring the Comprehensive Plan into the PUD regulations as a requirement but not into anything else.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Coffman Subdivision Exemption as presented with the testimony of the applicant and the recommendations of staff 1-10 as presented including all the subsections; motion carried.

REQUEST FOR APPROVAL TO ESTABLISH VESTED RIGHTS FOR THE BLUE CREEK RANCH FINAL PLAT (WINDRIVER DEVELOPMENT, LLC.)

Fred Jarman, Larry Green, and Carolyn Dahlgren 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.

Fred Jarman submitted the following Exhibits: Exhibit A – Proof of Publication; Exhibit B – Garfield County Zoning Regulations of 1978 as amended; Exhibit C – Garfield County Subdivision Regulations of 1984 as amended; and Exhibit D - Staff memorandum

Fred Jarman presented a Memorandum with a summary of the request stating that the Board approved the Blue Creek Ranch PUD and Preliminary Plan on August 5, 2002 and memorialized via Resolution No. 2002-82. At present the applicant requests the Board 1) sign the Blue Creek Ranch Final Plat and 2) grant vested property rights to the Blue Creek Ranch PUD pursuant to Section 14:00 of the Subdivision Regulations.

Fred added that the applicant has satisfied all the conditions of approval contained in the Resolution aforementioned. However, as a result of the recent discussion with the Board regarding the regulatory nature of the five deed-restricted lots, the applicant is currently drafting amended language to be located within the context of Subdivision Improvements Agreements (SIA), which will address the Board's comments as well as those comments voiced by the Garfield County Housing Authority. This newly drafted language will be presented to the Board on the February 18, 2002 meeting.

Staff Recommendation is that the Board open and continue the public hearing on the vested rights request and the consideration of the final plat until the February 18, 2003 meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue the public hearing on the vested rights request and the consideration of the Blue Creek Ranch Final Plat until Tuesday, February 18, 2003 at 10:15 P.M. meeting before the Board of County Commissioners; motion carried.

PUBLIC MEETINGS:

CONSIDER A SITE APPLICATION FOR THE CONSTRUCTION OF A NEW DOMESTIC WASTEWATER TREATMENT FACILITY AT THE HANGING LAKE REST AREA.
APPLICANT: COLORADO DEPARTMENT OF TRANSPORTATION – RESTROOM FACILITY

Tamara Pregl and Mark Bean were present

The restroom facility is a part of the Glenwood Canyon I-70 construction, which has existed since the early 1990's. There is no zoning in Glenwood Canyon by the County. The canyon and site is within the US Forest on property owned by CDOT.

The Hanging Lake Rest Area is currently served by on-site water wells and by an ISDS consisting of septic tanks and a drain field. The request is to abandon the existing ISDS drain field and convert the composting toilets to flush toilets. The proposal is to discard the treated wastewater to the Colorado River. The "service area" will consist only of the Rest Area. A total of 2,100 people per day were considered in the design.

Staff recommends that the Board of County Commissioners approve the site application for the Hanging Lake Area Wastewater Treatment Facility and authorize the Chairman to sign the site application.

Commissioner Houpt questioned if provisions had been made for potential rock fall. Tamara stated they didn't recommend any specific plans to deal with the rock fall hazard.

Mark Bean stated if there was damage from the rock falls, it would have to very massive rocks in order to get to where this is located. This is a system treating 4200 gallons per day and has to have an operator and meet the guidelines.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the application for Site approval for a Construction of a new domestic wastewater treatment facility at the Hanging Lake Rest Area; motion carried.

CONSIDER A SITE APPLICATION FOR THE CONSTRUCTION OF A NEW DOMESTIC WASTEWATER TREATMENT FACILITY AT THE HANGING LAKE REST AREA.
APPLICANT: COLORADO DEPARTMENT OF TRANSPORTATION – REST AREA

Tamara Pregl and Mark Bean were present.

The Hanging Lake Rest Area is currently served by on-site water wells and by an ISDS consisting of septic tanks and a drain field. The request is to abandon the existing ISDS drain field and convert the composting toilets to flush toilets. The proposal is to discard the treated wastewater to the Colorado River. The "service area" will consist only of the Rest Area.

A motion was made by Commissioner and seconded by Commissioner to approve the application for Site approval for the Bair Ranch Rest Area Wastewater Treatment Facility and authorize the Chair to sing the site application; motion carried.

Both site applications:

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt acting at the Garfield County Board of Health to approve the application for Site approval for the Bair Ranch Rest Area Wastewater Treatment Facility and the Hanging Lake Rest Area and authorize the Chair to sign the site application; motion carried.

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

Discussion – Vacating Public Road and Rights of Way and Fair Market Value

The Resolution was presented and discussion was held.

Commissioner McCown – did not think it would be in our best interest to direct Don to proceed.

The potential use of a road identified at time of review. A road that could be potentially used as a road or some other use, such as a bike trail, pedestrian or motorized vehicles. Don did not want to proceed with this research.

Chairman Martin suggested attaching a legal opinion for the Board's review on the interest of local government and future application of the roads.

Commissioner McCown asked what level did Commissioner Houpt to research any potential future use.

Commissioner Houpt referenced the specific issue of Prehm Ranch where a trail group was interested, and had they be able to have the City of Glenwood or the Town of Carbondale say there was an interest and a realistic continuity of existing trails involved with the public right of way, it may have been different. Don explained that a governmental entity would have the legal functions as well as a special district or a metropolitan district. They would have full use to control, operate and coordinate a road. A recreational district could have the right to use the road for a trail. Control the rights of way for a full purpose but not for roads. Stock driveway was given as an example and Holy Cross Cattlemen's Association. They have used this historically and have a right to use these roadways. Municipalities with a street plan within a 3-mile area. Not a group itself that would have – a private citizen's group to control for a trail. Don and leaving the private citizens wanted to - some legal entity to control. Commissioner McCown added that the roadway should include that it can be seen on the ground. This has to be a road with a historical use. The actual physical road of the ground. The focus should be, when someone comes in to vacate road, can we use it as a pubic roadway and what would it potential serve to turn it into a county road. The BOCC would have the ability to look at County roads as the primary, secondary and/or private road status and when looking at a request to vacate a road right of way, it's the Board's call. Also, to know when you get into the RS 2477 roads. Some counties have already dealt with RS 2477 rights of way. Don stated that several counties have taken the hypothetical approach – Douglas, Ouray, and San Juan. RS 2477 status – once established it never goes away.

Vacating Public Roads and Rights of Ways

A decision was made to have Don do some research and attach a legal opinion attached to the policy for the Board's review, keeping the interest to "governmental entities" only and bring this back to the Board for further discussion on February 18, 2003. Also, to put the Resolution as it is written, in next week's packet as well.

Commissioner McCown reminded the Board if it is implemented by Resolution, it can be amended by Resolution as well.

RS 2477 Roads in Garfield County – Tickler File

Commissioner McCown stated the Board has not actively taken a stance on 2477 roads in Garfield County and he thought it was nearing the time to do that as a Board. Therefore, he requested Don to bring to this Board some background on the 2477 Regulations and their implementation with the new current findings in the Supreme Court that is about two weeks old.

The first meeting in March would be soon enough. Chairman Martin suggested also taking this to the Access Meeting of the Associated Government in order to understand what they are up against with local governments and the federal government. Commissioner McCown suggested waiting until the facts were available thinking that we have to declare those roads before they become 2477 roads. Chairman Martin referenced two cases: one out of Idaho and one out of Oregon that deal with the 2477 and these are the most recent rulings from the U.S. Supreme Court. There was also action taken by Moffat County; the way they are approaching RS 2477 roads has been found appropriate. Moffat County has, in the process, a unique charter management system that they are looking at for their federal lands and when it was initially conceived, everyone through that's way off the wall, but now the Department of Interior actually wants to look at this and is possibly thinking of using them as a model. It would be made up of a group of stakeholders at the local level which would include County Commissioners, various land use groups that would have an interest, trails, natural resources, logging, gazers, wild horses and any imaginable group would be a stakeholder in the management of the federal lands in Moffat County and managed locally.

ADJOURN

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

Attest: Chairman of the Board

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PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
GARFIELD COUNTY, COLORADO
FEBRUARY 13, 2003

The SPECIAL meeting of the Board of County Commissioners began at 8:30 A.M. on Thursday, February 13**,** 2003 with Chairman John Martin and Commissioner Tresi Houpt present and Larry McCown via telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Catalina Cruz and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER
Chairman Martin called the meeting to order at 8:30 A.M. The Board met in the County Attorney's Meeting Room.

Executive Session – Appointment of Special Counsel
Don DeFord explained that he would initially conduct an Executive Session to consider the appointment of special counsel to represent Catalina Cruz after some discussion and presentation from the County Attorney's and he will anticipate action by the Board when after the Executive Session.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session. Motion carried.

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

A motion was made by Commissioner Houpt to retain Gary Jackson to represent Catalina Cruz in the claim asserting by the County Attorney's of attorney regulation. Motion carried.

February 13, 2003

Valley View Hospital – Bonds – On Agenda
Tuesday, February 18, 2003
Don DeFord this is to be a discussion about the issue of real substantial value for bonds for Valley View. As part of that process, Don stated it will be an informal discussion and anticipates the Board will be asked to waive certain provisions in your current Industrial Revenue Bond Resolution. Don's question is should he begin a search this week for Bond Counsel because he knows this has move very quickly. Valley View Hospital is trying to issue in April.
Ed asked what the County would be entitled to in the form of dollars and how is that translated in the Bond Counsel cost.
Don stated that part of the Industrial Revenue Bond Resolution says we are entitled to payment of a fee and reimbursement for costs. In any event, the fee Court calculated for the County would be about $110,000.
Ed said, they are also bring gifts – an emergency generator.
Don asked the Board if they wanted to wait until Tuesday or should he do something this week.
Chairman Martin suggested looking now because we have had several discussions on this bond issue request and as long as they are willing to follow what we did the last time on their bond issue, pay costs, etc. the Board is comfortable with it.
Don said, normally he would go to Blake Jordan and see if he has conflicts. Is there any problem with that? The Board did not foresee any problems.
For Commissioner Houpt's benefit, Don clarified that Blake Jordan works for Sherman Howard in Denver and has worked with Garfield County numerous times.
Adjourn

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

Attest: Chairman of the Board

_____ _____

FEBRUARY 18, 2003
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 18**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 COMMENT BY CITIZENS NOT ON THE AGENDA

County Road 314

Barton Porter presented a request to the Commissioners making them aware of CR 314, which in his terms and the residents living off the road stating that it is insufficiently maintained, wash boarded and has insufficient drainage. The request was made for chip and seal for the lower two and nine-tenths portion of the road. Barton submitted a petition of the residents; the school bus and postman. Thirteen residents are serviced on this road. Some discussion was held to put gravel on the road.

He mentioned they had done six miles on Garfield Creek and there were only thirteen houses in that section. Therefore, this doesn't seem quite fair. He also referenced other roads in Garfield County with fewer houses and better roads than this area.

Chairman Martin stated they would de a research and go from there.

COUNTY MANAGER UPDATE – ED GREEN

a. Award bid to Air Maintenance Company, Inc. for Upgrading the Courthouse HVAC in the amount of $170,760

Raymond Paine from Air Maintenance Company and Tim Arnett was present for the bid award. Tim said that Richard Alary had requested bids for upgrading the Courthouse HVAC. C. F. Brenner Architecture had MKK Consulting Engineers, Inc. prepared the specification on. Nine potential bidders were involved in the walk through of the Courthouse. Only two bids were submitted. The bid includes a change from evaporative to coolant with chill water with a condensing unit. No humidifying unit is included. Ed said there were additional funds in the facilities maintenance budget to cover this expense. Dale stated this would probably be an amended budget in the capital fund however, if this $20,000 will come from items included in this line item. $150,000 is budgeted from last year that was a budgetary estimate. For the 2003 budget, there was $200,000 for re-carpeting the second floor and re-doing the stairs on the south side of the building. The other $20,000 will need to have a supplemental amendment to the capital line item budget. This could be completed by May.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the bid to Air Maintenance Company, Inc. for Upgrading the Courthouse HVAC in the amount of $170,760; Don clarified the supplement budget would not need to be done immediately but not until the other facilities upgrades are approved for the Courthouse; motion carried.

b. Award bit to Climate Control for heating and cooling maintenance of Jail and main Courthouse in the amount of $970 per month and not to exceed $9,700 for 2003

Tim Arnett and Terry, planned maintenance for Climate Control. The key is to maintain the equipment you have, otherwise it is bad news. This consists of four quarterly checks where they check the chiller and air handlers, change belts every 6 months, lubricate bearings, coils free of dirt and dust. This is standard routine maintenance.

The Courthouse Plaza will be added in June 2003. This is a contract for 10 months.

Commissioner McCown noted that this included the maintenance on the Courthouse after the new system is in place.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to award the bid to Climate Control for heating and cooling maintenance of the Jail and main Courthouse in the amount of $970 per month and not to exceed $9,700 for 2003.

Commissioner Houpt noted that communication between this contract and the one just awarded to Air Maintenance is very important.

Motion carried.

c. Recommendation to Change Composition of Personnel Committee – Judy Osman

Judy presented a memorandum stating that at the Personnel Committee meeting held on January 21, 2003, a recommendation was made that the County Sheriff be included as a voting member of the Committee. This would be a move from ex-officio to a voting member.
At the same meeting, a recommendation was made that the quorum for the voting members be changed from four of six voting members to five of seven voting members.
Sheriff Vallario has stated he would like the Sheriff's office to be included in the County's personnel policy. This adds between 80 and 90 more staff.
Carolyn Dahlgren and Judy went through the policy, other amendments will need to be made, and at that, a formal Resolution that all elected officials signs would be necessary.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to change the policy for the make-up of the Committee as recommended by the Personnel Committee; motion carried.

February 18, 2003

d. ***Discussion Regarding Emergency Generator from Valley View Hospital – Dale Hancock***

Ed said that in the spirit of cooperation and in the emergency coordination, the Valley View Hospital would like to donate the emergency generator due to the hospital expansion it will not suffice for their needs. Dale requested how the Board would see the application of this unit if the Board accepts the generator. There were two options: bring it to Courthouse Plaza, leave it at the hospital and use the Mountain View for Emergency Communication, and a 3rd option was to move the generator in order to generate landing strip lights for the Airport.
Commissioner McCown noted the funds to upgrade the Courthouse Plaza would be the place to have it placed. Dale noted the space issue. Commissioner McCown inquired if this could be installed in a trailer ready to move. Sheriff Vallario is more receptive to have emergency operations conducted out of the jail facilities so that is an option. The Board so accepted the emergency generator from Valley View Hospital.

e. Update on Parking Lot West of Courthouse Plaza – Randy Withee

Ed gave a review and stated it was presently viewed as the option to move forward with the Motor Pool in the parking lot. He noted that appropriations for the parking lot were not included in the 2003 budget due to the uncertainty of usage by either the County or the City of Glenwood Springs.
Randy presented a budget change order request and explained the concepts in a power point presentation. The total range of cost for the project would be between $11,800 and $25,800.
Commissioner Houpt suggested another option and that was to be consistent with the landscaping with what the City has done across the street with Youthzone. This would come out of the capital funds. Jesse mentioned the depreciation on the Courthouse, Mountain View, and Taughenbaugh is flowing in the public works budget. Commissioner Houpt requested to reserve the ability to have landscaping included at a later time to be consistent with what has already transpired at the Youthzone side of the street. Commissioner McCown informed Tresi of the history behind the current parking lot and how the City street improvements cut the size by about 10 parking spots. This was an effort to upgrade the redesigned lot. Chairman Martin was in favor of looking into a decorative steel railing.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the expenditure of a not to exceed $25,000 for the parking lot resurfacing and a safety rail as discussed by Randy Withee and Commissioner Houpt's input. Motion carried.

f. Consulting Services –(TPR) Transportation Planning - Regional

CDOT is asking each transportation-planning region to update its regional plan. New plans will extend planning horizon to 2030 and the process is expected to take 18 months. Entities within the County TRP requested pursuit of a consultant to coordinate efforts and present projects to the Intermountain Transportation Planning Region (ITPR) and the state level. The scope of services to include the following: Develop a list of state transportation projects within Garfield County collaborating with local entities; Prepare City/Town/County TPR documentation and presentations; Coordinate and schedule progress meetings; Present prioritized projects to I TPR; and Represent City/Town/County interests at SAC and STIP meetings. Randy explained the manner he estimated this to cost. The funding budget of $50,000 is proposed to be distributed between cities/towns and the county; the entities requesting contribution from the county to support this endeavor; and funding for consulting services related to TPR not included in the 2003 budget.
Chairman Martin stated his support for this endeavor. There are planning grants are available but it take time to apply for these. Plans are to have this completed within the next 6 months. He has a commitment

from the other municipal representatives to put a proposal to their respective councils. This coordinated with Item 2b under the County Attorney's agenda items.
The discussion was to spend the $15,000 toward a consultant who would work on behalf of the County and all its municipalities. This would be an IGA to supplement and to return back to the County, which we would fund but be able to recover as well from either C-DOT of the municipalities. Don suggested having the proposal back in order to have a scope of finances and work before we ask for a commitment from the cities. With this range of services and funds, it might be difficult to obtain support for the cities to enter into an IGA until they have a better understanding.
Commissioner Houpt made a motion that we create an IGA between the County and all municipalities, it would include an RFP as an attachment for the scope of services to provide consulting services for the TPR for the Garfield County, 6 months, total contract amount for the IGA not to exceed $20,000 for consulting services to be divided $10,000 not to exceed for the County, $5,000 not to exceed for the City of Glenwood Springs, $5,000 not to exceed divided evenly among the remaining municipalities, put this together and circulate the document before March 10 and this would be contingent upon the County managing the contract and awarding the contract. Supervising; and based upon the response to the RFP until we have a return on the IGA. There is a meeting on the 27th for all the TPR's on this issue, Randy will draft the RFP. Commissioner Houpt stated this would be her motion; Commissioner McCown seconded.
Amendment – and the Chair authorized the agreement now in order for the other municipalities to see a strong commitment. Commissioner Houpt added this as a friendly amendment. Commissioner McCown seconded the motion for discussion saying, historically and would like to see it continue, when we sign IGA's we have seen the signatures from the other entities before the Commissioners have signed off because if three decide not to fund it, where would the rest of the funding come from. The County is initiating the IGA, the commitment from the County is there. If one municipality doesn't support it, it goes away unless the County puts up additional money. Either way, this would require another motion and an adjustment to the IGA. Motion carried.

g. Weight Limit Increase Request for Portions of CR 331, 324, 311, and 320 – Marvin Stephens

Marvin Stephens and Jake Mall were present. A memorandum was submitted to the Board for review of this request. The roads mentioned are posted at 75,000 pounds for a 5 axle and 45,000 pounds for three axle vehicles. The request is to increase the weight limit to 80,000 for a five axel and 54,000 for three axle vehicles.
CR 331 from the intersection of CR 336 going south to the intersection of CR 324; CR 324 from the intersection of CR 331 going west to the intersection of CR 327; CR 311 going north from the intersection of CR 313 to the top of Cabe Hill, which is the main entrance to the Calpine Natural Gas main field; and R 320 from the intersection of Taughenbaugh Blvd. To the intersection of CR 317.
Marvin informed the Board that these are roads that have been upgraded by the drilling companies except for 2300-feet of chip seal and the road show no stress at this time. They have been constructed for heavy traffic and have a 4-inch asphalt mat surface. CR 320 has been upgraded and has a 2-inch asphalt mat over a 4-inch tar sand mat except for the last 2000-feet, which is chip seal over a 4-inch tar sand mat with new chip seal surface in 2002. Approval of this request would alleviate a large amount of paperwork for the office staff and will reduce concerns and complaints until the final weight limit change is approved. The change will require minimal sign changes and no need signs will be necessary.
Don explained the two Resolutions for specific road weight limits and the other is permitting for overweight vehicles. The weight limits are being amended in the Weight Limit Resolution and directing the Road and Bridge Department to re-post those roads specific to this request.
Commissioner McCown made a motion to that effect that this would amend the Weight Restricted roads and only include those roads that are listed here today, until we get the final resolution on the permitting so that we can incorporate it and raise the weight limits on our of our roads to the legal limits and authorization for the Chair to sign the Resolution; Commissioner Houpt seconded the motion. and authorization for the Chair to sign the Resolution; motion carried.

Loader – at Landfill - Informational

Marvin reported on the breakdown and mentioned some good news that the factory replaced the loader, which would have otherwise cost the County about $7,000; we will pay $500 for shipping only.

h. ***Resolution Distributing receipts from the National Forest Reserves***

Ed submitted the fact that we received a check from the National Forest Reserves for $324,031.13 from the State of Colorado and requires that the County issue a Resolution distributing those funds to the Road and Bridge 95% and the other 5% is to go to the school districts; it is required before the Treasurer can distribute the funds.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution and directing the Garfield County Treasurer to distribute the funds as noted on the Resolution and the Chair authorized to sign; motion carried.

i. Mineral Leasing – Jesse Smith received a letter from the Colorado Department of the Treasurer saying this is an annual request to provide to them enrollment figures on the various school districts where youth from Garfield County residences are attending. Grand Valley and DeBeque have not submitted their numbers. This has a deadline of March 5, 2003 and he was asking that the Chair be authorized to sign the letter going to the State advising them how to distribute the 25% of the mineral leasing to the schools. This is all part of the Severance Tax Fund.
Commissioner McCown made a motion to authorize the Chair to sign this letter; Commissioner Houpt seconded; motion carried. Copy of the Document on the DOE –

DOE - Preparation for the Meeting on March 6, 2003
Ed submitted the letter for the Chair to sign in preparation for the meeting to be held on March 6, 2003.

COUNTY ATTORNEY UPDATE – DON DEFORD
Executive Session – Revenue Sharing Bonds – Valley View Hospital – Bond Counsel
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
Don, Mildred, the Board, and Carolyn Dahlgren to be included.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
DISCUSSION REGARDING PARTICIPATION IN 2003 REVENUE BOND – VALLEY VIEW HOSPITAL
Don provided the Board with Resolutions Nos. 81-123 and No. 85-93 concerned with the establishment of Development Revenue Bond Policy, Procedure and Guidelines.
Representatives from Valley View Hospital Gary Brewer, Chief Executive Officer, Larry Dupper, Chief Financial Officer, and Courtney Petre, Attorney for the Hospital were present.
Don submitted the Industrial Revenue Bond Policy 81- 123 and 85-93 in reference to the present issue with Valley View Hospital's request for Revenue Bonds for 2003.
Larry Dupper stated they have a plan to borrow approximately $44,000,000 for the hospital. In 1999 when they did a bond issue, they did the issuance through the County of Garfield and are interested in doing the same things again. Their goal is to be able to do a tempera notice the first week of March and to have a Bond Resolution to the Board of Commissioners presented on March 17th.
Courtney Petre – Counsel to the Hospital, addressed the provision that states the County would not participate if the property is located inn some other municipality. The last time the County Commissioners waived that condition and they are asking the County to do that once again. fees – waiver but will pay all the expenses of the County. There is an issue on fees and again the hospital would request a waiver in that regards, certainly to pay all the expenses of the County. The timing for submittal on the bonds was discussed.
Don stated the Resolution provides that the County will select a bond counsel and underwriter and from the last discussions, the County has worked with Blake Jordan of Sherman and Howard and Don talked to Blake yesterday and would like to have Blake designated as Bond Counsel in conjunction with Kirk Coffman of the same firm, to work together to work on this issue. Additionally, in terms of the underwriter, Alan Matlosz has been used, with George K. Baum and felt the County would want to work with him once again.
Courtney Petre informed the Board that Kutuck Road has been retained as bond counsel for the hospital and A. G. Edwards as the underwriter.

Don added that the Resolution provides that the County select the Bond Counsel since we are the issuer and the County would prefer to use Blake Jordan and Kurt Coffman for Bond Counsel and Alan Matlosz as the underwriter.
Larry Dupper said this was different than what they were expecting.
Don stated the Resolution states that the County will select a bond counsel.
Larry Dupper said that George K. Baum is unable to provide the counsel necessary for this type of bond. The County could have bond counsel to review this at the expense of the hospital.
Commissioner McCown – informed Valley View representatives that the same discussion took place in 1999. If Blake were to review this on behalf of the County he would have a higher level of comfort.
Jesse made absolutely sure that this bond issue in no way encumbers the County's ability to borrow funds in the future.
Commissioner McCown made a motion, in order to get this going, that we move forward with the time schedule, setting the March 17 deadline for a hearing on this issue; the amount of fees that's noted in the Resolution; the location waiver and the bond attorney and the underwriter that the hospital has brought forward to day be utilized; the hospital would pay for additional Bond Attorney on behalf of the County for a review as an expert witness, Blake Jordan, and at the County's choice an independent underwriter to review this process, those to all be paid for by the hospital and a fee in the amount of $25,000 would be paid to Garfield County for all of the expenses incurred by their administration, County Attorney and staff. Commissioner McCown stated he was waiving the location, outside of a City limits and the plan submittal that has to be done within the 15 days of the bond review. Don added he was also waiving the Resolution fee. Commissioner McCown – yes, the fee as listed in the Resolution but including into his motion, a fee of $25,000 and that would go to reimburse expenses incurred by the County doing this issuance process. Commissioner Houpt – added that the fees charged by Blake Jordan and Alan Matlosz were on top of the $25,000. Don will contact Blake Jordan and/or Mr. Coffman to be present 3/17. Additionally, Don said, as part of this issue, will the County be required to do any type of subordination of its interest in the underlying real estate for the benefit of the bondholders. Courtney stated they have not requested it at this time. Don said this would be a significant issue for the County is that were to occur. Motion carried.

Consideration and Approval of Resolution Establishing Procedures for Vacating Public Road and Rights of Way

Don presented draft language requested by the Board for discussion purposes to clarify some procedures for vacating public road and rights of way.
Don did submit one of the two opinions that the Board requested. One of the outstanding issues was that there's was still not a majority of the Board that has agreed to consider the potential to add a requirement to deny public roads for generally a finding that it has remaining public value.
Commissioner Houpt – the question of being able to place a value on a roadway, she said her understanding was that it was not only an opportunity to deny but to negotiate on a roadway.
Don stated, in the context of a public discussion, that isn't what he would anticipate, but with that said, clearly if you have the opportunity to deny a request, a petition to vacate a road, then you also have the opportunity to direct your staff to enter into negotiations, if that's appropriate. The example used earlier and explained to the entire Board, there are certainly occasions when we have valued a right of way where we have decided to exchange the existing right of way for a new right of way, where we're acquiring a new course for a public road. The decision is that a road in that area is still a valuable commodity to the County Commissioners and needs to be maintained and we're willing to exchange that. There may be other circumstances where you want to attribute some value to a right of way, but for Don, he said it is hard to envision circumstance where that wouldn't be a type of a public value, not necessarily a monetary value. And in the earlier memorandum, it's difficult to say that you're going to require actual payment. However, that may be possible. In Don's opinion, he said it's questionable and the Board probably shouldn't go there, but also conceded that it was uncharted territory and there is at least one other County Attorney, John Marrow who thinks you could attach a value and require compensation. Don's view is that is what you hold is an easement for a public road and that has value to the County. A private person cannot maintain a public road and so you don't have much value to sell.
Commissioner McCown inquired of the attorney, John Marrow, who felt that maybe you could assign a value to it, how did he perceive assigning a value as future use as a public thoroughfare and how you put a value to that or did he see it in assessed valuation as it's existing use might be as a piece of pasture land?

Don commented that Mr. Marrow did not go that far but thought because it was a legislative act the Board's authority was board and could attach that as a condition. However, unless this is authorized by the legislature, you probably do not have that authority. In Don's view it's a closed question and he had a hard time assessing a value to one. If there were a finding that you held a piece of ground in full fee title and could use it for a road, then there would be value.
Commissioner Houpt asked Don about the question of foreseeable use in the foreseeable future for a road and you had some language for that particular issue.
Don stated that this was the question Commissioner Houpt asked him to look at, and Commissioner McCown and Chairman Martin had officially not made that request and it was brought up last meeting when this was discussed, but he prepared language that, if there is a public value that you foresee, because roads can be used for many things, that you would be prohibited from vacating that right of way. The memorandum had not been handed out because he hasn't been authorized.
Commissioner McCown – and any possible future value or any possible concern would be brought forth in the public hearing during the vacation process and at that time it would still be the Board's final decision as to whether to vacate or not to vacate based on the information taken at the public testimony. But, just the fact that one person may perceive it as having a value may or may not affect how the board looks.
Commissioner Houpt – but this language opens you up to the opportunity to support that.
Commissioner McCown responded that opportunity is there now with public testimony.
Commissioner Houpt felt when you have a Resolution it outlines your thought process.
Don agreed and stated that when you have evidence in front of you and there's some public interest shown, you have total discretion to deny a petition to vacate; it doesn't even have to be very firm and hard evidence. The difference is the language that he would present to the Board would absolute preclude the Board from vacating if there was an officially adopted plan by a governmental entity that showed that use. An example was given regarding an older public road that had been included in a municipal street plan for future development and they came and presented to the Board an official plan, which by law, they can adopt, and it was in evidence, you simply could not vacate. The Board would have adopted something that would have prohibited you from doing that, so there wouldn't even be any question of discretion.
Chairman Martin – through the policy we have, you can move it from where it is on the ground now to prescribe a different location for that road with the same name within the same vicinity, goes through the middle of their public facility, building and park, whatever, is to relocate that, this is still within our rights to go ahead and condemn or to relocate those roads. It doesn't prohibit us from doing that, correct, with the language provided now.
Don – the way this language is drafted, you're right, it would apply to the road for which vacation was requested, so by way of example using yours, the street plan has a street in that general area but it's not actually where the one for which is described for which vacation is being requested, then the language Don said he is proposing would not prohibit vacation because that right of way literally wouldn't fall where the street plan showed it, so you could vacate that.
Don pointed out that there was a request for an opinion that which has not been address on the ***2477 Road and will not be until March 10.***
Commissioner McCown – it was interested on the last opinion and no matter how innovative we get on transferring roads or allowing someone to take them and use them, no matter what we call them, they are still a road. And if one individual screams for access on that road with a motorized vehicle to get to point A to point B, most likely the use would revert back to a public road if it were downsized to a foot trail, a horse trail, or bike trail – it is still a public road.
Don – absolutely and now you might to allow a trail use and you might be able to regulate that road under you police power using the model traffic code or something similar, but the perfect example is the Burr Trail Case Ser v O'Dell where that's exactly what the Forest Service and the Bureau of Land Management were trying to do was to restrict that to a trail and Garfield County, Utah succeeded in building a two-lane paved road there on that ruling because it was found to be open for all public use.
Chairman Martin – And that's the definition through RS 2477 and what is a definition of a highway under their definition can be any means of transportation.
Commissioner Houpt – a similar thing happened here and you, during the same process, vacating the road but negotiated a strip of land for a footpath.
Don – that's the negotiation aspect you were talking about and yes, that's possible again by way of example, what you would have to do is find we have a road, we don't really need for a full-use road, no one ever uses it for that, but for a trail, and then you would enter into negotiations to preserve the trail right and

vacate the road. But, you would have to vacate it and you're giving up the road right but there's a public interest left, it's not a question of paying for the road, you're still preserving the public interest.
Chairman Martin – in order to get this off dead center, we need to go ahead and have a policy in place.
Don – one thing not discussed and he wanted to point out in this Resolution is that in the way he wished this to be applied is the County would have to comply with this Resolution itself. So that if we were seeking to vacate a road or right of way, we would have to follow this same process and we would have to get the title opinions that are required, we would have to get the survey's done and that does occur sometimes particular in the circumstance where the County is doing a trade of right of ways.
Commissioner McCown – when we have made those trades of right of ways we have met that obligation.
Don – correct, we do it.
Commissioner Houpt – I would like to make a motion that we adopt the Resolution establishing procedures for vacating public roads and rights of way with the language, the future use language incorporated into this resolution.
Commissioner McCown – the future use language, Tresi.
Don – you do not have because you and John would not authorize me to release this.
Chairman Martin – if we have that language.
Commissioner Houpt – can Don read it to you. This was a huge, huge issue last year and now we're adopting a Resolution and we need to look at some of the issues that were brought up last year. This is the biggest issue.
Chairman Martin – I think it's already implied, but I don't see any problem with that, I'll second the motion.
Houpt – aye; Martin – aye; McCown – nay.
All right, let's get it done – we need to put that into policy.

Discussion and Authorization to Solicit Proposals and Qualifications for Garfield County Airport:

Brian Condie and Carolyn Dahlgren explained the items for discussion.

a. Ramp and Taxi Lane Project

Brian stated they are seeking authorization to put the ramp and taxiway project, highlighted in yellow, is the ramp for the small general aviation. They put in four taxi lanes for T-Hangars and improvement the ramp space in front of the Flight Department for easy access from the Gordon Group Hangars. This needs to go out to bid

b. Taxiway Fog Seal Project

Brian Condie this will keep the taxiways up to standard and not let them deteriorate.

c. *Interested Parties in Leasing Ground Space for Aeronautical Activities*

Brian Condie submitted the request for proposals and qualifications for available ground lease parcels. He explained the scope of services and general information. On survey maps and five marked parcels and one not surveyed yet. The aviation business is in recession but there is a lot of interest in private owners wanting to lease land from Garfield County at the airport. Three businesses and private entities from Texas, Nevada and California want to be advised of the space available to put their smaller aircraft.
The parcel number five didn't show up on the Airport Land Plan and this needs to be notified that this parcel of land is available for putting up a hanger and we need to make a public notice for 30-days. There's a high increase in demand – Eagle is interested in putting in a hanger to handle overflow. The interest in this parcel has been discussed before. The Airport Layout Plan (ALP) is different from the Master Plan, which is only in draft form. This is creating Lot 5 at a lease rate of $10,000 per year at our current lease rate; Lot 6 has not been surveyed yet – it is landfill for the runway project. If there were an interest and someone wanted to excavate it for us, we would make it available for them. Everyone is out of hanger space at the Airport and there is a lot of demand for these lots.
Brian stated he was asking for authorizing to put this out to public bid and to receive – invitation to bid process.
Brian stated he was asking the Board to approve the authorization to put this out to public bid so we can start accepting proposals on what kind of facilities will go there and then go through the selection process with he Board of Commissioners having the final approval. Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – attended the Grand Valley Citizen Alliance meeting; met with various citizens on the Roan Plateau Resource Management Plan; met with the Director of the Ruedi Water and Power

Authority in preparation for the next meeting; attended the RFTA Board meeting; Personnel meeting on Wed. 2/19; Northwest Oil and Gas Forum on the 20th; the Glenwood Springs City Council on Red Feather Ridge on 2/20; and on the 21st there's a regional trails forum in Carbondale; also rec'd letter with a request to write a letter of support for the Great Outdoors for an application to purchase the conservation easement for the Burry Ranch. It was decided that the Board would invite them to present before a decision is made. Commissioner McCown – Commissioner Houpt covered it all.
Chairman Martin - CCI – Friday, Special Tax Subcommittee trying to undo Tabor, work with Legislatures with Tabor; and Gary Osier Retirement Party Sat – 5:30 at 50 Ute Avenue – Senior Center in Rifle.

CONSENT AGENDA

a) Approve Bills
b) Sign Resolution and Special Use Permit for Approval of an Accessory Dwelling Unit for Kenneth Durnil
c) Sign Resolution and Special Use Permit for Building in a Flood Plain for Brian and Taani Rust
d) Authorize the Chairman to sign an Acknowledgment of Partial Satisfaction Subdivision Improvements Agreement for Rose Ranch Planned Unit Development
e) Liquor License Renewals:
   i. Rifle Creek Bar and Grill
   ii. Trapper Lake Lodge – Hotel/Restaurant and 3.2 % Beer

Commissioner McCown excused himself from the Rifle Creek Bar and Grill as he serves on the Board. Commissioner McCown made a motion to approve the Consent Agenda absent item (e) (i) – Rifle Bar and Grill liquor license. Commissioner Houpt seconded; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the Consent Agenda Item (e) (i); carried.

PUBLIC HEARINGS

REQUEST FOR APPROVAL OF THE LANGEGGER EXEMPTION TO CREATE FOUR (4) TRACTS OF LAND FROM APPROXIMATELY 429 ACRES OF LAND LOCATED APPROXIMATELY FOUR (4) MILES SOUTH OF THE TOWN OF SILT, WEST AND NORTH OF COUNTY ROAD 311, IN THE HUNTER MESA AND GIBSON GULCH AREAS.
APPLICANT: JOSEF LANGEGGER

Tamara Pregl, Carolyn Dahlgren and Ron Liston were present.
Carolyn reviewed the noticing of the mineral owners and public owners of property. Carolyn notified the Board everything was in order and they were entitled to proceed.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; 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 of 1984; Exhibit F – Staff Report dated February 18, 2003; Exhibit G – Application Materials; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated December 13, 2002; Exhibit I – Letter from Steve Anthony, Director of Vegetation Management, dated December 17, 2002; Exhibit J – Letter of authorization from property owner dated November 26, 2002; and Exhibit K – Letter from Land Design Partnership dated November 21, 2002, regarding adequate source of water.
Chairman Martin entered Exhibits A - K into the record.
This is a request for approval of an exemption from the rules of subdivision to subdivide approximately 429 acres of land into four (4) parcels on property located approximately 4 miles south of the Town of Silt, west and north of County Road 311, in the Hunter Mesa and Gibson Gulch areas. The property is referred to as Twin Creek Game Ranch.
The initial request for Exemption was heard by the Board at the regular meeting on January 13, 2003. During the discussion of the application by the Board members, it was determined that the one mineral owner listed in the application was not notified. The Board made a motion to approve the Exemption, with the agreement that the Applicant would provide to the Board an affidavit from the one mineral owner in order to finalize the review process. During the process of contacting the one mineral owner, it was discovered by the Applicant that there are several other mineral owners that needed to be contacted. Due to this oversight, the Applicant re-noticed, re-published, and re-posted the property.

Tamara stated that this is a request for an exemption from the rules of subdivision to subdivide approximately 429 acres of land This is a request for approval of a exemption from the rules of subdivision to subdivide approximately 429 acres located 4 miles south of the Town of Silt, west and north of County Road 311 in the Hunter Mesa and Gibson Gulch areas. Tamara reviewed the project information and staff comments adding that the proposed parcels were: Parcel 1 – 2.3 acres; Parcel 2 – 2.6 acres; Parcel 3 – 2.7 acres; and Parcel 4 – 421 acres.

Recommendation and conditions of approval:

Staff recommends that the Board Approve the Langegger Exemption, subject to the following conditions:

1. All representations made by 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 have **120 days** to present an Exemption Plat to the Commissioners for signature from the date of conditional approval of the exemption;
3. The 1978 Garfield County Zoning Resolution standards shall be complied with.
4. The Colorado Department of Health standards shall be complied with.
5. A Shared Access Driveway Agreement shall be filed for Parcels 2 & 3, with appropriate signatures, with the Exemption Plat.
    a. The Applicant shall comply with the recommendations of the Burning Mountains Fire Protection District which include:
    b. New residences shall be constructed with an internal fire suppression sprinkler system.
    c. Building areas shall be mitigated for wildfire protection prior to construction.
    d. Driveways shall be adequately designed for access and egress of fire equipment.
7. The Applicant shall comply with the recommendations of the Garfield County Road and Bridge Department as follows:
    A. The Applicant shall obtain and receive approval of driveway access permits for the new driveways prior to installation.
    B. In the location of the shared driveway for Parcels 2 & 3, the old fence shall be removed and the brush and trees shall also be removed from the existing corner of the fence going south for a distance of no less than 640 feet. The brush and trees shall be removed back to the new fence line.
    C. For Parcel 1, the brush and trees on both sides of the proposed driveway shall be removed for a distance of no less than 200 feet to the north and 300 feet to the south, and a distance of no less than 12 feet from the edge of County Road 311.
    D. A 30-foot easement from the centerline of County Road 311 shall be deeded to the County on both sides of the Road the entire length of the subdivision. All existing fences and/or structures located within this easement shall be removed at the expense of the subdivider. This easement shall have no restrictions on continued maintenance or future upgrades of County Road 311.
8. Due to the potential for mineral exploration on the subject Parcels, the Applicant shall provide disclosure to all potential lot owners via the Protective Covenants, as a note on the Exemption Plat and at the time of closing.
9. Prior to the finalization of the Exemption Plat, the Applicant shall:
    A. Provide to the County Vegetation Management Department a map and inventory of any listed Garfield County Noxious Weeds on the project area. A Weed Management Plan shall be submitted to the County that is specific to the inventoried noxious weeds for review and approval by the Vegetation Management Department.
    B. Provide a new pump test for the existing well, as outlined in 9(C) below, to verify that dependability of the well. An updated water quality test shall also be conducted and submitted to determine the quality of water produced from the existing well.
    C. 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 the number of proposed lots.

5) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day.
6) If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs.
7) The water quality shall be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
8) For water supplies based on the use of cistern, the tank shall be a minimum of 1000 gallons.

10. 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.
11. The following information shall be delineated on the Exemption Plat:
    A. A 30-foot easement, dedicated to the County, measured from the centerline of County Road 311 on both sides of the Road the entire length of the subdivision, where appropriate.
12. That the following plat notes shall appear on the Exemption Plat:

A. Existing and proposed easements for utilities, driveway, and irrigation. These easements shall be included on the deeds for the proposed lots, where appropriate. All new utilities shall be buried.
B. All new structures or uses shall avoid areas of natural drainage to the maximum extent possible.
C. 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.
D. No open-hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.
E. 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.
F. No further divisions by exemption from the rules of Subdivision will be allowed.
G. Slopes exceeding 40% shall be restricted from development. Areas of disturbance shall be revegetated with appropriate vegetation. Cut and fill areas shall be kept in balance and to a minimum. Disturbance of the existing vegetative cover shall be minimized.
H. Geologic Hazards on the Parcels shall be mitigated per County regulations.

I. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.

J. 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.
K. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

Ron Listen agreed with the Conditions as listed in the staff report. There are no mineral leases on this property as confirmed with Mr. Langegger this morning.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Langegger exemption to create four (4) tracts of land as submitted and with all the 12 conditions as recommended by staff; motion carried.

CONTINUED PUBLIC HEARING TO REQUEST APPROVAL OF A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT AT 30414 HIGHWAY 6 & 24. APPLICANTS: JOSEPH AND BRANDY WILLEY.

Tamara Pregl, Joseph and Brady Willey were present.

Chairman Martin reminded the applicants they were still under oath. Exhibits A – K were previously entered into the record.

Tamara entered additional Exhibits: Exhibit L – Well permit for the existing well that serves the mobile home; Exhibit M – Well permit for the proposed new residences; Exhibit N – Staff memorandum dated January 13, 2003; and Exhibit O – Compliance inspection report from Steve Hackett with photographs dated January 10, 2003. P – Q – Steve Hackett – compliance review report and Exhibit R - e-mail to the applicant regarding his inspection dated 2/10/03.

Chairman Martin entered Exhibits L – O and P - R into the record.

Tamara noted that this was first heard on December 9, 2002, continued to January 13, 2003 and once more continued until today to give the applicant additional time to bring the property into compliance with zoning. According to Mr. Hackett's email on February 10, 2003, all of the material that constituted an illegal salvage yard has been removed and the property was no longer in violation with County zoning.

Recommendation:

Since the violation on the subject property has been rectified, staff recommends that the Board pass the following motions to approve the Willey Special Use Permit for an Accessory Dwelling Unit, subject to the following conditions:

A. 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.
B. 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.
C. Prior to the issuance of the actual Special Use Permit, the Applicant shall:
    1) Provide a four (4) hour pump test on the existing well. The well shall at a minimum provide 350 gallons of water per person, per day.
    2) Provide a water quality test for the existing well.
D. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
E. Prior to the issuance of the building permit for the primary residence, all conditions of approval shall be met.

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

A motion was made by Commissioner and seconded by Commissioner to approve the Special Use Permit for McCown allowing for an accessory dwelling A – E.

Chairman Martin impressed with the diligence on the Willy's part to be in compliance.

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST TO APPROVE THE VESTED RIGHTS FOR THE BLUE REEK RANCH PLANNED UNIT DEVELOPMENT AND THE BLUE CREEK RANCH FINAL PLAT. APPLICANT: WINDRIVER DEVELOPMENT, LLC.

Carolyn Dahlgren, Larry Green and Mark Bean were present. Fred Jarman was caught in the blizzard affecting Washington, D. C. The Board approved the Blue Creek Ranch PUD and Preliminary Plan on August 5, 2002, which is memorialized in Resolution 2002-82. The Applicant requests that the Board sign the Blue Creek Ranch Final Plat and grant vested property rights to the Blue Creek Ranch PUD pursuant to Section 14:00 of the subdivision regulation.

Mark summarized the status saying we were waiting to finalize the Subdivision Improvement Agreement and the one outstanding is how to deal with the five (5) affordable housing units.

Larry Green presented the proposal for these affordable housing lots and discussion was held.

Recommendation:

Staff finds that the applicant has satisfied all the conditions of approval contained in Resolution No. 2002-82. The granting of vested property rights status too the project will in effect allow the applicant to undertake and complete the development use of the property under the terms and conditions of a site-specific development plan for a three-year period. This vested property rights status will protect the project's approval status granted under the current County regulation. In the event the regulations change in the next three years, the project will not be subject to those changes. This vested property rights status will begin on the date of the Commissioners approval and remain in effect the full three years.

Affordable Housing

The applicant has modified the language in the Subdivision Improvements Agreement regarding the regulatory nature of the five (5) deed-restricted lots, which is consistent with the direction provided by the Board at the February 3, 2003 meeting. The Applicant at the meeting on Tuesday, February 18, 2003 will present a copy of the modified language to the Board.

Therefore, Staff recommends the Board of County Commissioner sign the Blue Creek Final Plat and approve the request for vested rights.

Carolyn stated the presentation by Larry Green matches her notes taken at the last meeting.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to request to approve the vested rights, the final plat and authorizing the Chair to sign all documents necessary to implement this Resolution – SIA, the development agreement, the declaration of covenants, the acceptance of the school fee, the check going to the fire department and the final plat, and directions to Mildred Alsdorf instructed not to record any of those documents until the letter of credit are in acceptable form to the staff; and all documents necessary, the Chair be authorized to sign; motion carried.

PUBLIC REQUEST FOR APPROVAL OF THE PRELIMINARY PLAN FOR FILING 4 ASPEN GLEN PLANNED UNIT DEVELOMENT ALSO KNOWN AS SUNDANCE AT ASPEN GLEN. APPLICANT: ASPEN GLEN GOLF COMPANY

Mark Bean for Fred Jarman, Carolyn Dahlgren, Don DeFord and Larry Green were present. Carolyn reviewed the regulations for noticing and the submittals from the applicant.

Larry explained why there were two notices due to the holiday, then remembered the holiday and sent out an amended notice for 2-18-2003.

Carolyn 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 Certified Mailing Receipts; 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 of 1984; Exhibit F – Staff Report dated February 18, 2003; Exhibit G – Application Materials; Exhibit H – Letter to Building and Planning Department from the Carbondale and Rural Fire Protection District dated 1/9/03; Exhibit I – Resolution 93-121 approving the Preliminary Plan for Aspen Glen PUD dated 12-20-93; Exhibit J – Letter from the Division of Water Resources to the Building and Planning Department dated 1/10/03; Exhibit K – Email from the Garfield County Engineering Department to the Building and Planning Department dated 2/4/03; Exhibit L – Letter from Balcomb and Green representing the Roaring Fork Water and Sanitation District to the Division of Water Resources dated 2/5/03; Exhibit M – Letter from Schmueser Gordon Meyer to the Building and Planning Department dated 11/22/02; Exhibit N – Approved PUD standards for the subject property as approved in the amended Aspen Glen PUD; Exhibit O – Letter to the Planning Department from Donald and Cynthia Butterfield & Carolyn Hayes dated 2/1/03; Exhibit P – Letter from H. M. Lingle to the Planning Department dated 1/31/03; Exhibit Q – Letter from Steve Anthony, the Garfield County Vegetation Director to the Planning Department dated 1/28/03; Exhibit R – Letter from the Division of Water Resources to the Building and Planning Department dated 10/31/93; and Exhibit S – PUD Map of Aspen Glen PUD in 1997.

Chairman Martin entered Exhibits A – S into the record.

This is a request for approval of an amendment to the Preliminary Plan review for Aspen Glen Filing 4: "Sundance at Aspen Glen" located within the Aspen Glen PUD just off R 109 (Westbank Road) on 13.87 acres. The applicant requests approval to amend a previous preliminary plan approval for Aspen Glen known as Filing 4, or "Sundance at Aspen Glen." Specifically, the request includes re-subdividing a 13.87-acre property into 24 half-acre residential lots from its current lot configuration of 13 one-acre lots. The

subject property was rezoned to PUD in 1992 – Resolution 92-056 – establishing the zoning parameters for 1-acre minimum lot sizes – Resolution 93-121. In 1997, Aspen Glen amended the PUD to allow for 24 half-acre home sites which was approved via Resolution No. 97-38. Nonetheless, the applicant is requesting to amend their previous Preliminary Plan approval from 13 one-acre lots to 24 half-acre lots to be consistent with their PUD zoning. The total number of 643 units approved for the overall PUD will not change. Aspen Glen has moved density within the original PUD. One issue has risen; the Division of Water Resources didn't feel they has sufficient notice where they could prove no material injury to water rights. No response has been received to date. Technically this issue is unresolved. Other basic issues, the PUD is consistent with the Comprehensive Plan and does not change the original approval.

Larry stated that the amendments to the PUD, we have dealt with a signal – traffic at this point and the current build-out numbers do not warrant a traffic signal at this time, this will probably occur as more homes are built. School acquisition fees – developer will need to submit documents.

Recommendation:

The Planning Commission recommended 5-0 on February 12, 2003 to approve the request with conditions set forth below contingent on a subsequent letter from the State Engineer of the Division of Water Resources indicating no material injury to decreed water rights.

Staff Recommendation:

Based on the present response from the Division of Water Resources indicating material injury to decreed water rights, staff is unable to recommend the Board of County Commissioners approve the Preliminary Plan for the Aspen Glen Filing 4: The Sundance at Aspen Glen. If the Division of Water Resources provides an amended opinion as to material injury to decreed water rights, staff would recommend approval to the Board of County Commissioners with the following conditions:

1. All representations of the Applicant, either within the application, and at the public hearing before the Board of County Commissioners shall be considered conditions of approval, unless specifically altered by the Board of County Commissioners.
2. As a result, the Chen-Northern Report dated 12/20/1991 provided that for preliminary planning, the debris and alluvial fans should be considered to have collapse potential unless site specific soil investigations show otherwise.
3. The applicant shall provide the Garfield County Vegetation Manager the following items for approval as part of the final plat submittal application to the Building and Planning Department:
4. All conditions of approval contained in Resolution No. 92-056 and Resolution No. 93-121 shall be considered conditions of approval of this preliminary plan.
5. 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 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."
    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 (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries."

e) “Éach lot shall have a maximum of 2,500 square feet of irrigation land from domestic water system.”
f) "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."

No actual approval has been received regarding the water. It was decided to be best for the applicant to table this issue until the letter from the Division of Water Resources arrives.
Process – what happens if the State engineer doesn’t give us some kind of a response?
Don suggested setting a specific time – funding issues – might not have enough personnel to
If this is consistent and not getting anything, would it set in limbo.
Don is concerned they may not give anymore written responses. There have been some unusual situations – if not by July, the Board would consider this disapproved.
Commissioner McCown made a motion to table this until March 10, at 1:15 P.M. Commissioner Houpt seconded; motion carried.

CONTINUED PUBLIC HEARING TO CONSIDER REQUEST TO APPROVE THE PRELIMINARY PLAN FOR THE SATTERFIELD SUBDIVISION. APPLICANTS: MARY AND JERRY SATTERFIELD

Carolyn Dahlgren, Mark Bean, Tom Stuver, Monica Smith and Don DeFord were present. Mark submitted Exhibits V – Letter from Division of Water Resources dated 1/9/03; and Exhibit W – Resolution No. 83-30 and survey; Exhibit X – Central Water and supply design in a letter from Mr. Stuver dated 2-11-03 and Exhibit Y – Letter from Mr. Stuver dated February 14, 2003.
Mark reviewed the regulations for noticing and the submittals from the applicant. Mark presented a letter from Mr. Stuver states that he is comfortable with the revisions he’s making to
The proposed water supply plan will meet the Division of Water Resources concerns and Tom Stuver is requesting the application be approved contingency upon certain conditions being met and submitted recommendations.
Tom Stuver commented that time is an issue and deserves consideration. One small item left over from the last hearing. This is a two-lot subdivision due to a previous split. He reviewed the original statements at the previous hearing. The design of the system itself was discussed and the design had to be designed with a loop and Mark agreed this was acceptable.
The second issue relates to the well, which has been in existence and used for three households issued by the Division of Water Resources, by identification the parent parcel plus this 13-acre parcel. They could not make a finding of no material injury. The hoops have been set and the applicant has attempted to jump through them and the resolution would be the 5-acre tract needs to be modified and the family member, owner of the parcel, amendment of the Resolution passed in 1983 to shrink the parcel, making it a joint parcel and high expectation this will meet the DOWR concern. Tom is asking the Board to approve the amended Resolution of 1983 to shrink it down by the 2.8 acres and asked the Board to consider this amendment. Then they will ask the DOWR to review the new information to obtain a no material injury by this split. Division of Water Resources has a predisposition to say nothing more.
There is a statute to permit the Board to do this – where the State engineer may not be able to come forth with the ruling. The BOCC has the ability to put a plat note in this case, if the State Engineer does not act on the issue.
Mary Satterfield reminded the Board that this well has been in use for 20-years and all they are asking is to start using the second household.
After a lot of discussion regarding the water issue, Mr. Stuver stated that all documents are ready to execute today with the Board’s approval. He requested that this be approved, and then he will submit a request to the Division of Water Resources to amend the permit and at the same time issue the permit of no material injury. Don reminded the Board that in the worst case, the purchaser has actually noticed the new owner of the lot, and if the State Engineer shuts down the well, they would need to have a secondary source of water.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown to amend the Resolution allowing it to go forward, the conditions of staff as indicated in the staff report, and then the plat note that the applicant’s attorney

indicated that would note that any future buyer would have a right to the letter from the Division of Water Resources and then the procedure to get a letter back from no injury from the State Engineer would be in process at the same time dated October 17, 2002.
Mark clarified one point, in terms of staff recommendations, under Number 1A – the language Mr. Stuver provided, deals with the issue of providing notice to the property owners. Commissioner McCown included that in his motion; Commissioner Houpt seconded the motion;
Discussion – if this motion passes and they start their process for reconfiguring the acreage and then they get a letter from the State Water Engineer and that will come to the Board and we will have verification that this was taken care of. Mark stated that at this point the approval if contingency upon putting a language on the Plat regarding giving a copy of the letter. Tom Stuver said, unless before we submit the final plat, they receive a letter of no injury from the State, and then obviate the necessity of doing that. Carolyn stated the statute allows for this and when the final plat comes to the Board for approval, they would have to make a finding that the water issue had been corrected, the statutory words are "correct the injury or inadequacy."
Mark added that the Board would see this when they decide to present a final plat, depending upon when the County receives it, whether or not the injury has been corrected.
Carolyn summarized the motion: 1) the original Resolution for the exemption be amended to allow a lot line adjustment and the signing of an amended plat even though there is not underlying plat; the second one is to approve conditionally, including all the staff's recommendations and the inclusion of a plat note on the final plat giving notice to future purchasers regarding their access to a letter from the State engineer and 3) the representation of the applicant at the process is presently going on to get the letter from the State Engineer of no material injury. So the question was, whether or not there have actually had to be an amended plat filed concerning that the old Resolution did not require an Exemption Plat.
Commissioner McCown noted that amending the Resolution without a plat to refer to today would be tough. There's going to be a plat on the ground when this all comes around. He wants this to show, we'll amend the Resolution, but when all of this comes down, there's going to be an amended plat that comes back to the Board.
Mark corrected saying this will be a new plat for the two lots being created. The large lot that's the mother parcel and the 13-acre plus 30-foot strip parcel. The original resolution creating the 5-acre tract will not be included on the plat. The Resolution approving the exemption in 1983 dealt with a 5.3 acre parcel and the remainder parcel – and this will be amended by Resolution, then subsequently, there will be a plat filed that will show the larger parcel and a 13 plus acre parcel whatever the acreage is on the subdivision action that will also include this 30-foot strip attaching it or attached more clearly to the larger parcel remaining.
Commissioner McCown – and so that can all be done without creating a drawing of as it is right now?
Mark said yes by legal description in the Resolution.
Commissioner McCown – this is my motion. Don confirmed saying this was his understanding that they will amend the existing Resolution to change the legal description and they will also have a subdivision plat that shows the ponderous of the lots conforming to that description. He asked if the motion included provision that if they obtain a letter from the state engineer, prior to submitting a final plat that they do not need to include that plat. Commissioner McCown – yes, that is true and the letter would accompany the final plat as our proof that they have received it. Commissioner Houpt stated she didn't see the difference in doing this and tabling it so that we can have everything in order before we move forward. Chairman Martin noted we have a motion and a second as re-read.
McCown – Aye; Martin – Aye; Houpt – Nay.

PUBLIC MEETINGS:

CONSIDERATION OF A REQUEST BY SPRING VALLEY RANCH, LLC AND SPRING VALLEY HOLDING USA, LTD. TO EXTEND THE PRELIMINARY PLAN APPROVAL FOR THE SPRING VALLEY RANCH PLANNED UNIT DEVELOPMENT.

Mark Bean summarized the request saying in a public meeting held in November 2002, the Board approved an extension of the preliminary plan for the Spring Valley Ranch PUD and at that time the Board gave them four months to submit an amendment to their phasing schedule. Originally the schedule had anticipated today being a public hearing before the Board to consider the amendment to the PUD, due to a problem with the pubic noticing; the noticed hearing had to be moved back to March 10th. Therefore, the Board's four-month extension technically expires March 5th. They are requesting that the extension be moved to March 10 to allow the Board time of consider and PUD amendment. If the Board agrees with the

amendment, and the schedule changes at the same time, the Board would authorize the extension of the PUD approve which does not require public hearing
Commissioner Houpt moved to approve the extension to March 10th at the 1:15 time. Motion carried

DISCUSSION AND PERMISSION REQUEST FOR A TEMPORARY CONSTRUCTION TRAILER ON PROPERTY LOCATED OFF HIGHWAY 6 & 24. REQUESTOR: GILBERT EAVES, ELKHORN CONSTRUCTION

Mark presented to the Board a letter from Steve Hackett, Compliance Officer for Garfield County. Steve notified Elkhorn Construction they needed to get a building permit for the building placed on this property and it was acknowledged that this was to be annexed into the City and there was no problem with the City. No action is necessary.

ADJOURN

Attest: Chairman of the Board

_____ _____

FEBRUARY 18, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

DISCUSSION REGARDING LIFT-UP LEASE AND USE OF LAND – MIKE POWELL, LIFT-UP

Mike Powell, New Director for Lift-Up submitted some letters to the Board and requested that the Commissioners again grant an in-kind donation of $5,970.75 per quarter and they will pay the $250.00 per quarter. The total is $6,220.75 per quarter.
Commissioner McCown directed Jesse to find out the dollar amount referencing the GATSBY appreciation was and to create a grant so that the Lift-Up would not incur more than $250.00 per quarter in expenses and then the remainder would be in a grant.
A motion was made by Commissioner McCown to sign authorize the Chair to sign the both the lease and a grant in amounts determined to be satisfactory by the Assistant County Manager. Commissioner Houpt seconded; motion carried.

SELECT BOARD OF COUNTY COMMISSIONER REPRESENTATIVE TO THE REGIONAL HOUSING AUTHORITY INITIATIVE – COLIN LAIRD

Colin Laird was not present. This was tabled.

SELECT BOARD OF COUNTY COMMISSIONER REPRESENTATIVE TO COLORADO WORKFORCE

Commissioner Houpt was officially selected to sit on this committee.

HUMAN SERVICES COMMISSION

Deb Stewart, Director, provided the Board a Program Information Report and Updates including a Year in Review for 2002 for all the senior programs.
A point of interest was that the caseload used to be up valley and now there'a a complete flip flop from Glenwood Springs and Carbondale to down valley west of New Castle.
RFTA offers free rides to anyone over age 65 years of age to anywhere they need to go at no cost. The weakest link is in Carbondale. The link is provided on Tuesday and Thursdays in Carbondale. Approved by CDOT to replace the 1984 vehicle. Deb will be writing grants to replace the vehicles in Rifle. There's a new van to go to the Claggett and the ridership is for elderly over the age of 60 and disabled. This is being paid for by private entities.
Ed inquired if this could be a potential for services in case clients for DSS and Public Health if these offices were to move to the Airport site. Deb said this could be included as an additional contract. The financial support is okay through December 31, 2003. Deb stated they might have to go out for funding for the fuel.
Updates were provided by Columbine Homemakers, Columbine Home Health, and Home Health aids.
Kate from High County RSVP, is new to the position; she provides a network for 55 and over and provides services to the Community. Over 460 clients from Parachute to Basalt providing services in the range of

75,000 hours in the past year. Some are helping with Active Choices. Ms. Violet Mooney is one of those and she was honored at the Humanitarian ceremony. Goal for 2003 is to increase volunteers. Looking at a change in demography and encourage 55 – 60 year olds to come forward and volunteer.
Celine Cougar – Social Worker with Columbine Home Health – serve many seniors in the Valley. Mission Statement is to promote a dignified independent lifestyle within our community through the provision of skilled home care services. Nurses, physical therapists, occupational therapists, speech therapists and a social worker who are able to go out and visit people in this community from Parachute to Aspen. Seniors are typically homebound due to some conditions and they go out and do blood draws and other things to make sure they are safe in their homes so they can stay healthy and at home and away from the doctor's office. Most referrals are through the physician. Medicare and Medicaid are two sources that fund their program. They are topped out at 77 patients.
Michelle Moore – (CHIL) Columbine Homemakers for Living Independently. In 2001, the Homemakers became their own entity-serving clients from Parachute to Aspen. They provide Homemaking services such as light housekeeping, thoroughly cleaning, meals, bathing, and companionship – pay based on a sliding scale and the rest is generated through grants and fund raising. 68 participants – 7 in Pitkin, 58 in Garfield County. They spent up to 1 – 2 hours, 1 to 2 times a week. This service comes through resources and referrals, adaptive equipment – finding funding for them. The idea of placing a senior in a nursing home cost $45,000 a year; it cost $3500 per year for Columbine Homemakers.

BOARD OF HEALTH
Mary Meisner submitted highlights for 2002 – list of accomplishments through the hard work of the Public Health Team.
Change order contract
Mary submitted one contract for the Board to sign. She explained this was decreasing the grant amount.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the grant, carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Health; motion carried.

Healthy Beginnings
Wanda reported that growth in the program was a big concern. They have 55 women and if this is continued over 400 women will be enrolled within the year. They need a fair way to assess fees in order to support the caseload.
Current health issues include three babies in Denver and one woman in ICU. Those who have no insurance come here and she stated that this is the only place for these pregnant women to go. They are charging women who come in their 3rd trimester. Also women who have been in the program once before. They are looking at a fair assessment fee schedule. The count is 2002 was at 301 and the way it looks at the present time is that they will be well over 400 in 2003. There's been a lot of transfers who lost their jobs and have come from Women's Health over to Healthy Beginnings. The economy has affected their numbers. Wanda is concerned that many women may not be able to afford the fees, and then they would go without any pre-natal health care. Wanda is also looking at ways to decrease costs.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.
Social Services
As the Board of Social Services:

I. AUTHORIZE CHAIRMAN TO SIGN PLACEMENT CONTRACTS

Lynn Renick supplied a list of new placements, identified by State I. D. number, provider name and annual not to exceed amount for approval.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the placement contracts Y-696843, P481855; P481855 (signature only) Q109901; and Y681386; motion carried.

II. AUTHORIZE THE CHAIRMAN TO SIGN THE AREA AGENCY ON AGING CONTRACT FOR CAREGIVER SERVICES, SENIOR SERVICES/EQUIPMENT AND OMBUDSMAN
PROGRAM (MOFFAT AND RIO BLANCO COUNTIES ONLY)

The addendum was passed out. The contract total is $78,252 and this is the second year of the Caregiver and Senior Services/Equipment programs however, the Area Agency of Aging has not been able to secure an alternative organization to pick up the Ombudsman program for Moffat and Rio Blanco. The Department has a part-time staff member living in Craig who has indicated an interest in taking on this responsibility. The County Attorney's office is working with the Department on an addendum to the contract in the case that this staff member is not available to provide the services. The request to for approval of the contract.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Addendum to Project ID 03-11-39 – AAA of Northwest Colorado Caregiver and LTC Ombudsman and Senior Services once verification has been made for the individual to complete the contract; motion carried.

III. DISCUSSION REGARDING CHILD WELFARE BUDGET ISSUES

Lynn submitted a summary outlining potential revenue and expense shortfall or loss projections as of 6/30/03 for discussion.

Included in the summary is updated information on revised projects, as well as anticipated action and savings.

As mandated by SB 91-80, the Department is receiving $84,291 from additional IV-E monies for state fiscal year 2002. These monies are to be expended on child welfare services directed toward early intervention, placement prevention, and family preservation.

Warrants

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to $86,982.46 in warrants that included the electronic benefits program for eligibility.

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

I. AUTHORIZE CHAIRMAN TO SIGN PLACEMENT CONTRACTS

Lynn Renick supplied a list of new placements, identified by State I. D. number, provider name and annual not to exceed amount for approval.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the placement contracts Y-696843, P481855; P481855 (signature only) Q109901; and Y681386; motion carried.

II. AUTHORIZE THE CHAIRMAN TO SIGN THE AREA AGENCY ON AGING CONTRACT FOR CAREGIVER SERVICES, SENIOR SERVICES/EQUIPMENT AND OMBUDSMAN PROGRAM (MOFFAT AND RIO BLANCO COUNTIES ONLY)

The addendum was passed out. The contract total is $78,252 and this is the second year of the Caregiver and Senior Services/Equipment programs however, the Area Agency of Aging has not been able to secure an alternative organization to pick up the Ombudsman program for Moffat and Rio Blanco. The Department has a part-time staff member living in Craig who has indicated an interest in taking on this responsibility. The County Attorney's office is working with the Department on an addendum to the contract in the case that this staff member is not available to provide the services. The request to for approval of the contract.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Addendum to Project ID 03-11-39 – AAA of Northwest Colorado Caregiver and LTC Ombudsman and Senior Services once verification has been made for the individual to complete the contract; motion carried.

III. Warrants

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to $86,982.46 in warrants that included the electronic benefits program for eligibility; motion carried.

Lynn passed out the Departmental Reports to the Board.

Child Welfare Budget – State allocation and budget processes have been most difficult over the past several weeks. Three separate issues regarding some very significant issues: 1) Expedited Permanency Planning HB 205 funding over a 3-5 funding project – this was the 3d year for the planning (EPP) – children 6 and under are placed, very high-risk cases. Very high maintenance. Received $110,000 that includes $5,000 for any case from Pitkin County. The County has restricted that line item and the $110,000 grant amount was based on 10 cases and it may be wiped out. In May of 2001 we had zero cases. This is a

group of cases that has exploded over the last year. If the restriction is maintained and we loose $110,000 what we'll happen is, whatever we've put into the financial system up to this point, will revert to 100% county only funds. Then at close out, you can take that amount and then put it into your 80-20 line (if you have any funds to do that) and then do that as a total of your child welfare allocation, which is $3,266,000. This would become an unfunded federal program. There is one salaried individual in this as well as contract or other hard services in order to try and get these cases either reunified or whatever it takes.
Learning Curve Issue – this has been building over the past 3 - 4 years and has converged into a massive issue. We have a program within Social Services – 5105 – Child Welfare/TANF program. TANF standing for Temporary Assistance for Needed Families. The eligible cases are child welfare cases, at risk, but they are either cases in home or in relative placement and they meet the TANF guidelines. The initial revenue projection that was completed in July was just short of $250,000 and when the budget was approved, the anticipation on the revenue side was $183,000. The week before last Lynn received an e-mail and a report that stated that there are two pots of TANF transfers that they can do if we under-expend out TANF allocation for the year. TANF is Colorado Works, the federal program; Colorado Works is the State Program. Typically, we have under spent our Colorado Works allocation so we can then transfer up to 30% total of the TANF dollars over for the next year in either all child care, development programs or separate it out to 20% in the child care development program and 10% in Title 20. Since 1999 the program has been doing the same thing, is transfer up to 10% of our TANF transfers over to child welfare. A week ago, they just found out that the transfer was the complete and total revenue source for the child welfare/TANF program. It was their understanding that this was off the top of the TANF allocation but finding out that the TANF is really just up to the 10% TANF transfers and last year it was $124,713 that was transferred and then also on Friday, we found out we had over expended last years by an over expenditure of approximately $38,000 so that was taken off the top but the State told us, oops we forgot to tell you this. This had taken it down to approximately $87,000 and then the State gave Lynn an account analysis of the first 6 months of 2003 expenditures – July 1 – December 31, 2003 which showed approximately $80,000 and it goes back to the same draw down. This leaves the department with a transfer balance for the balance of the program of approximately $7052. This short fall also has been paying for one caseworker salary, one case service aide salary and other administrative and operating expenses for the program. There is approximately $60,000 needed to cover these two salaries for the six months.
Lynn has some other sources of revenue for consideration and has pinpointed them. The TANF incentives has $53,000 that's not allocated and came in from last year and it is general purpose funds. Additionally, Senate Bill 80 has a lot of the same criteria in terms of in-home cases, early intervention, family preservation, placement prevention criteria that's required. Lynn summarized that new information comes in – out of home placements are making a huge deficit in their budget. 1/28/03 – over projection of $172,000 and now the State is showing more to over $400,000. This equates down to the out-of-home placements. They are looking at action plans and potential relief. They have decreased 5 youth in residential centers. If they can maintain this for 6 months, they are looking at $76,000 savings. There is a serious look at the places to cuts. An effort to develop a better action plan is working.
The Board determined that a Workshop is needed.
The complete report was submitted.
Jesse explained that the two out of state high-risk placements cost $240,000 a year and if these can be brought back to Colorado, it would cut costs substantially.
Commissioner McCown noted the worst-case scenario would be $600,000.
Commissioner Houpt stated this is just the beginning of everyone's budget becoming hard hit over the entire State of Colorado and everyone unfunded mandates will continue to grow.
Jesse stated they are looking at all the postings to make sure all was correctly posted to Child Welfare. Casey Roberts is coming Feb. 27th and Jesse felt we would have a better picture. They will be looking month by month.
Lynn said the 2001 and 2002 total placements went from 54 to 80 – a 40% increase.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of the Board of Social Services; motion carried. Motion – Houpt, McCown, carried.

INTERVIEW PLANNING AND ZONING COMMISSION CANDIDATES
Mike Deer, David Stover, Steve Carter, Charles Kent, Bob Fullerton, Thomas Lloyd, Jock Jacober and Kit Lyon were participants in the interviewing process.
Mark Bean drafted the questions posed to each of the candidates.

Mike Deer
David Stover

Steve Carter

Charles Kent

Bob Fullerton

Thomas Lloyd

Jock Jacober

Kit Lyon

Mark summarized the need is for two regular members, two vacant regular members and three new associate members if Rollie and Colin are moved upwards.
Deliberations and decisions
Associate Members have served a full term – going into their 3rd year.
A motion was made to appoint Kit Lyon to the P & Z as a regular Board member by Commissioner Houpt. Commissioner McCown noted that Kit has operated in a staff position and as an alternate she could sit and analysis and if regular members are not present, then the alternates votes. Commissioner Houpt felt that in order to create a dynamitic commission with new ideas and skills, then new members were needed on the Board.

A motion was made by Commissioner McCown to re-appoint Mike Deer and David Stover to the Planning Commission. Chairman Martin seconded.
McCown – aye; Martin – aye; Houpt – opposed.
A motion was made by Commissioner Houpt to move Colin Laird to a regular member and bring Kit Lyon onto the Board as a regular member as well. Commissioner McCown seconded; motion carried.

A motion was made by Commissioner McCown to appoint Rollie Fisher, Bob Fullerton and Jock Jacober as the other two alternates. Commissioner Houpt seconded; motion carried.

The Board directed Mark to notify the applicants not selected thanking them for their effort and expressing the urgency for selecting members even though they couldn't be present today.
Board of Adjustments
Don suggested the others could possible participate on the Board of Adjustments. Commissioner McCown suggested Charles Kent and Jeff Gerhard. Commissioner McCown will proceed with this directly with Mark Bean because more members are needed for this Board.

Surveyor Position

Sam Phelps – Insurance
A date for interviews for the County Surveyor will be held on March 17, 2003. This appointment needs to occur within 90 days of January 14, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
Executive Session – Litigation; Potential Litigation Issue; Contracting Authority; County Property; Social Services Litigation; and Other Issues brought forward by Ed Green, Jesse Smith, and Carolyn Dahlgren
Mark Bean, Tim Arnett, Randy Withee, Lynn Renick, plus the Commissioners, Don and Mildred are needed in the session.

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

Executive Session - Action

Authorization to Proceed with Legal Action – Paul Anderson

Don requested action to authorize the County Attorney's office to file suit against Paul Anderson regarding violation of the Garfield County Zoning Code seeking injunctive relief to prevent that violation.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Direction from the Board – Procurement Code

Don stated he was seeking directions from the Board to present them with amendments to the Procurement Code that would clearly set authorization for service and product purchases authority for $10,000 or less to the County Manager or Assistant County Manager with the exception of elected officials and asked the Board to give similar authority to elected officials at $5,000 or less also authorizing the Contract Administrator to execute agreements for $1,000 or less.
Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

Proposed Revisions to County Exemption Regulations and Proposed

Revisions to the Building Code to Address Site Plan Survey Requirements

Mark stated he had e-mailed these to the Commissioners. He suggested two things: the Building Code issue is a relatively minor revision and it really does not have to go to the planning commission and has a very short time-line in terms of the notice, which is 14 days according to State Statutes. If the Commissioners were amenable, Mark could set up a public hearing. The suggestion is that they only a survey accurate site plan if they're in a subdivision that has lots that are less than two (2) acres in size and they have not been previously surveyed as part of the survey plat itself. Also, if they are proposing to build a building within thirty-feet of an existing property line to make sure they are staying outside the setback requirements. When they get close to the line, that's a concern. The Senate Bill 35 Exemption issue is one that Mark wants the Board to review. There are a couple of different issues: one is the issue of dealing with older lots where they merge them together to be able to create the exemptions similar to what we saw down in Rifle; and the other issue that the Board brought up before was the issue of large ranches in which there were multiple property that were merged together and whether or not each one of those pieces qualified or whether by merger created one and therefore only got three splits. In regard to this, Mark suggested some language that would address these issues. This does have to go the Planning Commission and then back to the Board with 30-days notice.
The Board concurred that Mark could set up a public hearing for the Building Code addressing site plan survey requirement.

Status of the Nurse-Midwives as Employees of Garfield County

Don requested an update from the Board.
Commissioner McCown suggest that Ed or Jesse begin negotiations and see what the possibility of those individuals becoming a contract employees might be and report back to the Board.

Direction – Attending the City Council – Red Feather – February 20, 2003

Chairman Martin suggested that Commissioner Houpt make that presentation and asked Don to attend as well.
Don mentioned a letter has been sent to the City of Glenwood Springs and asked if that was the position the Board wanted presented at this meeting.
The Board concurred and Chairman Martin asked Commissioner Houpt to present this orally as the County's position sticking to the position previously decided.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to have the County's position presented verbally by Commissioner Houpt and have Don present representing staff; motion carried.

Quote – Change Glass in Commissioner Houpt's Office in Courthouse Plaza

Ed stated this would cost $425.00 from Harold Banks and requested the Board's approval. This can also be done for Commissioner McCown as well. This is a see through glass without the ability of the public to see inside.
The Board concurred.

Valley View Revenue Sharing Bonds – Hospital Project
The Valley View Hospital and their attorney have indicated they would like to set up a meeting next week with interested members of the staff and County Commissioners to explain the course of their project and financing for the project for the hospital. Ed, Commissioner Houpt and Chairman Martin, Randy and Jesse have indicated interest. Don will contract those interested once a date is set. If there are two commissioners who will be attending, the meeting will require posting and have arrangements made for taking minutes.

Associated Governments – Tuesday, 10 A.M. to 2 PM – February 20, 2003
Commissioner McCown requested Mildred post the meeting and if unable to be present, to establish someone to take minutes. It was suggested that Jim Bell of the local public TV station could potentially furnish videotapes as well. This is generally informational in nature.

Informational
Commissioner McCown advised the Board that he would be out of State as of Saturday, February 22 and will be back March 7, 2003.

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

Attest: Chairman of the Board

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PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONER
GARFIELD COUNTY, COLORADO
MEETING MINUTES OF FEBRUARY 26, 2003

The Special meeting of the Board of County Commissioners began at 3:00 P.M. on Wednesday, February 26**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, and Marian Clayton, Deputy Clerk & Recorder.

CALL TO ORDER
Chairman Martin called the meeting to order at 3:08 P.M.

REVIEW PLANS FOR THE NEW EXTENSION AND BONDS OF VALLEY VIEW HOSPITAL ASSOCIATION
Attorney Courtney Petre, Chief Financial Officer Larry Dupper and Chief Executive Director Gary Brewer were present from Valley View Hospital.
The Valley View Hospital Application for Development Revenue Bond Proposal was submitted and reviewed by the Board. Notation was made that this was just received by the Commissioners and therefore they had no time to review the contents.
The 2003 Improvement Project
The Development Revenue Bond process will enable Valley View Hospital to expand, develop and modernize its facilities and the provision of health care services through a large physical service area in Garfield County and neighboring areas; and the net proceeds of the Series 2003 Bonds will be used to refund the outstanding Series 1999 Bonds and to finance a portion of the cost of the 2003 Improvement Project, Phase I for the next ten years. Those entities involved in the process include: Kutuck Rock LLP, Bond Counsel for Valley View Hospital; George K. Baum, Bond Counsel for Garfield County – Alan Matlosz of Sherman Howard; Blake Jordan, Consulting Attorney for Garfield County; and Radian Asset Assurance, Inc. – the insurer. Bond Amount - $44,000,000.
Don and Ed had reviewed the application and had referenced discussion points. The hospital property includes approximately four acres leased from Garfield County under a lease extending to 2084. VVH agrees to pay the County for all out of pocket expense in the event that the bonds are not sold; this includes the consulting attorney and bond counsel fees in excess of $25,000. The payment of these fees is to be paid to the County before the Inducement Resolution is approved. Questions were addressed regarding the floating rate issue as to the interest rate hedger and agreement with respect to what provides or involves the County. The discussion centered around the Garfield County Industrial Revenue Bond Resolution and an Inducement Resolution that will be presented to the Board on March 17, 2003. The specific requirements that Don DeFord required in order to proceed, the agreements with the dollar amount for Alan Matlosz of H. K. Baum and Blake Jordan with Sherman and Howard were to be in written form and forwarded to Courtney as soon as possible. The estimate Don received verbally, related to cost, was $30,000 for Alan Matlosz of George K. Baum Bond Counsel and $10,000 for Blake Jordan from Sherman & Howard to review the legal and offer an opinion. Valley View was somewhat surprised at the amount just to review these documents. Don will nail down the actual cost, obtain contracts and provide these to Courtney.
Gary Brewer explained that this was to be the last bond financing for the proposed in the first 5 Phases of the 6 Phases in the new construction at the hospital. The next phases will be constructed from working capital and it will be between $5,000,000 and $10,000,000 each. Phase 6 will be several years in the future and that is when they tear out the lobby and main entrance to the hospital. They estimate that to cost around $20,000,000 and will need to do some additional financing in order to complete that proposed construction.
Don particularly noted in the Introductory Statement "County loan money…" This implies debt and under Article 11, the State Constitution does not allow the County to loan money. Clarification was made that this was the proceeds of the bonds. Don referenced the Industrial Bond Resolution noted that when this was adopted, Tabor was not in effect.
Larry Dupper explained how the cash flows and reviewed the balance sheet.

Don focused in 12C "The County's legal staff needs to review the documents for compliance with all County requirements." In the past when the County has done issues for its own projects, he has issued an opinion and Valley View expects the same in this instance.

Legal Opinion – Constitutional Requirements

Don was very insistent that Valley View Hospital supplies him with something that satisfies that this is a constitutional permissible debt in writing that he can rely on. Courtney felt this was something that should come from Blake Jordan to the County as the issuer. Don felt this should come from Bond Counsel as he doesn't want any liability for this issue for himself or the County or the retained Bond Attorney, he wants it to come from Bond Counsel. He was very insistent that the attorney responsible for the issue to write the opinion on this issue as to why the County can loan Valley View Hospital money. Courtney will check with their bond counsel.

Under Bond Counsel Opinion, Don said this is where this should be addressed as the opinion of Bond counsel has to address the whole issue; however, he wants to make sure this specific issue is addressed. The opinion should cover the Constitutional requirements and not just the Act itself.

Section 13 – Indemnify the County – Liability Issue

Courtney affirmed that the liability is with Valley View Hospital and should be included in the loan agreement with the County.

Inducement Resolution

Valley View Hospital will provide explanation in their presentation on March 17, 2003 and that their attorney provide the legal opinion. The goal is to issue these bonds by the end of April 2003.

Property

Garfield County owns the property under the hospital and in the lease and loan documents, there needs to be some language for "lease hold interest" and Don requested this language be very clear.

The language for publication and the agenda will need to be presented to the County by the March 17th meeting. Valley View will also answer questions related to the ratios under Section 11D, Asset Life under 11 F-1; and 12B – Revenue Sharing Bond terms on Bond, and 12-E-3

Chairman Martin suggested that the County could hold a special meeting if timing becomes an issue.

Adjourn

Attest: Chairman of the Board

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PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONER
GARFIELD COUNTY, COLORADO
MEETING MINUTES OF FEBRUARY 28, 2003

The Special meeting of the Board of County Commissioners began at 4:30 P.M. on Wednesday, February 26**,** 2003 with Chairman John Martin and Commissioner McCown via telephone and Commissioner Tresi Houpt present. Also present were County Manager Ed Green, County Attorney Don DeFord, Assistant County Attorney Carolyn Dahlgren and Mildred Alsdorf, Clerk & Recorder.

CALL TO ORDER
Chairman Martin called the meeting to order.
Frost Law - County Road 319
Marvin Stephens, David Grisso with EnCana Oil and Gas and Jake Mall were present.
EnCana requested exemption from the imposition of the frost law.
Don informed the Board of the Frost Law Provision under the Road Permitting Section that allows the road and bridge supervisor to close or restrict weights on roads when essentially climatic conditions jeopardize the roads by allowing currently permitted vehicles to use the road.
Certain roads that EnCana Oil would like to use are, as of today, subject to the Frost Law restrictions reducing the weight generally from 80,000 pounds gross vehicle weight to 35,000 pounds gross vehicle weight. EnCana has stated that this would severely hamper their activities and are asking for an exemption under certain conditions.
David Grisso explained EnCana's position. A copy of the letter read into the Minutes to the Board due to the fact that they were out of town when it was submitted. The contents of that letter included the fact that EnCana Oil and Gas (USA) Inc. has an immediate and on-going need to transport loads weighing more then 35,000 pounds across Garfield County Roads. Their request for exemption includes an agreement:

1. EnCana will obtain and pay for a permit for all Overweight Transport more than 35,000 pounds;
2. EnCana will use County Road 346 and 319 for 90% of their access for this "frost law" period;
3. EnCana will use County Roads 315, 336 and 331 for the Eastern portion of their activity and will restrict access between 12:00 a.m. and 5:00 P.M. and all frost law restrictions;
4. At EnCana's expense, they will conduct a video survey of all paved portions of the County Roads they intent to use and provide a video to the County. No less than weekly, Ray Hayden/David Grisso and a department representative will inspect the roads used for the overweight transport to monitor any possible damages;
5. EnCana will reimburse the Board of County Commissioners for all damages to CR 346 and CR 319 for damage caused by EnCana's overweight trucks during the 2003 frost law periods. Reimbursement is estimated to be $190,000; and
6. EnCana will provide a list of contractors that will be using the roads during this time.

And, a second letter was submitted stating EnCana Oil and Gas (USA) Inc. will fund minor grade repairs and a 3" asphalt cap on County Road 319 from the Intersection of County Road 352 to the end of pavement at the entrance of Grass Mesa Road to be performed in June of 2003 at an estimated cost that shall not exceed $45,000. This is a commitment made to Road and Bridge, no matter what happens with the other request.

A road map was submitted showing the exact location of the roads being discussed.

Marvin explained the changes stating that instead of EnCana coming up I-70 by the Airport hill to go to West Mamm Creek, that portion will change. All the heavy truck traffic will be off that portion and will be taken down to the traffic route until it hits West Mamm and then go up that way on 319 road. David Grisso stated EnCana will not be shifting any traffic to CR 319 that isn't already there, which is 90% of their activity. Marvin stated CR 319 has an average vehicle count of 2400 cars per day at Shaffers and one count on the lower end that did include the Grass Mesa residences. The actual designation on CR 319 from the intersection up the hill to where EnCana is developing is under the Frost Law, effective 2/28/03. The other roads pass Shaffers are gravel and there is no frost law currently in effect. The Frost Law is only on the paved portion. Changes were made to Conditions No. 2 to "a portion of 319 to be used on a 24-hour basis

with guarantee of repair" removing the "12:00 a.m. until 5:00 a.m." and in No. 5 to include "all temporary and permanent damages to CR 346 and CR 319" in the proposal.

Don stated, in a worse case scenario for the County Roads, if the Frost Law is in effect for 90 days, how many vehicles over 35,000 pound will need to use this road.
David Grisso responded that they have a contingency plan and their rigs move every 60 days. There are not a lot of rigs in the next 30 – 45 days; the contingency plan to skill back of their operations to the minimal if this frost law goes for an extended amount of time.
Don had an estimate of 400 vehicles to be used by EnCana during the frost law period and David Grisso confirmed as a guess that would be correct.
Commissioner Houpt expressed her concern for the residents if these particular roads were damaged and had to be closed for repairs.
Marvin explained that if the weight limits are reduced, it will require a great deal of added traffic in order to move the rigs and water needed at the EnCana sites.
David Grisso stated they will still do the activity, just between 12:00 midnight to 6:00 a.m. and it will take them longer. The amount of traffic will still be on that road and they will buy every permit and move the proper amount of equipment. They are just asking for that short section of road to be exempted and they are guaranteeing they will repair it.
Don – the County Frost Law regulations do not specifically allow for this type of an agreement, it provides for frost law, security agreeable to the Board, and he views this same type of security as a deposit agreement on a subdivision, therefore, the Board needs to do this by contract and signing the submitted EnCana letter. If the Board is going forward with this, Don said there is some language that needs to be discussed.
Commissioner McCown noted that this arrangement has been done with CR 320 and Parachute Creek and this is making sure that security and the agreement is adequate and the County is compensated for any damage to the road. In addition, this route is a school bus route and the road will be safe to travel.
Don explained the language changes he suggested:
Number 5 – the language currently reads, EnCana will reimburse the BOCC for all damages to County Road 346, 319", it now says "for damage caused by EnCana's overweight trucks" and this language should strike language "caused by EnCana's and simple say "for damage caused by overweight trucks." There are three other roads they are going to use, but subject to the frost law, it is a language change that is necessary.
Number 3 – Not only restrict access between 12 and 5 it should also say "and subject to all frost law restrictions." The other change – Number 5 – it should be "for repairs for all damages and should be for temporary and permanent repairs for all damages."
David Grisso noted that Road and Bridge knows the roads EnCana is traveling and the number of trucks
Commissioner McCown stated at this time, no other variance to the frost law provisions will be made to any other company until they come to the table with an agreement.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman Pro-tem to sign the contract with EnCana with the changes and revisions noted by the County Attorney to said contract and we enter into that agreement to allow them to operate during the Frost Law with guidelines outlined and discussed here in this meeting; motion carried.

Action – Valley View Hospital

Don stated he had a request from Courtney Petre from Valley View Hospital that the Chair or the Chair Pro-tem be authorized to sign a plat that's been submitted by the Valley View Hospital folks to the City of Glenwood Springs at the City's request. This is a plat that's entitled Valley View Hospital properties – it was submitted primarily for the purpose of demonstrating that property on the east side of what used to be Palmer before it was vacated has been merged into a single lot and it is also shows, at the request of the City, all of the properties that will be involved in the Valley View Hospital project. This includes County property and that's why they want the County to sign the plat – it shows the existing property that was under the old lease as well as the vacated roadways that have now been merged into the property that is the subject of that lease, which should have a recorded amendment to the lease on the property.
Chairman Martin asked if it has been reviewed by Sam Phelps as well.
No, per Don and he warned Courtney about that. The reasons Valley View is bringing this to the Board is they need to get this plat finally approved so they can give it to their title company as the final description of the property for which they need a title opinion and they have to do that next week. Valley View has not

submitted it to the County Surveyor and explained that the Board may want that done. Courtney wanted to proceed anyway.

Chairman Martin – the policy of the Board has been that we do not sign anything until it has been reviewed by the County Surveyor unless there's a change; he would still feel the same.
Commissioner McCown agreed.

Don stated he could try and work within the time frame to have Sam review the plat.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman or the Chair Pro-tem to sign the plat after Sam Phelps, County Surveyor has reviewed and signed the plat; motion carried.

Executive Session – Discuss Personnel Item – Oil and Gas Position
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
Mildred, Don, Carolyn, and Commissioner Houpt plus via telephone, Commissioners McCown and Martin were in the session.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Action
Commissioner Houpt made a motion that we invite a community member and representative from the industry to participate in interviewing the candidates for the oil and gas auditor position with the ultimate decision for hiring being made by the County Manager.
Commissioner McCown stated he couldn't second that motion.
Chairman Martin – with all due respect, he wanted to leave it like it is but would second the motion for the vote.
Houpt – aye; McCown – nay; Martin – nay.
We will leave it the way it is until we have a true discussion and a policy change and if we are going to do that, we need to have it written to inform everyone. He said he empathizes and understands what Commissioner Houpt was trying to do, it is the wrong timing.
Commissioner Houpt – there isn't a written policy at the present and no one stopped her from calling the public on this. The Human Resource Director and Ed didn't see a problem at the time.
Commissioner McCown – the point is that you want to call after the public.
Commissioner Houpt – And that's not even, we talked about Larry, we talked about …
Commissioner McCown – Did you contact Williams Energy or EnCana or anyone for a representative?
Commissioner Houpt – No, I thought it was a good idea that you brought that up, I hadn't thought about it.
Chairman Martin – That's the only thing I have about the policy change, we need to discuss it so we know all of the different sides and possibilities. If we need to discuss it at a different time, then I think we can bring it up and discuss it.
Commissioner Houpt – And I think we need to define policy too, because I'm accustomed to being in written form and I have a problem if we just have verbal policies floating around the County. We need to get these policies in place.
Chairman Martin – Okay, and that maybe a way that we go ahead and work toward the future in writing the policies down and that also has a drawback, but again that's like the Personnel Policy that we are putting together – it's a work in progress. Those are the issues we come up with, discuss that, and put polices in written form, but we will need to make affirmative action on that before we do it.

Telephone System – Healthy Beginnings and Nurses
Ed Green – one other item is a matter related to Healthy Beginnings and the Nurses. Their phone system is going to out and it has cost us $6200 for repairs since they moved into the Mountain View Building. Mary Meisner is asking consideration of a new phone system. This is the one that was purchased by Margaret Long when she was the Social Services Director and it never worked very well.
Chairman Martini suggested moving ahead to find out the overall cost to replace it and go out through a purchase agreement, put that in order and see what our proposals would be.
Ed stated this would be in the range of $10,000 to $18,000.

Commissioner Houpt explained they can't receive any calls at the present and there have been many lost calls.
Don DeFord – if this is an emergency, the may make a determination that justifies exception to the Procurement Code so we don't have to go through the bidding and advertising process.
Commissioner McCown – before we determine this to be an emergency, he didn't want to single source this on Mary's say so. It deserves a second opinion or a look from someone on the system.
Commissioner Houpt – it's a five-year old system and Richard has been out there, they've had a private individual out to do repairs and Wanda reviewed a list of calls missed.
Ed summarized – get Tim involved and get multiple quotes, don't sole source it. This would be a capital improvement to the building. This is affecting both Healthy Beginnings and the Nurse.
He could direct Tim to obtain the most cost effective quote possible and if we find something under $20,000 to proceed.
Commissioner Houpt made a motion that Ed Green be given permission to move forward on the emergency procurement method outlined under paragraph 5-104 of the Procurement Procedure for obtaining a cost effective bid under $20,000 for a new phone system in the Mountain View Building. Commissioner McCown seconded.
Commissioner McCown stated that anyone was going to have the system on the shelf. We're not going to be able to pool the town and come in and slam it in by next Wednesday. So, let's not over react and go out and sell the farm to this because it is an emergency situation.
Ed said he understands.
Motion carried.

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

Attest: Chairman of the Board

_____ _____

MARCH 10, 2003
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 10**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

March employee of the month – Marilyn Hatfield, Clerk & Recorder's Office

Mildred Alsdorf, Marsha Tadus, Pat Davidson and Amanda Garrison were present for the award. Mildred presented the award to Marilyn and stated that Marilyn has been an employee of the Clerk and Recorder's Office off and on for over fifteen years. She works in the Motor Vehicle Department and she works in the Rifle office as needed. She's very efficient, capable and very good with the public. We have people who will sit on the sidelines and wait for her to be free so she can assist them. Mildred said she is very proud of her and very glad she was elected Employee of the Month.

Award competitive bid to Western Petroleum for the acquisition of bulk motor pool for the cost of $86,375

Tim Arnett and Marvin Stephens were present. Tim explained that this was for the acquisition of bulk motor fuel for the year 2003 for fuel tanks at the Cattle Creek branch (2,000 gallons) and the Road & Bridge Facility in Rifle (10,000 gallons). Due to the unstable prices of fuel, prices will fluctuate throughout the year. Commissioner McCown remarked that when this dollar amount was used, then it would require a supplement. Tim added that the need to purchase fuel at the pumps would still be necessary. The budget for fuel for 2003 is $140,000.00. Marvin stated he that he anticipated before year-end the price of fuel would be upwards to $2.00 a

A motion was made by Commissioner Houpt to award the bid to Western Petroleum for $86,373; Commissioner McCown seconded; motion carried.

Award bid to Farhurst Enterprises for remodeling the Treasurer's Office in the amount of $33,487

Tim Arnett, Richard Alary, Chuck Brenner and Georgia Chamberlain were present. Brenner Architecture prepared specification and a legal advertisement was placed in the newspaper. Seven potential bidders were present at the wall thru held January 29, 2003 and Farhurst Enterprises submitted the lowest responsive bid. Tim noted that performance and payment bonds are included in his bid price of $33,487. This price is a turnkey price. The plans includes removal of both bathrooms, walls removed, tax collector raised platform, a work station/storage area, and raising the floor behind the tax collector counter for safety purposes. This also includes a new ceiling and necessary wiring. This will be very open space.

Georgia said that she and the staff worked with Chuck and everyone had input into the plan. They are pleased and believe this to be a good working space. Bob, Public Trustee, will be located a little back from the tax collector counter and there is good public access and customer service. There is room for expansion as far as adding a workspace area whether it is temporary or permanent. An area has been designated for tax notice mailings.

Chuck stated he didn't think the concrete walls were 10" thick rather 6". However, the holes cut will give visibility for both Jean and Georgia out to the work surfaces. A few years ago, in the old Treasurer's space the window in Georgia's office was enlarged in order to afford her a good view of the workspace. Commissioner McCown inquired of Georgia is she felt comfortable about the 5' space in front of the counter. Chuck said this is what they now have where currently located. There will not be any chairs. There is only one way in and one way out and he was concerned about possible congestion with people standing and waiting to be served at the counter. Georgia stated if seating for customers who are waiting becomes an issue and the hallway doesn't accommodate that, there would be a place available to have people wait. If customers come in to pay their taxes with a deadline, then they expect to stand in line.

Storage Space

The space previously occupied for the nurse, currently blank space, once looked at for a mail room, but with Georgia moving out of her space, the mail room could be over in another section and at the present time there is not an assigned use to that area.

Commissioner McCown said it could be probably be utilized as temporary storage and if another priority takes precedence the Board will make the choice at that time, with no additional work to be done on it. Chuck stated there has been very little work that had been done in the workroom also. We're taking a counter that existed in the main area and moving it in that space in order to give Georgia a nice work counter.

Commissioner McCown asked if all of the bathroom fixtures could be salvaged or just dispose of them. There was also a concern with only one exit. Chuck explained the elevation change in the floor space and in order to make the counter work at the higher elevation, they are raising that even further. They are raising the floor that is behind the counter making that a significant step to go out the second door. The door can be left in place and provide a step to make a second exit for staff but not for the public for safety purposes.

Commissioner McCown clarified that this is a turnkey price. Tim said the paint and floor coverings and included in the Richard's budget.

A motion was made by Commissioner Houpt to award the bid to Farhurst Enterprises for $33,487.00; Commissioner McCown seconded.

Discussion

Dale Hancock stated $20,000 was carried forward for the project and we are $13,000 shy again. This is the second capital project for facilities that has come in to print the test of that budget. If the Board will recall, in the HVAC we went back $20,000 more than what we had planned, so he asked the Board to recognize these projects are taking a budget impact beyond what was planned and request that it be noted in a public meeting that he would like to see a supplemental in the amount of $13,487 be incorporated in the capital fund to cover the project. Chairman Martin acknowledged with the necessary paperwork. Commissioner McCown suggested doing it all to cover the HVAC too. Ed agreed. Commissioner Houpt suggested perhaps waiting until we see where we are budget wise. Ed stated that was a good idea and they could wait until the end of the year and make an adjustment. Commissioner McCown said he thought we were to do it on each expenditure. Jesse – we have money for building improvements, we had some ideas as to what improvements were going to be made in that $209,000 but Dale is saying this is $33,000, the $20,000 of HVAC and $13,000 on this and this money is coming out of that $209,000 that was not planned. We can wait until later in the year as we begin to do these other improvements; they might come in under what we expected and wouldn't need the entire $33,000. Commissioner McCown suggested some of those improvements might have to be postponed. Commissioner Houpt said she would rather wait. Commissioner McCown asked if window coverings were included in this proposal. Richard stated there were existing blinds that would be used. Motion carried.

Award competitive bid to Wagner Equipment Company for the acquisition of (1) 2001 Cat 320 CL Hydraulic Track Excavator with 1370-hours for a total cost of $113,255.00

Award competitive bid to Wagner Equipment Company for the acquisition of (1) 2001 Cat D&R Hi-Track Tractor with 2350-hours for a cost of $250,742.00 after trade

Tim Arnett, Mike Vanderpol and Marvin Stephens were present. The bidding process was explained to the Board for these items.

Discussion on Landfill Equipment

The estimated cost of a screener, list price from Power Equipment – a brand new hydro grid which has a reject pile and a conveyer to take the material off to a different site is $110,000. 2001 with 1000 hours is $99,000 and a 1999 with 1500 hours was $82,000. What Mike stated they would like to do is possible go ahead with a rental for a few months, try it out making sure it meets the need and we have $40,000 in rental equipment. Marvin stated this was a two-stage and would help a lot. With every loader bucket that's dumped in there now you have to do two loader buckets to take it away. This will have conveyor belts so the reject not wanted will be separated and will save on manpower.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the competitive bid to Wagner Equipment Company for the acquisition of (1) 2001 Cat 320 CL Hydraulic Track Excavator with 1370-hours for a total cost of $113,255.00 and to award competitive bid to Wagner Equipment Company for the acquisition of (1) 2001 Cat D&R Hi-Track Tractor with 2350-hours for a cost of $250,742.00 after trade. Discussion. Commissioner McCown stated the loader would go to Road and Bridge; the dozers go to the landfill. Ed stated there are appropriate credits coming from Road and Bridge to the landfill. Commissioner McCown explained his reasons for doing this in one motion is because it's the same vendor.

Don wants to make sure the appropriate funds are tracked. Marvin confirmed it would be. Motion carried.

Award competitive bid to Honnen Equipment Company for the acquisition of (1) 2002 John Deere 644H 4.5 Cubic Yard Front-End Loader with 750-yours for a total cost of $99,450.00 after trade

Commissioner McCown made a motion to award competitive bid to Hone Equipment Company for the acquisition of (1) 2002 John Deere 644H 4.5 Cubic Yard Front-End Loader with 750-yours for a total cost of $99,450.00 after trade to come out of Road and Bridge fund. Commissioner Houpt seconded; motion carried.

Commissioner McCown stated he appreciated the evaluation process Marvin, Mike and Tim went through – it saved the County some money and advised them to do the same thing on the screener plan too.

Citizens Not on the Agenda

Bill Porter – Fire Ban and CR 335

Fire Ban

Bill referenced the potential Fire Ban the Commissioners are going to consider saying this is a concern. Chairman Martin stated the only ban he was aware of was the one with the City of Glenwood Springs and the Rural Fire District; they are the only ones talking about it and this Board has not even had a discussion on it. Commissioner McCown added there is interest among all the Fire Districts regarding a Fire Ban. Bill stated the agricultural community would strongly disagree with the notion. The system the County has had in place for the several years works fine. It this Fire Ban being proposed would have been in place, it would not have prevented the fires from last year. There's a lot of burning in agricultural and he feels this would impose permitting that generates unnecessary hassles.

CR 335

Bill addressed the 35,000 pound weight limit for the section from the Interstate exit to Apple Tree stating it has never been posted before; it has been further to the west. 35,000 pounds is the weight of his truck and trailer empty and when bringing in hay he's at 80,000 pounds. He has 1,000 head of cattle coming in next month and every one of those trucks will weight 80,000 pounds coming off the Interstate. There's a tractor coming in with scrappers and the tractor alone weight 44,000 pounds without a truck or anything. He cannot operate with the 35,000 pound weight limit. His concern was with the restriction pertaining to the agricultural industry that the County promotes. He requested further discussion to work on solutions to resolve the problem.

2002 Department of State Domestic Preparedness Grant – Guy Meyer

Guy Meyer submitted information to the Board stating this was the second go around for the domestic preparedness funds in the State of Colorado. The core group worked last year in developing the grant request of $158,000. We were approved for $25,000 for some communication equipment. Guy requested the Chairs signature on a grant. There will not be a need to do a supplemental this year for these funds as the State will set up a web-site for individuals to purchase directly and bill the State. Guy requested and was granted a Level C capability and they purchased masks, suits, boots, gloves etc. The County is getting a mobile repeater this time. Guy stated that he and Bob Kibler, Communication Director discussed this and will determine a solution where this equipment would be authorized and available for any department. He stressed the importance of having controls in place in order to secure the whereabouts of the equipment and how it's monitored. Guy explained that the mobile repeater would be used where there are dead spots in the County where the current repeaters do not work. The mobile repeater has the capability of being placed in a center where communication can be effective.

Request by Valley View Hospital for Egress through Mountain View Property

Ed stated that in the support of the construction initiative at the Valley View Hospital, the hospital has requested permission to temporarily use some of County property. Dale said there was a proposal submitted by Earthworks Construction Company and Option 2 shows a 230-foot temporary access. Option One is a 320-foot access. The difference would be that the 320-foot access comes off Blake Avenue and then goes back to the eastern most end of the bank they are reinforcing. The shorter option, the 230-foot option goes through the parking lot behind the Mountain View Building. They need the access and this can be a win-win solution due to a water pipe break in December that will require re-vegetation, replanting. Dale submitted a letter where the hospital commits to restoring the soil and landscaping to its original condition when they complete the project.

In regard to Commissioner McCown question as to the affect on the Mountain View Parking Lot, Dale explained that the County could experience some asphalt damage however there are some damages already and the hospital has committed to restoring the asphalt if they go through that 230-foot option. Some safety problems could occur and Dale said his preference would be to go off Blake Avenue even thought it's

longer it would also serve the revegetation purposes more fully. Commissioner McCown did not agree with shorter option of going through the parking lot due to the potential of the safety issues resulting in possible liability and recommended the longer route.
This information was not included in the Board's packet. Don suggested some type of agreement on this issue. Dale said the City requires some type of permit to be acquired to do the cut through there. This is actually a right to encroach County property. Don suggested the area be defined they want to use and done under a license agreement with the County and provide us with an indemnification agreement and insurance, revegetation requirements, etc. The agreement will be with the hospital in order to take the responsibility. Commissioner Houpt requested additional information as to who would be impacted on Blake Avenue and to table this until March 17, 2003. Don agreed because this was news to him as well. Mike Biles is the facilities management and Dale will discuss this further and put together a license agreement to be before the Board next week.

Resolution distributing receipts from the National Forest Reserves

Ed explained that Georgia pointed out some details that needed to be discussed with the Board, mainly it didn't balance. The error occurred with staff in using last year as an example and failure to include the dollar amount details. Don framed the motion saying the Chair should be authorized to sign a Resolution that will repeal Resolution 2003-08 enacting a new Resolution setting forth an alternate distribution of funds.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

City Council – Meeting Silt Town Hall

Ed stated he had received a call from Rick Eloise from Silt requesting a meeting with City Council with the Board of Commissioners either March 26 or April 2 at 6:00 PM to discuss common issues. Ed felt the Silt Road and Bridge shop might be one issue for discussion.
The Board agreed upon Wednesday, April 2, 2003 at 6 p.m. at the Silt Town Hall.

COUNTY ATTORNEY UPDATE – DON DEFORD

Discussion regarding donation from Representative Al White

Don submitted a letter from Al White saying because of Amendment 27, he is required to spend down his campaign account. A check for $500 has been received by the County. Mildred and Don discussed this when it was first received, found do authority for acceptance for this donation in the Statutes under the Fair Campaign Practices Act. Mildred may inquiry of the State and they provided us with no alternative. The only Statutory authorization would fall perhaps to a charitable organization recognized by the IRS and he didn't feel we meet the definition. There is a very limited scope where Mr. White can use these funds and it can be contributed to a political party, a candidate established by the same candidate for a different public office, a charitable organization recognized by IRS or returned to contributors. Healthy Beginnings was suggested.
Don asked if the Board would like him to respond to Mr. White accepting the funds despite the law.
Commissioner Houpt suggested donating this to a charitable organization and suggests Healthy Beginnings.
Commissioner McCown suggested the letter should include the fact that we can't accept it and that it would be up to him if he wanted to donate it to a charitable organization, suggest Healthy Beginnings if that is the only who would qualify or go to Human Services Commission as a funding stream.
Commissioner McCown made a motion to authorize the Chair to sign a letter to Al White suggesting this to be donated to Human Services to be distributed amongst the other folks. Commissioner Houpt seconded; motion carried.

Consideration/approval of Resolution adopting and amending the Garfield County Investment policy

Georgia has discussed the substitutive changes with the Board concerning the alteration of exhibits attached to this Resolution for approved brokers and approved depositories or banks and the Board approved this action. In looking at the existing Investment Policy together with the Statute, the policy itself needs to be adopted by Resolution and that has not been done. Therefore, Don requested the Board adopt the existing Investment Policy with the amended annexes four and five.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Consideration/approval of Resolution establishing Search and Rescue fund

Don presented a Resolution establishing a Search and Rescue fund in line with Statutory criteria. This has existed in practice for more than a year. This Resolution incorporates the existing practices recommended by Jim Sears at the Sheriff's Department and the Search and Rescue participants. This has been circulated

both to Jesse Smith and Lou Vallario and incorporates their comments. In order to come into compliance with State law, he asked that the Board adopt a Resolution formally establishing the Search and Rescue Fund.
Commissioner McCown – so moved; seconded Commissioner Houpt seconded; motion carried.

Fair Board Fund and Enterprise Fund

For future reference, Don stated within the next several weeks he plans to submit similar Resolutions for the Fair Board and funds they bring in and then finally the Enterprise Fund for the Landfill.
March 10

Consideration/approval of SurvCo, Inc. statements of services Re: County Road 121 and County Road 233

Don submitted statements of Services by SurvCo, Sam Phelps, the first is for work Sam has done as requested by the Board and directed to be done by Don on County Road 121 for $875.00 and also for work Sam that he has done in regard to County Road 233 for $13,060. Neither of these have gone to litigation at this point. A draft complaint was received on County Road 121 that was never served on the County however; Sam did some preliminary work in anticipation we would be served. On County Road 233, Don is still waiting on a report from Sam in order to see what direction the Board might want to take in regard to this road. Don requested that the Board authorize payment of both of these bills. These funds would come out of the County Attorney's funds to pay these bills and Jesse will submit a supplemental budget.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Approval of Financial Advisory Services Agreement with George K. Baum and Company regarding Valley View Hospital Revenue Bonds

Don submitted a draft agreement he received from George K. Baum that confirmed what he had told the Board earlier for an amount not to exceed $30,000. Thus far, Don has not received a signed final agreement on this and suggested to table until March 17, 2003 as this doesn't need to be addressed until Valley View Hospital comes in for the Inducement Resolution. The hospital was supposed to pay these fees within 7 days of the approval of this resolution.
This was tabled until March 17, 2003.

Approval of fees for bond counsel – Sherman and Howard, regarding Valley View Hospital Revenue Bonds

Don explained this to be similar situation and suggested it be tabled until March 17, 2003.
The Commissioners agreed.

Consideration/alteration IGA for Transportation Planning Region

Don stated he had the draft agreement and the exhibit prepared by our engineering office that should be in final form because Jeff circulated this by e-mail.
Chairman Martin said the IGA has been circulated by Jeff. Chairman Martin found no municipality that objected to any part of it, that they wish to go ahead. The only one that wanted to have any input was RFTA and they wish to stand as a partner as well as the municipalities. His feeling was that the municipalities and the County are the ones that need to do it and not a group consortium even though they have concerns. The County and the municipalities need to set their priorities and then bring other folks in as extra to help bolster their opinions. The extra $1,000 from RFTA that was offered is undecided as to whether to accept or not.
Don stated that he was aware of this several days and was reluctant to simply include RFTA without direction from the Board because it hadn't been discussed before. They are willing to come to the table with $1,000. If the Board wants to add RFTA, we can do that. They are a governmental entity but Chairman Martin explained some of the policy issues. The Board needs to address that issue. Also, in the Agreement the date is left blank by which you expect payment because of the unknown timing to go out for RFP.
Chairman Martin – the next meeting is on the 14th of March to finalize and make sure everything is together. Jeff has set in for him when he was in Washington. He felt that we need to move forward as fast as possible and need to get that date from Jeff.
Commissioner McCown asked if RFTA if at the table on the TPR Planning Sessions on a normal basis?
Chairman Martin – no, even though they have concerns they bring that information through a municipality or the County and it has been through Pitkin County that they have brought their issues forward. Sitting at the table as a partner, he didn't think they would be recognized by CDOT. They are more vendor, group of governments together that have concerns that bring it through one of the governments and felt this is where we need to keep it. They have concerns and a narrow focus.

Commissioner Houpt – one comment on wording under County responsibilities, with the other responsibilities for the municipalities there is a percentage that will be paid and then there is or the amount whichever is less. Can we add that to the County to say or $10,000 whichever is less?
Don – yes. Does the Board wish to join RFTA or not to this agreement.
Commissioner Houpt – probably not. Don – so we will leave that part the way it is and does the Board want the Chair authorized to sign this today in its current form with the amendments suggested by Tresi and then set the date by which the other entities have to pay 30 days from today?
Chairman Martin agreed this was a comfortable time line and that all were willing to work within that through their planning process or road maintenance programs.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the Chair be authorized to sign the IGA for transportation planning region, direct planning and facilitation with corrections as noted previously and that the date for funding from the contributing entities be 30 days from today's date. Motion carried.
The next meeting is scheduled for March 14, 2003 where this will be discussed.

Executive Session – Litigation Update on TIF, Direction Property Acquisition, Personnel Matters and Potential Litigation on Varying County Roads – Audit Finding and Policy Development – TeePee Park

County Roads – Marvin Stephens; all other items - Don, Mildred, Carolyn, the Board, Ed and Jesse are needed in the session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss the aforementioned items; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action taken:
Don requested that the County Attorney's be authorized to institute litigation concerning access established unlawfully on County Road 314. We believe it has been by Barton Porter but further investigation would reveal that but he would like to be authorized to institute an action for injunction and damages as a result of the activity that has occurred on that road.
Commissioner McCown so moved. Commissioner Houpt seconded; motion carried.

Letter to Audit Division Director/Colorado Works Director

Commissioner McCown made a motion that the Chair be authorized to sign a letter to the Audit Division Director and the Colorado Works Director from the Colorado Department of Human Services regarding an audit question that has come up in the format that was submitted. Commissioner Houpt seconded. Motion carried.

COMMISSIONER REPORT

Commissioner Houpt – 24th met with Colin Laird – Regional Housing; 26th met New Castle and discussed agricultural, potential fire ban and maintenance on County roads; 27th met with Martha Cochran; Regional Housing Authority Initiative – Affordable Housing Groups; Ruedi Water Spring planning a one-day workshop in the Spring; 28th was the Healthy Beginning Board meeting; the merger with Columbine is on hold. Rural Resort on 5th of March, a discussion on Affordable Housing and has similarities as to what the Mountain Region Affordable Housing was discussing; Fanny Mae is working with the Rural Resort Region on AH; there's $35,000,000 for AH in housing in the State; 6th of March met with DOE and Rifle – felt an outside opinion would be helpful. The responses were "we believe."
Discussion: Ed said if you disturb the soil then you start all over again for the stabilization. They don't want to use chemicals due to possible affecting other constituents. That is where they should have done their analysis. They are trying to hand this off to the City of Rifle. The long-range plan is to move the Fairgrounds to this location and they leave the County out of those discussions. Footers would disturb that ground and start the clock all over again. DOE continues to refuse the indemnification in that transfer that they have provided to other cities – i.e. Albuquerque. This can be read that DOE is not sure of their findings. They want someone else to accept the liability and then they can say, it's your property. The Rifle folks seem to be leaning towards accepting that property. Selby was very reluctant at first, so something has changed. There will be a reality check when they look at relocating the Fairgrounds. Jeff Deckler is the point person on this property. It's very risky for a local entity to take on this property without indemnification. The County has already stated that there will be no move of the Fairgrounds.
A work session was suggested to work on goals for the Commissioners. Added to that would be upcoming times and have a focus group with some of the staff and employees to put a plan together and what our real

values are – what we have to provide (statutory obligations), want to provide and dream of providing; stakeholder participation. There may be $900,000,000 cut within the Federal and State governments next year.
Commissioner McCown - no report; he was on vacation in Galveston, Texas.
Chairman Martin – Washington, DC. Washington Department of Interior secretary regarding Roan Plateau – wants to schedule a meeting with the Garfield County Commissioners; Ms. Kimball, head of BLM in Denver; met with numerous Senators and Representatives on transportation to Mildred's letter referencing the election mandates are unfunded, voting machines; Forest Plan; reduction of Deep Creek as a wilderness area – Sierra Club; Transportation – City of Glenwood Springs on the south bridge, Glenwood Springs Airport – relocation of Highway 82; the list will not materialize if everything is not finalized. PILT funds – $220,000,000 was done last year, the County received about a 5%; last year it was $810,000 and the County is to receive 5% on top of that - $850,000. Full funding was $360,000,000. Suggesting putting a contingency on PILT for education grants or some kind of means to bring about full funding on PILT funding. Chairman Martin proposed taking out of that PILT funding and putting it in contingency and some of the uses for it, but not removing it – we would have assess if an issue comes up. Suggested putting it under the Commissioner's contingency fund. Jesse said it could be in the contingency fund and it would require Board approval in order to move it. We can park it there and if the Board does not spend the money then it would roll into the general fund. There is a specific contingency line item – monies cannot be spent out of that line item without Board approval. The only other money in this particular line item is for new positions. The Commissioners proposed setting up a separate line item for these PILT funds.

CONSENT AGENDA

a. Approve Bills
b. Authorize the Chairman to sign the Resolution for the Gobassi Exemption from the Definition of Subdivision
c. Authorize the Chairman to sign the Resolution and Special Use Permit for approval of an Accessory Dwelling Unit for Joseph and Brady Willey
d. Authorize the Chairman to sign the Floodplain Special Use Permit for Bernard and Sidney Poncelet

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

PUBLIC HEARINGS
ABATEMENT REQUEST: REQUESTOR – PEPSI COLA, INC.
Shannon Hurst stated the requestor was sent a letter informing them of the public hearing. Pepsi Cola, Inc. mailed information to the Assessor; however Shannon stated there are things that do not agree with our records so the request is for denial of this abatement. Shannon listed the reasons on the abatement denial request: 1) abatements must be filed in duplicate; 2) the owners name and mailing address on the Assessor's records does not agree with what is shown on the abatement request. The Assessor is showing Bottling Group LLC, they are showing it's Pepsi Cola Inc. 3) the legal description is incorrect as the abatement legal only shows the square feet of the building; 4) the abatement states that they would like abatement for taxes for the years 2001 and 2002; however only has figures for 2001 are completed on the form and for Shannon it is hard to tell if they want $200,000 or $700,000 returned; and 5) the person submitting the abatement, as agent, has sent no authorization from the legal owner saying that they were authorizing him to submit this abatement.
Commissioner McCown inquired about the timing issue. Shannon stated this was completed in December 2002 and received on December 24, 2002. In the beginning Shannon stated they were waiting to come up with comparables then she noticed how badly the abatement request was filled out and the information doesn't agree with County records.
Commissioner McCown inquired why something wasn't submitted during the normal appeal time. Shannon said they could do this and many do this at the end of the year in order to get the prior two years before the new tax role is issued.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny due to the discrepancies, the legal description and ownership, no certification of the representative that filed the

abatement being authorized on behalf of the owner once we determine who that legal owner may be, to deny the abatement at this time; motion carried.

PUBLIC MEETINGS:
UPDATE ON MOUNTAIN REGIONAL HOUSING – SUSAN SHIRLEY

Susan Shirley - Director, Kay Phylip - Chair of Mountain Regional Housing Corporation that used to be Carbondale Housing Corporation, and members of the Board: Joan Baldwin, Karolyn Spencer, Marianne Ackerman and Kathy Westley, a realtor. Carolyn heads up the emergency housing part of the organization and is also with Salvation Army. Kay stated that this is not a duplicate of services and explained what they do and how they propose working together to turn around the housing crisis. Kathy Westley gave the Mission and Vision stating that they believe affordable housing is really a low-risk, high return investment in our communities and are dedicated to that statement. A roof over your head is the first step to holding a job and providing for your family and being self-sufficient therefore a solid community provides housing for all economic levels and it's not an option. Several speakers provided the following information about the organization. The service area is Parachute to Aspen including Garfield, West Eagle and Pitkin Counties with programs to assist 40% to 160% area medium income. That translates to $16,000 to $85,000, household income approximately which includes school teachers, health professionals, young couples starting families, Garfield County employees, workers in local businesses, fireman, policeman, service workers and all the people that form the backbone of our communities and bring us energy and vitality and balance. This non-profit organization began in 1993 and are a Community Housing Development Organization something called CHDO and provides housing programs and services. The Colorado Division of Housing provides special development funding to CHDOs and this is the only designated CHDO in the region and therefore are a regional non-profit developer. As a non-profit CHDO developer, they can sponsor, co-sponsor or develop affordable housing however they norm is to partner with other people. They have pre-development loans, grants to bring down the cost of housing, and access to very low interest construction loans. The variety of projects they have been involved in is Johnson Corners with 60 ownership units located on River Valley Ranch Subdivision, a lodge conversion, Uller Commons 26 rental units in Aspen; co-sponsor of White River Village on 29 low income rental units to be build in Rifle in early 2004; co-developer on Cater Road ownership units in Carbondale to be built at the end of 2003 and co-sponsor with Salvation Army in Transitional Housing Program in Glenwood Springs. A critical program to prepare people to own their first home is a Home Buyer Education Program. In additional they do revolving loan funds as a second mortgage in which they do down payment assistance, closing cost assistance or perhaps buy down points on the interest rate, information and resources and they do administration on the Thompson Corner deed restricted units either for re-finance or re-sale. Legislation is in place. They are a funding sources for federal pass-thru grant funds from CDOH, RCAC, CHFA, support from local governments required for federal pass thru grants, support from private foundations, service organizations, local businesses and fees for services and Home Is Where the Heart Is – fundraising program.

Commissioner Houpt inquired as to how they interface with the Regional Housing Authority Initiative, Garfield County Housing Authority and Rural Resort Region who are all working on affordable housing as well and what makes Mountain Regional Housing different, how do they enhance those other programs and how do we make sure we're not duplicating efforts.

The group explained they are the development arm of all of those bodies and provide services outside of the administrative services of Garfield County Housing Authority. They are members of that task force and are working in the eventually melting of all of those entities. There is no duplication of services that they have; eventually as one group, they plan to go after funds instead of individual groups but they are not there yet.

Commissioner Houpt stated this is the concern because every one of those entities are going after funding. A lot of what is being reported here today is what the Rural Resort Region is working on this year as well. The group suggested you can be working on something; they are working on doing something for seven years. They are collaborative on on-going communications and participate in all of the other entities. As a CHDO they have the ability to partner with whoever wants to partner and have access to funding that other entities do not. More likely, they would partner with the Rural Resort Region rather than Garfield County and Mountain Regional Housing to create a project.

Commissioner Houpt asked if a study had been done between Aspen and Parachute on the number of affordable housing units we currently have, multiple housing units and how recently was the study done on the available within this region.
The Garfield County report was about two years ago, they did a marketing study in Rifle last year and Pitkin County does one yearly. The most recent before would be the one done by the Division of Housing Work last year; they do an update every six to nine months for all counties in Colorado. There are databases they can look at, but nothing has been initiated by Mountain Regional Housing. What they do is permanently affordable as opposed to something that's affordable as opposed to something that is affordable in New Castle today, if it's free market it will be out of reach for other people in a very short period of time. They do deed restrictions which is the appreciation cap determined by the community. The cost of land drives the cost of housing.
Chairman Martin added that the realtor's has a loan fund available and asked if they partner with them to allow those monies to be transferred.
Kathy Westley stated this is a very low amount and it's a closing cost grant. They go from $250 to $1,000 or $1500. The down payment assistance with Mountain Regional Housing can be considerably more. The grant is still going to be available and the people can apply for both.
Commissioner McCown noted the 29 units proposed in Rifle, that $130,000 figure they used on the Carbondale site is free market in Rifle for a two-bedroom condo; so what will be offered to the ones in Rifle, will they be considerably lower than that and if so, isn't that going to perpetuate the social differences as you go further down the valley as the free market is doing now and add to the transportation problem. You'll be looking at the $16,000 a year income as you come up the valley you're looking at the $85,000 a year people. People would come nearer qualifying in the Rifle area that they would in Carbondale. The 29 units are proposed over next to McDonalds and they will be rental units. This is Dr. Knaus' property. The cost of building in Rifle is lower and the cost of buying land is lower so they can create a more affordable product. Rifle's new Wal Mart will bring some employment into the Rifle area.
Commissioner McCown noted there will still be a transportation problem because people will continue to live down valley and work up valley. On the Rifle project, Mountain Regional Housing does not own the property and Garfield County Housing Authority will be the entity to make it possible to use the rent restriction and it's also a low income tax credit project and it will go through the lottery system.
Chairman Martin stated the Board will review this information, have a discussion, and advise you of what the decision is to provide any financial support within the next month.
This will be placed on the agenda as a discussion item. Chairman Martin noted there would be a need to identify funds, where they would be coming from, and what purpose.
Commissioner Houpt requested to have Ed look into this.

DISCUSSION AND AUTHORIZATION TO SOLICIT PROPOSALS AND QUALIFICATIONS FOR GARFIELD COUNTY AIRPORT:
Brian Condie, Mark Bean and Carolyn Dahlgren were present.
Brian gave the Regional Airport Primary Guiding Documents, Airport Master Plan and Airport Layout Plan to the Board. Additionally he reported *on fuel sales* saying they were up 10% from last year but we're still under the million-gallon mark. Our next goal will be 850,000 and possibly in two or three years we will hit that million-gallon mark. The second FBO has created some additional interest and increased service at the airport and even with the aircraft industry at a lull, Brian projects the Airport will continue to grow.
Comparison between Garfield County and Eagle Airport – Eagle does over five million gallons a year so we do 14% of what they do. Jet sales produced the most fuel revenue and then we have the AvGas that's steady about 65,000 gallons a year.
It's essential to understand the Airport marketplace; in order to understand where we're going and Brian submitted some *consumer background*. The consumer confidence index in aviation in October 2000 was 140 points; in December 2002, it was 80 points. The confidence in aviation has gone down. Potential war makes aviation industry more difficult and a lot of the *new policies* created after the September 11, 2001 have burdened the industry with 3.7 billion of unrecoverable security debt. The *aviation industry* is down 11% from last year; the market changes are they are losing passenger to low airfare airlines and vehicle traffic. They are also losing the upper class businessman to business jet aircraft quarter shares because of the inconvenience of additional check in time, long delays, etc. so they are going to the business jet aircraft which is where we fall in and then the larger target market for airlines. What this tells us is if we build *a terminal* they will not come. We're in between Eagle, Aspen and Grand Junction. We had a recent

discussion regarding terminal building and it's not there. The terminal building for the FBO's is there but they are created their own. *Master Plan:* The reason it hasn't been completed yet is because important information for the environment assessment was missing, specifically the flight procedures approaches. That will affect who will come into the airport and our safety area. Washington is working on this for us at the present and will submit that information to Bernard and Dunkelberg. *Airport Classification:* Our airport is classified as a diversion airport because 60% of our annual operations are from diversions from Eagle and Aspen. 40% of the aircraft operations are destination. Because of the ski season we are considered a seasonal airport 60%-70% of our operations happen between December and March. This is important information because number one we have to identify our market and then we have to do things to increase the diversion aircraft. A lot will go to Grand Junction instead of into Rifle because they can't get a time-slot so Brian needs to work on getting the aircraft from diversions into Rifle increased and also need to increase the based aircraft operations by improving infrastructure, putting in a better safety area, etc. that will attract the destination aircraft. Brian said when the number flip, we will become a destination airport and we'll probably still be seasonal.

Commissioner McCown asked Brian on how to get the flight windows into Rifle, that's been an ongoing problem and it's something done at a higher level than the Garfield County Airport Manager. Where do we apply pressure to get that corrected?

Brian said the system is so that we can't stretch it any farther but we can manipulate the system by getting a remote communication outlet. Once the pilots drop down below the mountains, they can't communicate with Denver center anymore. Therefore, if was get a remote communication they can communicate all the way down to the ground. When a pilot touches down he is supposed to call Denver center and cancel his flight plan, then Denver center lets the next plane enter the approach procedure to line to Rifle. Now, they have to land, taxi and go in and call on the phone, which is about 5 – 10 minutes of wasted time that more aircraft could be coming into out airport. So, if we work on getting the remote communication outlet, as soon as a pilot touches down, he can call center himself and the next aircraft can be sequenced in. That's for our diversion days. They do have call Denver radio but not Denver central without us having the remote communication outlet. This is just a simple radio relay system. Brian is working with the facilities infrastructure people with the FAA and that's not a priority for them; they're more concerned about safety, which they should be and so should we. Since Brian has been employed as the County Airport Manager, we've had four aircraft go off the end of the runway. One thing we're trying to get is the distance remaining markers to show the pilots how far they've gone down the runway and if the large distance markers are put up, the pilots gives them a heads up to either take off and come back around or hit the brakes really hard. The problem with that is those distance markers go to priority commercial airports so Brain is trying to show a safety need at our airport to get this funded with a 90% -10% split. *Seasonal Operations:* These will probably remain seasonal but as long as we're aware of this and can capture the market and revenue during the rest of the year, that's what we need to do. This is basically a reality check. The *direction of the airport* because of the increase in business jet air traffic has created a larger demand for commercial Hangars on the airport. We're out of hanger space and the planes are parked on the ramp, which the owners really don't like. That's where the push for more hanger space is coming. We're providing T-Hangars for taxiways for the smaller aircraft in a general aviation community. Looking back on fuel sales, you notice that the AvGas doesn't bring much revenue into the County and where this is important is these are citizens of our County, live, work, and bring the businesses and infrastructure to the community. This is our commitment to them of putting in a $160,000 taxiway so they can put up T-Hangars so they can have their plane. The last thing is the updating of the Primary Guiding Documents, which tells the direction the airport is going in the future. It will promote uniform levels of service, increase the safety standards of the airport, also improve the security measures, and increase the user financial support, which we have done over the last year. Brain said he has been working on this document for about six months, going over it himself, then to the airport user group meetings twice and they reviewed it and submitted recommended changes. From there, we went to Carolyn Dahlgren and Dale Hancock and worked on it several times. Now it's being presented to the Board of Commissioners noting that the changes are in blue are the additions or changes and asked the Board to review it and hopefully by the end of this month we can have it all worked out. Brian pointed out the big changes in the document *page RIL-10 Safety and security responsibilities* of personnel, operators, users, tenants and other persons. Brian said it is time to add this section. We are a Group III Airport so we don't have the high security measures of the commercial airports (means, our access to the Airport is convenient for the user but it is also potential for a terrorist or someone that's disgruntled with someone on the airport. The 737 or larger is necessary to do a great deal of damage and this is an aircraft that rarely

frequents our airport. Rates, Fees and Charges – a brand new section and he said it is time to separate the rates and charges and create our own document; section 5 was added for violation penalties. Carolyn added that a due process hearing was incorporated prior to going to court. Carolyn reminded the Board that there was still a lot of work that needs to be done on this document. She referenced the Annexation Agreement and Ed stated they need to make sure this does not compromise any of the tax fee credits. Brian addressed the capital improvement projects to attract some more businesses and the office space – there is a new office space set-aside in the new Fire Station.

Brian said the taxiway has been approved for this year and with that in place, we can put up 40 unit T-Hangars housing 40 aircraft; there are 105 tie down spots and only 23 are being used. Within 18 months, there will be shelter available or they can use tie downs for additional aircraft.

On the T-Hangars, the County is putting up the infrastructure taxiway and other private companies will put up the shelters.

PUBLIC COMMENTS NOT ON THE AGENDA

Barton Porter – *Fire Ban* potential. The Board cleared up a rumor and stated they have not entertained the thought of a permanent fire ban in the County. *CR Road 314* Mag Chloride was applied on May 20, 2002 but the road was never graded until after he was in on February 18, the next day they graded the road. There are 18 houses on this road - 2.9 miles. *Weight limits on CR 335* – 35,000 pound limit. This road is in the Town limits of New Castle. The Board explained that the purpose of placing the signs where they are is to alert the overweight vehicles of the weight limit restrictions early so they can turn around. The Board informed Barton that he would need to obtain an overweight permit to haul between 11 pm to 6 am.

PUBLIC HEARINGS:

CONSIDER A REQUEST TO AMEND THE SPRING VALLEY RANCH PUD, PLAN AND TEXT. APPLICANT: SPRING VALLEY DEVELOPMENT, INC. AND SPRING VALLEY HOLDINGS, USA, LTC.

Mark Bean, Don DeFord, Boots Ferguson, Chuck Perry from Lehman Brothers and Michael Gamba of Gamba and Associates – engineer, 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 – Mail Return Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended;

Exhibit D – Garfield County Subdivision Regulations of 1984, as amended; Exhibit E – Garfield County Comprehensive Plan of 2000; Exhibit F – Project Information and Staff Comments; Exhibit G –Spring Valley Ranch P.U.D. Plan Amendment application; Exhibit H – Letter and attachments from Michael Gamba, Gamba and Associates dated February 27, 2003; Exhibit I – Letter from the Spring Valley Sanitation District dated February 12, 2003; Exhibit J – Letter from the Glenwood Springs Fire Department dated February 12, 2003 and Exhibit K – Letter from Jim Austin received on March 7, 2003.

Chairman Martin entered Exhibits A - K into the record.

This is a request to amend the Spring Valley Ranch PUD and Text originally approved in August of 2000 and the Preliminary Plan was approved in November 2001; the applicants requested an extension of the PUD until November 2003. The Board has allowed, by way of the Subdivision Regulations, denied the full year due to the delay in filing the original phasing plan. The Board gave them an extension until March 10, 2003 with the requirement that the phasing plan of the PUD be modified to reflect the current schedule in development. This application, if approved, would start the initiating of the development no later than 2004; the last phase would be completed no later than 20 months after the start of the construction in 2015. No longer will time lines be allowed nor will they have more than 15 years to complete the project. This proposal does not in any way change any of the previous approvals. Al of the approvals attached and conditions to the proposal would remain the same. The Planning Commission has suggested that there be one change to the conditions of approval related to internal lighting and all be inward and downward as opposed to strictly inward. The Spring Valley Sanitation District did review this application and they have no objection to the proposed amended phasing plan although they did propose that new construction plans reflect the installation of wastewater collection facilities at locations under CR 114. The Glenwood Springs Fire Department did respond and included a requirement that the Landis Creek Road be completed in its entirety from a fire and emergency safety point of view. They requested an alternative emergency access road alignment to deal with the staff's concerns about emergency access in and out of the Ranch lot area during the initial phases of the project. Mark continued to review the major issues and concerns, the phasing, suggested findings to the Planning Commission and the recommendation of approval of the

proposed PUD Plan and text amendments, subject to the following conditions with the November of 2003 for the first final plat to be submitted for the project.

Recommendation:

1. That the lighting condition be changed to read that all lighting be pointed downward and inward throughout the development.
2. The phasing plan proposed be modified to include the construction of the Landis Creek Road during Phase Two and prior to the start of Phase 3 of the Ranch Lots.
3. That all of the proposed Development Phasing Schedule be modified to require the final platting of all phases within 15 years of the platting of the first phase and that the completion of construction periods need to recognize that the period of time for completion may be less as required by the applicable subdivision improvements agreement.

Chuck Perry representing Leman Brothers noted the presence of Michael Gamba and Boots Ferguson for additional questions.

Boots stated this was in a very straightforward manner due to the timing issues. The zoning was approved first, there was a delay in processing the preliminary plan and it was finally approved in November 2001. They agreed with the Board's finding to bring this into compliance. They agree with the three conditions in the staff report today, but they requested more time for the phasing.

Michael Gamba spoke to the Board regarding the phasing plans.

Mark Bean gave a quick history on CR 114 saying the developer volunteered to repay a portion of the road. The original approval of this development back in 1983 required the developers to rebuild the entire road to a 4-lane capacity from the development all the way down to Highway 82. This particular application, when it came back was reduced from approximately 2700 units down to the 577 units. The applicants, as part of the approval, stated they would have certain road impact obligations and chose to actually propose an upgrade that would be their choice and it exceeded anything that the County would have in the way of authority to request in our fee impact system. The Board, at that time accepted their offer to upgrade the road to a level that exceeded the financial ability of the County and accepted their road improvements in lieu of impact fees.

Boot Ferguson requested a twelve-month extension until November 5, 2003.

Public comment:

Jim Austin submitted a letter of support for the application to delay the project for two years due to the economic times and he wanted to make sure that the developer and the County understands that this request today is new phasing and part of that new phasing is a delay as to working on the lower 3 miles of CR 114 until perhaps 2011. The estimated start is 2006 to 2011, which is 20 months after the start of construction. If this is approved today the Board is approving that delay on the lower section and hopefully realize that delay is a long time.

Michael Sullivan was curious about approval permits from the State of Colorado for the access to and from Highway 82 from County Road 115 and asked if this has actually been addressed.

Mark Bean stated that part of the requirements would be for the applicant to apply for an access permit to Highway 82 when the construction reached a 20% increase above existing traffic. At that point, they will be obligated to obtain that access permit application. At this point, the County has not chosen to require they make such application.

John Schenk, counsel for the Lake Springs Ranch and clarified that as far as the County access permit and the highway access permit, Lake Springs is tied into these projects and they are aware of that solution and part of the process is realizing that no one gets a plat until that is done.

The other thing that they support the application on is for an extension that makes sense due to some road alignment issues suggested by the County and there would be a need for property acquisition. Lake Springs is working with Spring Valley Ranch for solutions. This takes planning and time. The joint effort will bring about safety and general reconfiguration of this County Road. John asked the Board to consider this request positively. As to their participation in the general areas up there, they contributed about ½ million to upgrade to the Spring Valley Sanitation plant in hard cash, the Berkley's of Lake Springs have contributed at least 50%, the Glenwood Springs Fire District and money was contributed as well.

Boots - An extension of the effectiveness of the Preliminary Plan under the Subdivision Regulations that provide for an effective time to approve up to twelve months and an additional twelve months for that same effectiveness. They are requesting the full twelve months.

Motions
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amendment to the Spring Valley Ranch PUD text as submitted including all testimony of the applicant today and the three amendments recommended by the Planning Commission and ….
Mark suggested that the language in number two be consistent with the language at the bottom of the first paragraph on page five, "the applicants agree to provide emergency access road along the Landis Creek drainage from the end of the road in Ranch Phase 2 to the proposed cul-de-sac at R44, which the Glenwood Springs Fire Department recommended,
Commissioner McCown – yes, I would amend number two to read as such.
Mark – they have amended their phasing plan to address the concerns of the Planning Commissioner, so you're adopting of the Phasing Plan, as presented to you in the February 27th document,
Commissioner McCown – with the three additions. Mark Bean – right. Commissioner Houpt seconded. Motion carried.
Don asked if the motion also granted an extension to November 2003.
Commissioner McCown no, but he would make a motion that the time extension run to November 5, 2003 for the completion of the Preliminary Plan. Commissioner Houpt seconded. Commissioner McCown – this will be the full amount of the extension. Motion carried.

CONSIDER A PROPOSAL TO ADD A CLUSTER SUBDIVISION PROCESS TO THE GARFIELD COUNTY SUBDIVISION REGULATIONS

Catalina Cruz, Randy Russell and Mark Bean were present. Catalina determined that the 30-day notice requirement was met and advised the Commissioners they were entitled to proceed.
Chairman Martin accepted the notice and entered it as an Exhibit. He swore in the speakers.
Randy Russell stated the background for the proposal was an expressed concern that the Planning Commission and the Commissioners are receiving a "cookie cutter" subdivision applications that minimize and try to avoid internal road requirement standards, fire and emergency access issues, and attention to and preservation of natural drainages, land features and constraints, historic irrigation practices and buffering use with adjacent property while taking all land out of any agriculturally productive operations and without encouraging open space or sensitivity to land forms. The current regulations do not provide any incentive for developers to preserve developable land area in Greenbelt or Common Open Space while preserving the number of potentially developable lots, short of going through a PUD process, which requires a re-zoning. In this public process for proposing to add a Custer Subdivision Process, it has been underway for several months and has been very extensive. In addition to the notices that are normally required before the Planning Commission, a press release was run on the front page of the Glenwood Post Independent, a separate mailing was sent out to a variety of developers and lawyers we work with on land use county-wide. Some responses were received from them and a round table discussion was held where 170 people were present. It included all the managers and planners from Parachute to Carbondale.
The Planning Commission can submit text amendments to the County Commissioners for their consideration. In front of the Board is a proposal for clustering lots below the two-acre minimum lot size in zoning areas designated as Agricultural Industrial, Agricultural Rural Residential Development and Resource lands (Valley floor). The intent of this proposal is to give a developer the flexibility to present a proposal that is sensitive both to the internal qualities, constraints and attributes of a given parcel of land and the flexibility to buffer the impacts of development on surrounding land uses. It is intended to encourage open space, buffering, and to some small degree the preservation of agricultural use and infrastructure. A further intent of this proposal is to ensure that the value of the parcel for development purposes is preserved. Preservation of that value is achieved in two ways. Development costs are reduced when clustering is allowed given the same number of lots. In clustering, the linear feet of required roadways, pipes, utilities and other factors are reduced on a per lot basis resulting in less infrastructure cost per lot. Modest incentives are provided in this proposal for additional lots, recognizing the costs involved in providing a central water system and the preservation of percentages of Greenbelt and Common Open Space on otherwise developable land.
Randy proceeded to explain the process issues, proposed amendments, findings and recommendation.
Staff recommends approval of the Clustering Initiative Proposal as forwarded to the Board of County Commissioners by the Planning Commission.

Kelly Lyon – commented that this is one of the better proposal brought forth to the County Commissioners from the Planning Commission in a long time referencing his 55 acre Peach Valley property and thought about subdividing but it would be cookie cutters as discussed. Mark Bean was the one who is responsible for getting him interested in this proposal. If he puts 25% into a conservation easement, he can get one extra lot; 40% in would yield two lots and that's not enough lots to make it worth his time. Therefore, he likes this initiative and proposed an incentive where they can keep their hay land so he proposed to give an incentive like putting 25% for each 6 acres you would get one additional lot, or if you put 40% in that you would get one extra lot for four acres, so if they put in 22% or 22 acres into a conservation, that would be 40% so they would get four extra lots. If they put 25% in, which would be 13.3/4 they would only get one extra lot now but if you divide that by 6 acres you would get two extra lots. They would still come out, on a 40% they would come out with 27 or 28 lots and they would be not be worth as much money as a two-acre lot so they are trying to make the economics work.
Randy Russell explained this would be 50% increase in the density; he would have received two lots and now he's asking for three lots.
Additional formulas were given with examples and discussion was held.
Commissioner McCown made a motion to close the public hearing. Commissioner Houpt seconded; motion carried.
Commissioner Houpt made a motion to adopt the text to add the Clustering Initiative as presented by staff. Commissioner McCown seconded. Commissioner McCown asked if this was going to allow a large parcel from coming in and circumventing the subdivision process. Mark said no, it is still going through the same subdivision review process. What this is doing is allowing them to design the subdivision in a different manner. Commissioner McCown – but this particular part does not require a certain amount of open space, it does not require any impacts, and it does not require anything. Mark – all it does is basically allowed a different calculation of the number of lots. In terms of the review process, they still have to go through the same Preliminary Plan Review process, answer the same questions they would if they came in with a standard 2-acre subdivision with no clustering or anything else as a part of it. Commissioner McCown – so this would not exempt that at all? Mark – no sir. Randy – actually, the way it's written in the specific language it's an option that you can enter into at your own choice at a point in that normal subdivision process. If you do, here's what you have to do. You are not required to do that and as soon as you do that, you go right back into the same review process that you had before. Commissioner McCown – and since the full-blown subdivision review doesn't follow the minimum lot size requirements, it gives you the flexibility to go beyond that with a PUD. Randy – once you have your yield analysis, you are then coming in with your clustered option and that's reviewed the same way. Commissioner McCown – given that fact, again, what is going to be the incentive to pursue this? Randy – the extra lots under reduction and required infrastructure. Commissioner McCown – you can get that anyway if you go the PUD route because your minimum lot size isn't affected. Randy – you're changing your zoning when you do that to get there.
Motion carried.

Continued Public Hearing: CONSIDERATION OF A REQUEST TO APPROVE THE PRELIMINARY PLAN FOR FILING 4 ASPEN GLEN PLANNED UNIT DEVELOPMENT ALSO KNOWN AS SUNDANCE AT ASPEN GLEN. APPLICANT: ASPEN GLEN GOLF COMPANY (CONTINUED PUBLIC HEARING)

Don DeFord or Fred Jarman, Carolyn Dahlgren, Larry Green, Don Parrish, General Manager and Eric Swaller, director of operations were present.
Exhibit T – Letter from the State of Colorado Division of Water Resources. Chairman Martin entered Exhibit T into the record.
This was continued from February 18, 2003 at which time the Board heard testimony from staff and the applicant regarding the request. The Board ultimately continued the hearing until today so the applicant could satisfy the remaining outstanding issues raised by the State Engineer of the Division of Water Resources regarding an opinion of "no material injury to decreed water rights for this preliminary plan."
Larry Green – the letter was received on Friday from the State of Colorado Division of Water Resources. Fred reviewed the letter saying it does give the unit count for Aspen Glen. The applicant will be coming through the Planning Commission to this Board to finish platting out the remainder of those units left in Aspen Glen and this document provides the count. The magic number was 643 units; platted is 495 units. With these 24 units, which is a shift of density, this will bring the count to 519, which leaves 124 units.

Recommendation:

Staff recommends Approval 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 of County Commissioners.
1. As a result, the Chen-Northern Report dated 12/20/1991 provided that for preliminary planning, the debris and alluvial fans should be considered to have collapse potential unless site specific soil investigations show otherwise.
2. The Applicant shall provide the Garfield County Vegetation Manager the following items for approval as part of the final plat submittal application to other Building and Planning Department:
3. All conditions of approval contained in Resolution No. 92-056 and Resolution No. 93-121 shall be considered conditions of approval of this preliminary plan.
4. In addition to other required conditions of approval, the Applicant shall include the following plat notes on the Final Plat.

"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."

"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."

"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."

Larry Green stated this area was zoned for ½ acre lots and are technically here today to amend the preliminary plan to provide for those 24 ½ acre lots. The hang-up was with the Division of Water Resources and State Engineers Office initially who took the position that they had submitted inadequate information to make a determination of no material injury. Now they have supplied the County with a letter dated March 7 that there was no material injury. Larry stated he has now focused on the conditions of approval and discussed numbers 5 d and e saying it's not the one dog at all, its after the word "unit" and the phrase, "and the dog shall be required to be confined within he owner's property boundaries." The Aspen Glen PUD mandates a plat note, which has been done on all phases; stating only one dog is allowed for each dwelling unit and asked that the period be after the word "unit" in the phase. Aspen Glen has a complicated set of covenant restrictions about dogs need to on leads when they are outside the property owner's boundaries and provisions for the same thing. Larry's concern is that this language would appear to create an inconsistency between the plat note and the more detailed covenants controlling dogs within the subdivision. The second one is "e" about each lot having a maximum of 2,500 sq. ft. of irrigation land – this is a hold over from another subdivision – this subdivision has a secondary irrigation system and people are not going to be irrigating off the potable system at all. There are rules under the Roaring Fork Sanitation District and in order to avoid potential inconsistencies, he requested this be eliminated.

Fred agreed with the second part of item "d" regarding the dogs as long as it is being controlled by the protective covenants. On item "e", he suggested that at the final plat, the number be amended to what the

actual square footage is allowed in their secondary irrigation system for Aspen Glen that is regulated by their Water and Sanitation District.
Larry argued against having both 5d and e in the conditions.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown to approve the preliminary plan for Filing 4 – Aspen Glen PUD also known as Sundance at Aspen Glen with the staff's recommendations deleting 5 d after the word "unit" and 5 e, all other recommendations would apply. Commissioner Houpt seconded; motion carried.

PUBLIC MEETINGS:

CONSIDER THE APPROVAL OF THE SAGE PROPERTIES INVESTMENT COMPANY AMENDED PLAT TO ELIMINATE THE LOT LINE BETWEEN LOTS 5 & 6, BABY BEANS SUBDIVISION, CARBONDALE TO CREATE ONE LOT. APPLICANTS: REBECCA AND ARIANA STIRLING

Tamara Pregl, Rebecca and ARIANA Stirling (Sage Properties Investment, Company) were present.
The applicant is requesting approval to eliminate the lot lines between Lots 5 & 6 to create one parcel to be referred to as Lott 6, which will consist of approximately 3.55 acres.
Staff recommends that the Board approve the Sage Properties Investment Company Amended Plat application to eliminate the lot line between Lot 5 and 6, Baby Beans Subdivision, subject to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board, 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.

Commissioner McCown made a motion to approve the amended plat for Baby Bean Subdivision with the lot line adjustment and two conditions as noted by staff. Commissioner Houpt seconded; motion carried.

CONSIDER AN EXTENSION TO FILE AN EXEMPTION PLAT FOR TAMBURELLO NORTH SUBDIVISION EXEMPTION UNTIL MAY 6, 2003. APPLICANTS: GREGORY AND ANNE TAMBURELLO. LOCATION: ALONG COUNTY ROAD 210 IN THE CACTUS VALLEY AREA, EAST OF RIFLE

Tamara Pregl and John Savage were present.
The Board approved the Tamburello North Exemption from the Definition of Subdivision on November 4, 2002.
The applicant requests that the Board grant an extension until May 6, 2003, in order to complete the conditions of approval for the Exemption.
Tamara submitted a request to allow the applicant until August 4, 2003 to complete the conditions of approval in case of any unforeseen circumstances.
A motion made by Commissioner McCown to approve the request for an extension for the Tamburello North Exemption until August 4, 2003; Commissioner Houpt seconded; motion carried.

CONSIDER AN AMENDED FINAL PLAT OF TRACT B OF THE AMENDED BOWLES EXEMPTION PLAT FOR ALLEN BLOWES and

CONSIDER AN AMENDED FINAL PLAT OF LOT 15 OF THE MITCHELL CREEK PROJECT, FILING NUMBER 1, FOR KENNETH MELBY

Fred Jarman, Allen Bowles and Ken Melby were present.
Fred Jarman submitted a memorandum to the Board requesting to amend the Final Plat of Tract B of the Amended Bowles Exemption Plat for Mr. Allen Bowles, owner of the property. The property contains approximately 8.79 acres and is located at 0398 County Road 142 on Mitchell Creek. Mr. Bowles requested the plat amendment, which would allow a sight relocation of a lot line and as a result transferring approximately 0.15 acres to a rear neighbor, Mr. Ken Melby. Mr. Melby is proposing the same adjustment to the Board concurrent with Mr. Bowles request. Both property owners are required to request this action of the Board since the lots themselves are both platted lots formerly approved by the Board. Therefore, Fred stated it is appropriate to review both requests from Mr. Bowles and Mr. Melby simultaneously.
Recommendation:

The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, the Planning Staff recommends that the Board of County Commissioners, pursuant to Section 6:10 of the Subdivision Regulations of 1984, as amended, approve this amended plat request.
A motion was made by Commissioner McCown to approve the amended final plat of Tract B of the amended Bowles Exemption plat for Allen Bowles. Commissioner Houpt seconded; motion carried.
A motion was made by Commissioner McCown to approve the amended final plat of Lot 15, of the Mitchell Creek Project, Filing #1 for Kenneth Melby. Commissioner Houpt seconded; motion carried.

REVIEW A DETERMINATION OF TECHNICAL COMPLIANCE FOR THE TEEPEE PARK SPECIAL USE PERMIT APPLICATION AND ESTABLISH AS PUBLIC HEARING SCHEDULE AND TO CONSIDER OUTSIDE CONSULTING SERVICES

Mark Bean summarized that this was referred as a non-compliance issue. He submitted a memorandum stating staff has reviewed the permit application to the County on February 21, 2003. Staff has reviewed the application and determined that the application is technically complete and can be set for public hearing. Per Section 9.03.04, the Board may decide to refer a SUP application to the Planning Commission for review and a recommendation or the Board may wish to set this for a public hearing without referral to the Planning Commission. Mark noted that there are two gentlemen who submitted their application as consulting foresters on the Colorado State Forest Service web site. He has spoken to both and each is willing to review the proposed TeePee Park SUP application. He submitted their Résumé's for the Board's review. The Colorado State Forest Service has declined a request to review the application and suggested the County hire one of these gentlemen. The two are Hoefer Associates, forest management planning, in Grand Junction and N.V. "Ski" Milanowski, forester.

Mark's recommendation was to set a public hearing date in May 2003. A letter received from Mr. James Beckwith was referenced to the hiring of another consultant that it would be at the County's expense since Mr. Gherardi was intended to be the County's consultant and he is paying him.

Mark answered the Board's questions: this is a new application, the new consultant would be allowed access onto the property with Mr. Gherardi and Chris Meyers, who is also Intermountain' forester. Commissioner McCown noted that as a condition of approval we could include the cost of this individual along with re-appointing him the consult The expertise we go out and obtain can be charged back to it. Don added this would be the same for any expert in any special use application. Carolyn said she and Mark have both informed Mr. Beckwith of these costs that would be charged back to his clients. Jim encouraged Mark to save some money by using our local Colorado State Forest Service, Mr. Carpenter, but they declined. Mark said he felt Mr. Gherardi did not fully understand his role and it was explained to him differently. Mark received a complaint from Mr. George Bauer because we're not holding the hearing today, therefore his justification to by-pass the Planning Commission. TeePee Park will continue to go on based on the facts that they believe to be their right to log under their existing plan. They came in with this amended plan and it needs to be heard before the Board in order to consider determining if what TeePee Park believes is the correct way of dealing with this. The information we need to review is well documented in the application. Commissioner McCown said the information provided by Mr. Gherardi, the consultant, even thought they are currently skidding in areas that were proposed to be helicopter logging, as long as they are doing this skidding on slopes that don't exceed the percent of slope that requires helicoptering, they are perfectly within their rights to do that. Mark said this is their argument. They are at the top of the hill even though it is part of the helicopter area; they are in a slope that is not over 40%. If you drop down further it would be and it would need to be helicoptering. Because it was enclosed in that circle with the slash marks for helicopter logging, if you read the forest service management plan they are perfectly within their rights harvesting in that area because the slopes are 40% but George Bauer does not see it because he sees it happening in an area that was within that grid.

Mark added there is a conflict with graphics and written information. The graphics included an area that very clearly showed this area as in the helicopter logging area. The written information included language that was legally forester and logging that one area without helicopter. That's the argument and will be part of the discussion. Commissioner McCown – the roads in question are clearly visible roads in areas where they were not supposed to be roads, but these were put in during the fire and now that they're in, they are using them. And it's on private property and not public lands and so therefore they don't have to remove these roads once they've been established for that purpose and that's the argument as well. If it had not been part of a special use permit, they could have put roads anywhere they wanted to. All we're really hoping to do by hearing this as a Board is to expedite the new Special Use Permit in effect. The Planning

Commission will be relying on the same consultants that the Board will rely on. If this were a totally new application, a totally new opening up of an area, it would have to go to the Planning Commission.
The Revocation Hearing was cancelled because we received this new information and new application. This is what we asked TeePee Park to do and need to live up to what the Board said we would do.
Mark said he would proceed to talk to David Hofer to see if he's available otherwise to Mr. Milanowski, both are qualified.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to set a hearing date and the Board of County Commissioners hear the Special Use Application; Mark stated this will be the middle part of April. Motion carried.

CONSIDER APPROVING A PURCHASE OF SERVICE AGREEMENT WITH KNIGHT TECHNICAL SERVICES

CONSIDER APPROVING A PURCHASE OF SERVICE AGREEMENT WITH RESOURCE ENGINEERING, INC.

Mark Bean submitted a memo to the Board along with the purchase of service agreement with Knight Technical Services. He is one contractor that can provide the County with technical assistance in reviewing various land use projects. Roger Knight has an extensive background in oil and gas related activities. Michael Erion of Resource Engineering has provided technical assistance in the past and staff would like to utilize his expertise to continue with some projects that he worked on previously and possibly on newer projects if the County Engineers are not available.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the Purchase of Service Agreement with Knight Technical Services; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Purchase of Service Agreement with Resource Engineering, Inc.; motion carried.

HIPAA - – "Health Insurance Portability and Accountability Act" – Power Point Presentation - Privacy Rule at 45 CFR Parts 160 and 164 as amended (Privacy Rule)

Judy Osman, Carolyn Dahlgren, and Nancy Reynolds via telephone were present.
The power point presentation was to inform the Board of the new rules that come into effect in April 2003. HIPAA has been around since 1996. Most of what they work with is the portability rules and those are in conjunction with COBRA. As part of the HIPAA Regulations, the Privacy Rule, the newest part of HIPPA, requires "covered entity" (CE) to enter into a contract containing specific requirements with Associate prior to the disclosure of the Protected Health Information (PHI). The purpose of the law is to standardize health care transactions and increases security in health care information. Information is sent back and forth by doctor's offices, hospitals, etc. and having some type of a standard where the same codes is used nationally and hopefully to make it a lot easier and accepted. The second point is the one we hear more about is under this law in response to concerns about privacy issues. These rules come into effect in April 2003.
The Protected Health Information (PHI) means any information, whether oral or recorded in any form or medium: (i) that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or past, present or future payment for the provision of health care to an individual; and (ii) that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual and shall have the meaning given to such term under the Privacy Rule, including, but not limited to, 45 CFR Section 164.501.
There are three kinds of files: General, Workman's Compensation, and HIPPA. Access must be restricted and must be included in the policy and procedures.
Carolyn Dahlgren summarized: Provider Health Care.
There are two ways the Board of County Commissioners, the County and three of you in particular can hook into HIPPA. One is in the way that you have functions of county government that are health care providers, specifically Healthy Beginnings, Public Health Nurses, the Jail, Community Corrections. There is a specific exclusion in the Statute for child welfare and hoping there are specific exclusions for the jail, the idea being the prisons don't have the expectation of privacy of those of us who are not prisoners. The research hasn't been completed on community corrections as part of that entity. The second way that we are hooked into HIPPA is by being a business associate of a covered entity, specifically Linda's program; Single Entry Point is a business associate of the State for dealing with Medicaid information. There will be a contract presented to the Board on March 24, 2003 that HCPF Health Care Policy and Financing want the Board to sign and it is a business associate contract. One problem is the State is requiring us to carry insurance, which will cover any damage that can come from the improper disclosure of personal health

information or Protected Health Information. The bigger issue and what's happening with SET is the State is telling us what we have to do. Linda will have to do an audit of computer transactions and will need some IT help in doing that as she will have to go through work stations and various ways PHI is dealt with. She is going to find once she has completed the audit is folks are doing everything they need to do to make sure these files are protected. The billing system used in the computer systems comes from the state; at the moment it is not in compliance but the state is promising it will be by the deadline of October of 2004. The main concern right now is the Healthy Beginnings and Public Health Nurses and finding out for sure if the County is covered in the jail and community corrections. There will need to be real security audits on both electronically held information and hard copy information – there will have to be a development of a set of policies and forms in order to protect the privacy of PHI. We will have to go through our business transactions and figure out whether or not we're protecting information on the portability side of it, making sure that all the information that we hold is in and there may be some issues with the nurses and Healthy Beginnings. Mary Meisner has indicated that HCPF is promising her that the information that the IT software that she is going to get is going to comply with HIPPA.

Linda stated that if the jail is covered, then community corrections is covered as well. Mary has a consultant at the State Health Department and her job is working with all the 38 county nurses' services and the health department to make sure they are in compliance. The nurses will be getting a new computer software program and both nursing and Healthy Beginnings does bill Medicaid, public health between $20,000 to $30,000 per month and Healthy Beginnings $100,000 a month. With the new software, the compliance is built into it, it is due to be replaced by October 16, 2003, and this is when it needs to be in place to meet the timetables. The new system will no longer accept the current codes public health nurses are using, so there will be a new code system to replace those. Most of their information is TPO – treatment, payment, and operation information and under that, they are okay to exchange that back and forth. Mary said all their files are already confidential so this is not a change; the change is private fax machines back and forth with information to the hospital or the nurse/midwives where they need information exchanged.

Jesse inquired as to how far we have to go to insure our computers from outside hackers. Lynn has some questions about this. Mary stated it relates to who are our business associates. Relaying information to a doctor or the insurance company is very venerable for hackers. Carolyn stated worse than that is the SEP is not its own network so we're using different kinds of servers. Jesse's concern is that all information is stored on the computers and could be hacked into. He also asked if firewalls would need to be put in front of every computer. Lynn agreed this was one of the questions that is relative to IT. However, the main concern is with the business associates and promised more information at the March 24th Board meeting.

Jesse commented that storing information on hard disks might need to be stopped. Store everything on disks, pulled out and placed into a locked secured file and when you need to access a particular person you would pull out the disk and insert it. The problem is that all the information is input into the State system and the system actually ties into the State computer and that's how information is transmitted.

Carolyn informed the Board of the upcoming decisions that will need to be made:

The Board can choose to say that the entire County, which by definition is a hybrid entity because it has some functions, declaration of compliance, appoint a privacy officer and they recommend Ed Green, and a complaint receiver sponsor. Each entity will need to have a privacy officer and complaint receiver at the individual offices, SEP, Healthy Beginnings, Public Health Nurses, Jail and Community Corrections and each entity will have to have their rules and regulations for intake on the complaints. Lastly, Public Health and Healthy Beginnings, SEP, and hopeful not the jail and community corrections will have to figure out if they have been associates and the County will have to go back to each of them to enter into contracts with the different sections. This is why we are asking for a work session today so that between now and the first meeting on April 7 will be in place.

Don clarified there needs to be in place three sets of policies and procedures, a sponsor provider and a business associate and they all have different guidelines by April.

Carolyn stated the business associate is laid out in the contract with the State. The only role where the County serves as a business associate is with Single Entry Point.

The Veterans officer maintains some medical records and would have some identifying information. Carolyn said that he is not a health care provider so this would not apply. It's where the record sits; it's not the contents of it.

Jesse pointed out that those that are less than $5,000,000 have another year to get into compliance. Carolyn stated that was on the employment side of it, not on the health care provider side. No one knew if the

County feel into that or not today. Ed said it was based on the County Health pool's activity for the year. Carolyn said it was premium paid by the County since we are the employer. The health pool is well over $5,000,000. Ed said they feel that it's required that they be in compliance. Carolyn said what needs to be done on the employment side of it is much less than on the provider side of it. Jesse estimated if there is a need to have a firewall in front of every home/office computer, we're looking at $6,000 to $8,000 each. Carolyn will review the contract in order to determine if there is any specific requirement about electronically held information that's not for billing purposes.
Don had a question regarding volunteers and where do they fall in this.

DISCUSSION OF THE MAY 2 SUMMIT AGENDA PACKAGE

Randy Russell submitted the May 2 Summit Agenda Package informing the Board that the proposed contract with Healthy Mountain Communities, the proposed letter for signature to the Sonora Institute, the accounting of local costs for the costs of Growth Workshop and the draft proposal for outline and costs for a May 2nd Valley summit all tie together. The Cost of Growth Workshop in November was paid for as part of a grant from the Sonora Institute, which was the end product of our being selected to participate in the Western Community Stewardship Forum. He said we applied for participation I that Forum early last year, were accepted, and the result was an all-expense-paid workshop in Estes Park in April for a 'Team' of 8 participants. The 'Team' of eight was also granted a 'Pot' of money totaling $5,000, which we could use on return to advance Team Goals identified at that workshop.
The result of all of this is that the Team has only spent $3000 of the Sonora Pot, leaving $2,000 available and an additional $2000 from the Forest Service. He added that the attached documents to this memorandum allows us to draw down the remaining $2000 from the Sonora Institute, and apply the $2000 from the Forest Service to a proposed Valley Summit, to be held May 2nd at the Hotel Colorado.
The Team decided in a meeting held on January 31 that a Valley Summit is a logical follow-up activity and the next step. It designated Healthy Mountain Communities as a logical host. HMC will sponsor this event, provide a full accounting, and be responsible for any loss or retain any profit. Sonora Institute and Forest Service funds will be fully expended on tangible costs. In return, HMC will attempt to make this a yearly event, and build additional private sector sponsorship for it over time.
Randy said there are two action items: 1) to approve a consulting contract with Healthy Mountain Communities in the amount of $2,000 which is Forest Service money being passed through Garfield County for purposes of organizing a Summit to be held May 2nd at the Hotel Colorado; 2) is to authorize the Chair to sign a project close-out letter with Sonora Institute drawing down the additional $2,000 for that purpose. These contracts were included in the Board's packet as well as the accounting showing we broke even in costs, and the draft agenda for the May 2nd Summit and a one-page flier.
A motion was made by Commissioner McCown to authorize the Chair to sign the contract with Healthy Mountain Communities and a letter to Sonora Institute closing the financial obligations with them; Commissioner Houpt seconded; motion carried.

DOE Meeting

Ed explained there are two options: write back a letter and say go away with your EA or we get somebody to take a hard look at this data and evaluate if it's appropriate.
Commissioner Houpt said she would like to that. Ed and Randy agree that's the thing to do.
We are intervening on behalf of the County; this property is going to the City of Rifle and the City wants Garfield County to have it for a possible move of the Fairgrounds. Commissioner Houpt noted that DOE is essentially asking both the City of Rifle and the County for approval of this and therefore unless we want to say that we want nothing to do with this, nor respond to anything DOE's given us, then we need have someone look at it. Commissioner McCown said no matter what we do, we would be a recommending entity to the City of Rifle. That transfer is going to be made between DOE and the City of Rifle. Chairman Martin suggested formulating a letter stating that Garfield County really encourages you to have a second opinion before you take the property on and at that point the County has fulfilled our obligation and our concern alerting them that there may be an issue that they're not fully investigating.
Ed stated the other part to consider is that this intersection would really need a separated grade crossing if it were to be used for the Fairgrounds. Commissioner Houpt stated if the County even thinks that the Fairgrounds will be a discussion, we should not turn our head. Commissioner McCown said it won't be considered as long as he's a Commissioner. Commissioner Houpt agreed it won't be on hers either. The County doesn't even want the property as a gift. Commissioner McCown doesn't want to spend the money on a specialist to analysis this data, come back to this Board and advise the Board not to even accept this

land if it's a gift. We know this already. No matter we will not have an affect on whether the City of Rifle takes the property or not. Ed said there are two different issues here. One is protection of the aquifer and that's where we need the consultant; the other is whether we want play in the circus use, but we still have the obligation to determine if DOE remediation strategy is appropriate. The water line did not take care of the remediation strategy. Ed said it didn't and any of those constituents are over 100 years in natural flushing, DOE has an obligation to do something additional and the issue is vanadium. Is their new data true or is there a fabrication. Chairman Martin said it's a theory. Don recalled that two years this was a 300-year remediation plan. Now it's 60-years. There's very little science available on this issue and they are the leaders in the pack. If you get another consultant and there's very little science, the report could be a maybe. Commissioner Houpt felt that if the water table is an issue to look at then the Board should get someone to look at it. Mark suggested that the response could be, while we have some questions about the appropriateness of the determination that's been made, we want to make clear that we have not intention of taking the property anyway. We feel this is a liability and do not want to be involved. Commissioner McCown wanted to ask if Waste Engineering or Walsh Engineering have any expertise in this field. He suggested since there is a problem with the aquifer, to see what expertise either firm has and bring this back to the Board.

Roan Cliffs

Chairman Martin addressed the timing issue. Randy said we've been told by BLM there we will get a new set of materials and there are four new alternatives coming forth by the 31st of March. We have three weeks to turn this around. It does not go out for public review. Rio Blanco County has suggested that we will want to get together and discuss this. We're looking at either April 8 or 9 as a window for this meeting. This will be a full day discussion. Randy will be requesting to have feedback as to the response the Board wants him to include in a report regarding this new alternative set. Then he would want the Board's consensus on the kind of letter to send.

Letter - Bob Brooks, Department of Local Affairs

Commissioner McCown said this is regarding those counties that oppose any mineral or oil and gas activity in their counties being excluded from the Energy Impact fund approval when they put in their grants. The Mega Board put a lot of time into this and he thought it was a little too late. Energy Impact funds have gone to counties that never generated a penny in those slots. Commissioner Houpt added that it was somewhat offensive too because some of those counties are producing but may not feel wonderful about the industry. The Board that allocates the grants knows who's on board and who isn't and that the letters from the operating entities be it coal, gas or whatever that accompany grants are going to probably start carrying more weight than some of the prioritizations. Chairman Martin said Club 20 had a discussion and they were behind the Mega Board and it was one of Resolutions so that message is going out loud and clear.

CR 314

Commissioner McCown – Barton Porter's Road – requested permission to have Marvin figure out if we have funds allocated for X amount of miles for gravel using that same dollar fund, gravel however far it will go and chip seal over that and if we only get 1 mile versus 2.9 miles that's what we get and that's what he is asking for. Chairman Martin requested to think this over as there is another ranch beyond Barton Porter that has access as well and they are not the ones causing the problem – they need gravel at their end simply because it has been destroyed because of the dam construction and also with the plowing by Barton.

County Surveyor Position

Interviews will be held at the March 17, 2003 meeting.

Continued Executive Session- Oil and Gas Auditor Position – Personnel Item

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

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

Action Taken

Don stated he would like the Board to authorize the Chair to sign another letter to the City of Glenwood Springs asking them to reconsider their decision to annex the Red Feather Ridge Subdivision in the same basis the County has stated previously.
Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

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

Attest: Chairman of the Board

_____ _____

MARCH 17, 2003
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 10**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Pat Tucker – Division of Wildlife provided the Board with an annual update noting they have tested deer and elk and out of the 800 heads tested, nothing positive for disease. The closest community that has reported positive was Colburn and south of Wolcott. The plan is to continue the testing and obtain 40,000 to 50,000 samples this year.
Pat alerted the Board that two dogs were killed by a Ranger. This was due to irresponsible dog owners; the dogs were attacking Elk. The fees that can be assessed are a $274 ticket plus $1,000 per Elk in the State.
Russell George, Director feels that land use items are an important aspect to have the Division of Wildlife involved. Bear proof containers are very important for all agencies and landowners. The Division is willing to help Garfield County is their help is needed.
Fish and Game: Boat Ramps and public accesses are working well and they have received good comments on the one across from Westbank. Port-a-potties will be in place again this year. Hunting season went well last year.

COUNTY MANAGER UPDATE – ED GREEN

a. Award competitive bid to Grand Junction Pipe and Supply for the acquisition of various sizes of culverts and culvert bans for a total cost of $28,272.61 – Tim Arnett, Marvin Stephens, Bobby Branhan, Foreman for Glenwood District and Mike Vander Pol were present.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid to Grand Junction Pipe and Supply for culverts and culvert bans for $28,272.61; motion carried.

b. Award competitive bid to the following companies to supply various sizes of gravel for County Roads: Western Slope Aggregate, Inc. $12,133.20; Lafarge West, Inc. - $20,719.20; and United Companies - $167,209.55

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid to Envirotech Services, Inc. for applying Liquid Dust Protection (Mag-Chloride) for County Roads for a total cost of $179,436.00; motion carried.

c. Award a Service Agreement to Vision Internet Providers, Inc. to redesign the Garfield County Website – Tim Arnett and Jesse Smith

Jesse stated the goal is to have a website available for those who need to update and add valuable information. The bid is for $37,950. The site will be available to add on things like a bulletin board for fire information, employment opportunities, job notices, forms, etc. In-house departments cannot get in and upgrade. Savings realized is $12,000 for maintenance savings plus the $300 in user fees.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve award a Service Agreement to Vision Internet Providers, Inc. to redesign the Garfield County Website, not to exceed the price of $50,000. Motion carried.

d. Award competitive bid to the following companies to supply various sizes of gravel for County Roads: Western Slope Aggregate, Inc. $12,133.20; Lafarge West, Inc. - $20,719.20; and United Companies - $167,209.55

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the award competitive bid to the following companies to supply various sizes of gravel for County Roads: Western Slope Aggregate, Inc. $12,133.20; Lafarge West, Inc. - $20,719.20; and United Companies - $167,209.55; motion carried.

e. Bond Release – Antara – Marvin Stephens

Marvin stated that Antara Resources have satisfactorily met the performance under the terms of the road use permit or overweight permit and request release of their surety and bonding company from all obligations provided pursuant to that permit.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Bond release and security to Antara; motion carried.

f. Executive Session – Property Negotiations

Included in the County Attorney's session.

g. Valley View Hospital Request for Egress – (continued) Dale Hancock

Dale presented a site plan for the egress. They would like to start the program by the end of this week. Staff recommended egress Number One. Preferred position of the legal was to grant the hospital a license of encroachment for a temporary deal. Save the tree.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go with Option Number, which would save the tree and the land will be replaced back to current conditions; motion carried.

h. Request from the Town of Carbondale for Transfer of Communication Site Assets – Dale Hancock

Dale said this is the telecommunication site in Carbondale. He provided the Board with a handout. This would be for Rocky Mountain School for better communication in their department. This is a site utilized by low power. In 1977, we took the capital asset sheet, ran the electrical equipment, and put it on a 20-year depreciation schedule. The City has offered to pay $600 for the purchase of the buildings and tower. This will have no affect on licenses in the frequency. This is a good location for a cellular transmitter. Chief Shilling has indicated they would like to have all their communication out of Garfield County and into the name of the Town of Carbondale under Excel and would break out the one at Harvey Gap, which is under the same bill. The building and tower is all we are giving them. Commissioner McCown stated he does not have a problem with us getting our equipment out of there and letting them do the upgrades needed but he would like to maintain ownership of the facility. Commissioner Houpt agreed. Dale will suggest they write a proposal addressing the concerns and include what they would be willing to offer the County. Dale was directed to contact Chief Shilling to inform him of the interest of the County and to see if they can develop a proposal.

i. Social Services – Lynn Renick – Out of State Travel

Lynn presented an out of state travel request for Vicki Martinez, Case Worker. The purpose of the trip is to evaluate the relative placement in Florida who has been there for a while and they make some decisions and for recommendations to the Court, and for the standard that a visit be done once a year. The travel is planned for April-13 –19, 2003.
A motion was made by Commissioner Houpt to authorize travel to Florida to view parent/child interactions for Case Worker Vicki Martinez April 13 though 19, 2003. Commissioner McCown seconded. Motion carried.

J. Dale Hancock – Energy Source

Dale submitted the settlement from American Soda he had received via e-mail. This comes from a settlement from late 2002 American Soda received some fines on some air pollution violations. $.5 million dollars was set aside for renewal energy and energy efficiency in three counties, Garfield, Mesa and Rio Blanco. The Step Foundation in Golden has been designated as the grantor of the funds. The company that is a part of that is Sun Sense- Earth Sense. They want to do demonstrations projects at the Garfield, Mesa and Rio Blanco County Fairgrounds to develop some renewal energy conservation measures. There is a commitment of staff time to be available on this project and pointed out that at the Fairgrounds we budget $16,000 annually for just the electricity and a lot of that goes into the new Indoor Arena/Multi Purpose Facility and this is a significant opportunity for a win for the County. The Board directed Dale to proceed.

k. ***Titles to Vehicles***

Tim Arnett presented two titles: tractor at the Fairgrounds and the pick-up that was destroyed when the kids broke into the Fairgrounds – it's worth $2000 and we have more than that in damage at the present through the insurance company. He thinks they will total the vehicle.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sign the Titles for the tractor and the totaled pick-up; motion carried.

l. Meeting with the City of Rifle – May 7, 2003

Meeting scheduled for May 7, 2003 – 5:30 – 6:30 P.M. Discussion may include: the Aquifer; the Culvert; future use of Lift-Up; Rifle Road and Bridge Facility; Fairgrounds and DOE – Use of Water and Sewer Credits.

m. Silt – April 2, 2003 – 6:00 PM – Silt Town Hall

A get-together and discussions may include the Silt Road and Bridge Shop.

n. Letter – Approach and Augment 2003 Grant by $4,200 in addition to the $25,000 – DETOX

Chairman Martin received a letter from Detox with a request to increase the 2003 grant by $4,238.54 in addition to the $25,000 already committed. Ed said this was an impassioned plea to help. Detox submitted a proposed budget showing their formula along with contributors. This is the only way they can meet their budget and they are requesting that everyone pay their proportioned share and the County's is $4,000 that they would be able to stay open and meet their budget. Discussion with other communities if they are not going to contribute such as Silt, Rifle, Parachute, etc., they're not going to contribute at all because they have no one going to that facility. Chairman Martin also read that Detox would stay open no matter what this year. Garfield County was the only contributor beyond and we contributed another $8 or $9,000. Ed said this was disputed and others had contributed later in the year. Their budget currently shows contributions from Silt, Rifle and Parachute, but these should be taken out due to their non-participation. Commissioner McCown noted that whether or not Silt, Rifle, and Parachute were using the facility is the point of argument because if they get an intoxicated individual, they bring them to the Garfield County jail and we have to handle the jail by taking them to Detox. Commissioner Houpt favored supporting this increase and have the jail keep track of people who are brought if from these other communities who actually use that Detox Center so that next year we can show them the numbers. Commissioner McCown said that Garfield is one of the major donors and we've given the $25,000; it's the first of March and they are already saying they are out of money. The question is do we anticipate them coming back in July and October and asking for more money as well. Commissioner Houpt said they are asserting that they recalculated their budget and this is the only time we will hear from them. Commissioner McCown pointed out that by taking the $2,000 from Silt, $10,000 from Rifle $1500 from New Castle, $3000 from Parachute, there is a larger shortfall that the County's $4,000 would be. Chairman Martin stated this same discussion occurred last year, they said this is a one-time request, the Commissioner agreed to that and all those communities die what they could but it left them a huge shortfall. The facility is for-profit organization and this is only one leg of their operation. Ed stated the County contributed over $50,000 not the $25,000 last year and there's another program we contribute as well for Colorado West; all of these funds come from the Human Services Grant Funds. This is generated by a portion of the sales tax revenue. Commissioner McCown stated if we contribute more funds to Detox, it would take away funds from other Human Services Agencies. Jesse suggested a surcharge on those prisoners that the jail has to take to Detox and billed back to the municipality that brought this prisoner into the jail. Lou is in the process of redoing the contracts with the municipalities and this may be something worthwhile including. Once they are at the jail an assessment is made as to what is needed and if there is a need to take them to Detox, then this needs to be in the contract. In the past the municipalities have taken the prisoner to Detox, told them to walk in, there's no mandatory hold, and they leave. Then the City of Glenwood Springs or Garfield County gets to handle the call and now we have another person in our jail or back to Detox under a court order. It's a real problem. If this program goes away, you will have intoxicated and drug induced folks wandering the streets and then they end up in the County jail.

Commissioner Houpt put a motion on the table that we pay the additional amount being requested for the fiscal year with the understanding that this is the final contribution from the County to this Detox program. Commissioner McCown seconded for discussion purposes. Commissioner McCown asked what fund were the funds to be taken from. Ed stated there is a grant fund for the Commissioners and could use that for this program. Jesse said it was from the general fund balance. Ed explained that grants for the soil conservation, animal shelter, etc. and most of the funds are committed, there are some funds that are not. Chairman Martin wanted clarification as the Board is at a point that we are really budget crisis at this time. He suggested tabling this and bringing it back for a vote on it once we establish how much money is available in that fund and not get into spending money we do not have. Commissioner Houpt made another recommendation to look to the Sheriff's Department too and if they want to re-coup those monies through fees for direct services, this may be the way to approach this issue. Chairman Martin stated this issue needs additional information before a final vote it taken to see what the Sheriff's position is on it and if he has money available to augment this request or give an account of the 110 funds to see where we are on our budget. There are nine long months to go and at this point, there will be a lot of request to be looked into.

Commissioner Houpt would like Ed to include this in the discussions with the Sheriff to see if he can tie this into contracts with the municipalities and recoup that expense. Chairman Martin stated Detox is a for-profit and their profit margin has dropped and that's the reason they are requesting additional funds. The Chair tabled this until March 24 for a vote if this will be sufficient time to get this put together.

COUNTY SHERIFF UPDATE: **LOU VALLARIO**

Lou Vallario provided an update to the Board as he had committed to keep the Board informed of both the good and bad at the Sheriff's office to keep the levels of communication going. He summarized that within the last 60-days and it has been a great opportunity. Tim Templon, the under sheriff enjoys the job. The *Management Structure* is complete with key advisory roles; investigations and he will submit an organization chart once it is completed. The biggest headache in the first 30-days was to *straighten out the payroll structure*; it is now in compliance with the County and FLSA structure. They now use the same time sheets as the rest of the Garfield County employees. Lou did a complete key inventory when he realized he had too many keys and they are *restructuring the system for a key hierocracy* with a central key for he and the Under sheriff; the other staff will have key to their office and a key to a common area – this has limited the number of keys to about two per person for access into about 80% of the facility. **Contracts** *– the service contract for the Fingerprint Machine; building maintenance contracts; CCS Software –the records management contract* is to be signed this week. Reviewing the *cost of care program* – there are two different versions with respect to the municipal inmates and other inmates, trying to look at this and conform it so it is simpler and in one form and that would go on to revisiting the cost of care contracts with the municipalities. There are a couple of things missing in those particularly transportation issues; phasing out the Battlement deputy operation – Lou said he has a problem with purchasing law enforcement services, the approach is they are entitled to the same amount of service as the other residents in the County. With that, he reiterated that he is phasing it out but not cutting off the $50,000 that Battlement Mesa has committed to this for 2003. We renegotiated with them, the Battlement Service is willing to continue $2000 a month until the end of 2003, and they have picked up our ½ of rent for the auxiliary/patrol office. They also purchased some new equipment, a new copier, computer so right now it looks like out of that $50,000 they will be recovering $30,000 plus. He reconfigured the patrol scheduled in order to have when fully staffed as many as six deputies on at any time and that will provide adequate coverage without the necessity for assigning one person to that area. Presence is in the Parachute/Battlement Mesa area. They have good contacts from this move. The Sheriff's department is doing new uniforms for the patrol and staff; they are doing a new uniform scheme and can do it within their budget. They will be forest green shirt and black pants. It will eliminate the dry cleaning line item– these are wash and wear. Closed up internal pending investigations. Patrol staff will be at fully staffed this week. Increased the presence in the task force by a second officer; moving the second detective into the investigations division and then follow with a third one once these two or three new deputies are trained and on the road. Restructured the schedule for shifts to cover the county. They are grading the County, having addition to main shifts, cover shifts, overlapping some times and get some manpower beefed up in areas where we need it. Detentions – numerous promotions: Scott Dawson is the new jail commander; promoted three corporals to rank of sergeant; three detention deputies II to rank of corporal, etc. about 10 promotions all total within the last 60-days. In the middle of hiring, when he took office they were down seven staff. Deputy Glasmire was called up for reserve military status. They have hired five and those gaps should be filled up. Replaced the cost of care coordinator in house with one of the detention personnel - Andrea left due to transportation issues from Grand Junction when her husband found employment over in that area. Reduced the liability for handling the inmate funds rather than each booking and the officer having responsibility for the money. Linda White is the co-office manager and the only one responsible for those funds. Developed a new evacuation plan – Jim Sears, Scott Dawson working with Guy Meyer and will do both table top and practical exercises; one thing they did was getting with Glenwood PD and other agencies as to what they can do to help us if we have an excavation process. Discussions at the present with Guy Meyer to potentially have the Community Corrections program run out of the work release area, bring back our Community Corrections people rather than farming them out all over the State, recover that money and actually give Lou back some detention officers in that area; Emergency Operations – working on an all hazard response team including Hazmat, criminal, etc. putting together a team that will essentially cover anything. The annual operation for fire is supposed to be signed on the 31st of March. Dennison has been working with Lou, it includes all the fire districts, and they will want to sign off on it. Search and Rescue barn is complete and did an inventory of equipment; working with the Airport on the emergency plan and in the process of doing, the weapons audit. Civil area - Frank Youland has been placed as a

coordinator of that unit adding a 3rd person to relieve the pressure of the two civil deputies. The jail count has been averaging 104. DOC is predicting in the next 2 – 6 years a backlog of upwards of 3,000 DOC prisoners. Payments may be reduced to the County down to less than what they are currently paying. If they try to eliminate it there could be a class action lawsuit filed with about 62 counties. Fire Chiefs – fire season, fire bans, and they are talking about doing a permanent seasonal fire ban and then lifting it as necessary. Over the lat ten years, there has been a Fire Ban every year. What came out of the discussion was having the concept of a fire control ordinance and compared it best to an animal control ordinance. Regulations would be included but not limiting anyone's ability to burn that cannot burn anyway by Statute. It does not affect agricultural, certain other things in accordance with the State Fire Codes or the International Fire Code. What they are talking about is how you can burn, what you can burn and what you need to burn. They would like to conform County-wide the 5 districts and the areas Lou is responsible for with respect to fires in the private and state lands and have a County-wide Ordinance so that if someone wants to burn they would have to go to their local district or the Sheriff's office and obtain a permit free of charge that simply outlines what you need to have when you burn, here's when you can burn, when you can't and here's what happens if your fire gets out of control. At the present, there is no enforcement ability at the County level and this would give the Sheriff the ability to enforce on a local level conforming the entire County to some regulations. Lou said these regulations would be similar to the domestic violence laws in that if you are a convicted domestic violence offender you cannot poses firearms. This is a federal not a state law and the Sheriff has no authority to enforce. All this is doing is conforming the entire County to some fire regulations and again they are not telling the agricultural they can't burn, just want to get it together with what the State and the International Fire Code are regulating with respect to fires and making everyone aware that in order to do that you have to notify your local district, get a permit, explain the consequences of what happens if it gets out of control and gives the Sheriff some uniformity as to enforcement. He asked if the Commissioners would entertain the Fire Chiefs and he pursuing working with the County Attorney's office in drafting something that might be palatable to everyone in the County. Commissioner McCown has concerns and voiced his opinion to Lou last week. He predicted a tremendous outcry from the citizens in the rural part of the County. It might be a popular ordinance in parts of the County where trash service is available. But in the rural parts of the County it will be perceived as another unnecessary regulation being forced on them that will cost them money by having to go to the Landfill. His concern was instead of burning; this trash could be dumped in one of their ditches. Lou received a letter from Ross Talbot and after Lou spoke to him, Ross had a change of mind. Currently there are 18 other counties that have regulatory authority for fire.

Commissioner Houpt would like to see his draft and asked him to include a rationale for doing this to inform the people for the need.

Chairman Martin suggested moving ahead, working out the details, and seeing if we can get to this open to the public through the public hearing process.

David Blair – Grand Valley Fire Protection District, Fire Chief – what they perceive as the next step is to have a workshop session with all the key players. The people they would like to see at the workshop session would be a representative from the Commissioners as well as a federal representation, and all those that have a key interest including the state air quality, etc. and do a brainstorming. Lou will put a time together when they will have this workshop. Mike Piper – Glenwood Fire Chief commented that he is charged with protecting life and property and you almost have to legislate and educate people to do the right thing. The process here is that we have a burn ban every year. Currently we allow people to burn anything. A policy needs to be in place as to what can and cannot be burned. Ranchers and farmers need to burn things as it is good for the soil but some things are going into the air from construction debris and restrictions for these products are what they are aiming to regulate. He proposed to send a pro-active message. He currently does inspections when requested. They favor putting a restriction on everything with a seasonal fire ban. This could be a part fire ban – they are proposing a seasonal fire regulated ban and a total ban could be added on a 30 days basis when necessary.

This would assist with those who lose their common sense.

COUNTY ATTORNEY UPDATE – DON DEFORD

Further Discussion regarding donation from Representative Al White

The Board discussed the check for $500.00 and decided the most appropriate use for these funds would be to direct them to the Clerk's Office for voter education and voter registration.

Commissioner McCown made a motion to designate the $500 donation from Al White to the Clerk's Office for voter education and voter registration. Commissioner Houpt seconded and added with a thank you letter back to Al White. Motion carried.

Airport Property and Airport Proper – Water and Sewer – Refresh on the Pre-Annexation Agreement and Update on Number

Carolyn Dahlgren mentioned that there were a number of things that Rifle was supposed to do as well and give us Quit Claim Deeds and such that have not happened. Commissioner McCown suggested the Board refresh on this issue so it's available on May 7, 2003 for the joint meeting with Rifle.
The County Attorney's office was requested to be present at that meeting.

CCI Use of Energy and Mineral Impact Funds to Operate the Department of Local Affairs

On March 12, 2003, the County Commissioners received a letter from DOLA with a proposal from the staff of the Joint Budget Committee (JBC) stating they are facing a $5 million shortfall in funding the operations for DOLA. The JBC has suggested that the $5 million could come from local government energy and mineral impact fees. The DOLA expects to have $25 to $30 million flow into the energy and mineral impact fund annually. They could use the $5 million to fund DOLA and still have approximately $20 million annually available for local government grants and loans. This is being proposed as an alternative to other ideas for meeting the shortfall. Comments were requested.
A letter was drafted for consideration of the Commissioners stating that CCI should oppose the measure as the revenue in the Energy and Impact Funds were not designed to offset the cost of general government operations. Additionally, the County would argue that to remove any revenue from these funds would not comply with the provisions of 30-63-102(7), C.R.S. as amended. Commissioner McCown stated this was for the support of the Department of Local Affairs and unless the department, as a part of this cut-back, we will be losing all of our field agents, Tim Sarmo will go away and there are there are three others in the state and others who help coordinate energy impact grants. Chairman Martin - This letter will let them know that we are aware of both sides of the issue; the formula was set up and is working. 75% of the severance tax that is collected; 25% goes directly to run the Department of Local Affairs, the Department of Natural Resources.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the letter; motion carried.

TPR Contract

Carolyn submitted the contracts for hiring a consultant for the County and its internal municipalities to deal with the CDOT 20/30 plan. This has been discussed a couple of times in the past. She submitted two forms of contracts for the signature of the Chair with the changes requested. One of the changes includes the Roaring Fork Transportation Authority and the other one doesn't. It was not clear from the minutes whether the Board wishes to include RFTA and its $1,000. If the Board wants to include RFTA, the way the contract is drafted is to knock down the amount of money that the City of Glenwood Springs and the County contribute by the savings of the $1000 from RFTA.
This was tabled until later this afternoon.

Executive Session – Litigation Update and Ed Green's request – Property Negotiations – Bond Discussion – Denise – Red Feather – TIF

Blake Jordan will be included in the bond
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Action
Commissioner McCown moved that the County Attorney's Office be authorized to contract with Alan Matlosz in an amount not to exceed $10,000 for that position up through May 31, 2003. Commissioner Houpt seconded; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – attended the Human Services Commission meeting on the 12th. The marketing committee reported on gaining new volunteers and used Alpine Bank as an example. This stemmed from the budget cuts. Doing public service in the community in an organized approach. Energy meeting dealing with creating ways to cut energy. Mayor Meeting in Glenwood – March 18, at 7:00 A.M., Rural Resort Meeting, Human Services in Denver on Friday. National American Planning Association – meeting Monday, March 31, 2003.

Commissioner McCown – Thursday, Homeland Security Funding – AG&C - $17,900 per County and we are in a 9-county region for that pass through planning. Charge a 5% admin fee. Office of Emergency Planning will handle this. Without the planning, you don't get the $6.6 million authority, but then each county applies for and it is dog eat dog. This will be distributed on a justified need. The Denver counties were upset that an equal amount of money for planning was given to the Western Slope, as was Denver. Generating station, dams and power plants is on this side of the mountain. Com Board Tuesday; Oil, and Gas Meeting at the old Ramada.
Chairman Martin – TAC meeting in Gypsum – Transit element for planning – Friday.

CONSENT AGENDA

a) Approve Bills
b) Sign a new Special Use Permit and Resolution for Brian and Taani Rust due to a Scrivener's error on Resolution Number 2003-10

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

Purchase of Contract – TRP – April 21, 2003 – Mark Bean

Doesn't carry professional insurance, he is an advisory and does not have any workers and there is no need for
Waive requirement for indemnifying the insurance. He's providing research on the property.
The board felt this would be fine if he signs a release and provides auto insurance.
He is a retired forestry.

Liquor License – Catherine's Store

Mildred explained that Catherine's Store has changed ownership but there was not enough time to have the noticed. The plan is to take over on April 1st. She asked the Board if they had a problem with the issuance of a temporary license until the public notice is accomplished.
The Board had no objections. Mildred will set this on the Agenda for April 7, 2003.

PUBLIC HEARINGS

CONSIDERATION OF APPROVAL BY COUNTY OF THE INDUCEMENT RESOLUTION FOR ISSUANCE OF HOSPITAL REVENUE BONDS (VALLEY VIEW HOSPITAL ASSOCIATION PROJECT-SERIES 2003).

Courtney Petre, Larry Dupper, Gary Brewer, Blake Jordan, Alan Matlosz were present.
Exhibit A – A copy of the Proof of Publication was submitted and the Hospital is to submit the original upon receipt. Chairman Martin entered this into the record.
Carolyn Dahlgren submitted the application and fee of $500.00, and certain amendments to the application to complete it, the letter required by paragraph 12a of the underlying Resolution, which is a recommendation from the County Attorney, and Don DeFord has conditioned his recommendation upon certain waivers of certain sections of the Resolution.
Inducement Resolution – Carolyn stated she had reviewed the Inducement Resolution and discussed it with bond counsel; there is another part of this and if the Board is going to approve it as drafted will require another waiver. There's a section of your underlying resolution that requires that the application front money on certain out of pocket expenses of the County the way the Inducement Resolution is drafted and it is stated that all such will be paid at the closing of the bond. This will need a motion to waive in addition to Mr. DeFord's recommendation letter. The waiver was identified: 1) that the hospital does not exist in unincorporated county but rather within a municipality; and 2) a waiver of our land use regulations because this project is under Glenwood Springs regulations, the Board may want to have a copy of the signed letter or a copy of the signed plat. Courtney Petre submitted a copy of the Development Agreement that signed by the City. Exhibit A – Legal description and Exhibit B – is the cost. The fee was changed to a flat $25,000.
Carolyn explained the items necessary to approve: recommendation letter with the addition of the paragraph 12(e) (3) and 12(a) - the waiver front-end out of pocket payment fees; and waive sections 12(b)(3) and supplements to the hospitals application.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the recommendations from the County Attorney's as presented by Carolyn Dahlgren that we waive the aforementioned items adding the one on the closing which would be 12(e) affecting the payment cost at the time of the bond closing also adjusting the cost of George K. Baum not to exceed $10,000 not to exceed May 31, 2003; motion carried.

Larry Dupper stated happy to submit the $25,000 as the County wishes.
Carolyn Dahlgren requested the Board to formally accept the application fee and the amendments to that application.
Commissioner McCown moved that the Chair be authorized to accept the aforementioned items.
Commissioner Houpt seconded; motion carried.
Bruce Deskins with AG Edwards and Bob Erland with Kutuck Rock were also present.
The plan bond issuance is approximately $44 million and these funds are to plan to build the new emergency, radiology, lobby and pharmacy, which are slated to begin this summer.
Bob Erland – The hospital is going through the County and there's a Statute that has been utilized in the past by the hospital and others that allows for the issuance of what is referred to as Industrial Revenue Bonds by Counties and Municipalities within the State of Colorado in order for even non-profit hospitals to avail itself of tax-exempt financing. Bonds for that hospital have to be issued by a political subdivision so there's a mechanism in the Colorado Statutes since the 1960's that allows for this and this is that the County issues the bonds, so that a political subdivision is in fact issuing the bonds. The proceeds of the bonds are loaned to the hospital and then the hospital agrees to make loan payments back to a bank, a trustee that match up with the Bond payments. The Bonds are only payable out of repayments made by the hospital and they don't constitute a debt or obligation of the County. These bonds will be additionally secured by a mortgage and a pledge of revenues and insurance as well. Chairman Martin - This does not encumber the county in reference to any other borrowing capabilities or power that they normally would have anyway. And, it does not indicate the County in Tabor only as a footnote and a conduit pass through indebtedness.
Commissioner McCown clarified for the record: $17,000,0000 to pay off the existing bonds; $22,000,000 for improvements and a reserve fund required to be paid out of bond proceeds or may be funded by the hospital.
The Bonds are anticipated to be on the market and sold by early to mid April and there will be one more required action by the Board of County Commissioners and that is to pass a Bond Resolution and April 7, 2003 is the projected date for this action to occur.
Inducement Resolution
Attorney Blake Jordan, Attorney with Sherman & Howard representing the County as Special Bond Counsel. He explained that his office has reviewed and commented on behalf of the County. They have made certain that no new obligations have been made and agrees with the applicant that this is all in accordance with the Statutes and the Constitution and does not create a financial obligations on behalf of the County that is a Tabor obligation of any kind, it's a conduit financing and basically lending our ability to issue tax-exempt bonds to the hospital for what the federal and state law has decided as a good public purpose.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
Blake Jordan formed the motion: To adopt this Resolution declaring the intent of the County to issue hospital revenue bonds, it's an Inducement Resolution.
The final step for the County will be in approximately one month where an actually Bond Resolution is presented to the Board for consideration to actually authorize the issuance of the bonds. This is pursuant to Statute and the Board's Inducement Resolution to authorize the applicant to proceed with the financing.

Commissioner Houpt made a motion to adopt this Inducement Resolution to authorize the applicant to move forward.
Commissioner Houpt made a motion that we adopt a Resolution declaring the intent of the County of Garfield to issue hospital revenue bonds prescribing certain terms and conditions of such bonds and containing other provisions related to the proposed issuance of such bonds.
Commissioner McCown seconded; motion carried.
Setting the Terms - Meeting
April 7, 2003 – Meeting date for final signatures; Blake Jordan via telephone – time set during public hearing. Carolyn to advise if any change in time.
Blake Jordan explained the Board has the definitive rights by then, or will the County need to consider a perimeters resolution. Larry Duper stated it would be within a perimeter, probably priced by next week. Blake explained what this means: Statutes permit this, often when you are considering a Bond Resolution, you know exactly the interest rates and exactly the terms of the bonds, sometimes that is not true and

Statute permits you to authorize the bonds within a certain range of perimeters and I believe this is what the applicants are proposing here if we are going to meet as early as the 7th of April. And, I don't see any problem with that, that's done with governmental bond issues all the time. That's what is going to happen.

AMENDMENT TO 2002 BUDGET

Jesse Smith stated that the newspaper legal notice did not include the 2002 Budget; therefore, he suggested this be postponed until adequate notice was given.

Tabled until March 24, 2003.

AMENDMENT TO 2003 BUDGET

Jesse Smith proposed to move all the salary increases into the regular budget. Exhibit B – items being moved at the request of budget heads – self-insuring disability, was submitted.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution – First Amendment to the 2003 Budget and authorize the Chair to sign; Motion carried.

PUBLIC MEETINGS:

DISCUSSION REGARDING CRIMINAL JUSTICE SERVICES BOARD: COLLEEN TRUDEN

Colleen Truden, Dale Hancock, Al Maggard and Kim Willie were present.

Kim stated they are working diligently to bring the Board to full strength. Several members have resigned and request the Board declare their seats vacant.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to vacate the five positions as listed; motion carried.

Bobby Johnson of the Rifle Correctional Facility has requested to be appointing.

A motion was made by Commissioner McCown to appoint Bobby Johnson to the Criminal Justice Services Board and seconded by Commissioner Houpt; motion carried.

Workshop – Kim invited the Board of County Commissioners to plan to attend the weekend workshop to be held on June 6 & 7 at the Adams Mark in Grand Junction. Chairman Martin attended the last one held several years ago.

PRESENTATION BY SHIRLEY ADAMS – VALLEY SENIOR CENTER

Shirley Adams, president of the Valley Senior Center, provided the Board with information on the Valley Senior Center in Parachute. This is an organization that came into being at the time of the Oil Shale Development. Excel purchased a lot of ranches and consequently dislocated some citizens. The Valley Senior Center was conceived as a way to join Parachute and Battlement Mesa together. Originally, the Energy Impact provided a grant and the Commissioners designated the Garfield County Housing Authority as the entity to receive the funds.. The current need is for funds to maintain the building for these 210 members. They are trying to keep the building heated and cooled by machines built in 1972 and put in place in 1982. The request is to have the BOCC sponsor them to the Energy Impact. They have raised $12,000 and (see handout) this center is a designated disaster building for the Red Cross. American Soda and Williams Energy are supportive of this request.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the Energy Impact to delegate Garfield County as a sponsor in this application; motion carried.

SID LINDAUER – PRESENTATION ON COMPRESSOR AND NOISE POLLUTION

Sid presented a packet of information to the Board with a request for Garfield County to require "Special Use Permits" subject to regulations for stand-alone and building covered compressors, now being used by the oil and gas industry. He said he spent months gathering information regarding noise and noise regulations. He submitted documentation to support his request. His purpose for requesting SUP's are due to the devastating effects on his life and environment. He presented a sound experiment giving the levels at various locations: Roan Cliff's Compressor Station, EnCana and 5 Barnyard Compressors.

Williams Energy is working on sound walls and have covered the 5 large Barnyard compressors. Sid has requested them to bring in the acoustical engineers in order to address this problem. American Soda owns the property where EnCana is putting two more compressors in. Sid requested Garfield County to enforce their regulation 3.10.04, which deals with Gentle Slopes and Lower Valley Floor and its Uses requiring a SUP for all compressor stations whether they be stand-alone or building enclosed. In addition to the SUP for the compressor stations, the permit approval should be subject to items (1-8): Noise abatement must be done during the conceptual and design phase of a project and adhering to procedures approved by a certified acoustical engineer. The design of compressor stations for noise must be approved by an

acoustical engineer or the equivalent, prior to the time the compressors are in operation; 2) the compressors will be enclosed in buildings, and the buildings will be positioned so that the noise will be minimized to the greatest extent, for existing homes and for the wildlife; 3) there will be a sound-dispersing fence surrounding the building that encloses the compressors. The fence will have woven material in a color that will blend with the surrounding area; 4) large compressor engines will have electric driven coolers and will be placed horizontally to decrease surface noise levels; 5) the planned motor driven engine will be equipped with a critical silencer exhaust; 6) Any work done on the site shall require the application of and issuance of building permits from the Garfield County Building Department. 7) the site shall be maintained in good visual conditions, earth tones and natural colors shall be used; 8) Emergency shutdown provisions and fire plans must be coordinated and approved by the local Fire Protection District and Garfield County; 9) The site must be posted with an emergency and complain telephone number at all times; 10) exterior lighting must meet the Garfield County Land Development Code requirements. 11) project must be in compliance with all State and County regulations and licenses; and 12) accepting all review agency comments. He lastly recommended that it is time for Garfield County to look closely at the Calgary, Alberta, Noise Code. To incorporate it into the county regulations would be a bold and courageous move that most people in Colorado would appreciate.

Chairman Martin said that this in an on-going issue and work is still pending.

Adele Hubbell stated there is a new compressor station close to her property. The sound is similar to a jet airplane and it is 24/7. When summer comes and she wants to open the windows, she can hardly imagine the increased levels of noise.

The Board recommended sound levels be taken now and then when the buildings are in place. The industry has moved forward in making some adjustments. The Board is trying to find a solution.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Julie Olson – Advocate Safehouse - Emergency Shelter

Julie presented a draft letter for the Board's consideration requesting support for funds from the Division of Housing, Emergency Shelter Grant, for operational support to assist in the employment of the Safehouse Assistant and to assist with the maintenance utilities, fuel and insurance expenses of the project.

Commissioner McCown moved to authorize the signatures of the Commissioners of the letter of support as presented by Julie Olson for Advocate Safehouse; Commissioner Houpt seconded; motion carried.

Barton Porter – CR 314 – Barton dropped a letter off earlier this morning referencing the comments made on last Monday by Commissioner McCown regarding "permission to have Marvin figure out if we have funds allocated for X amount of miles for gravel using that same dollar fund, gravel however far it will go and chip seal over that and if we only get 1 mile versus 2.9 miles that's what we get, " and requested that the Board reconsider the maintenance on CR 314 instead of putting new gravel on it. He represents the folks that live on the road and they agreed with Commissioner McCown's statement to put the same amount of money on hard surfacing instead.

Commissioner McCown noted that no figures were obtained because of Chairman Martin's concerns about the ranch at the end of the road and so did Jake. Therefore, this was never pursued with Marvin.

Chairman Martin stated let's pursue it and see how much is going to be there and direct Ed Green to supply us this information next meeting.

Resolution – April as Sexual Assault Month

Tabled until March 24, 2003 – Consent Agenda

PUBLIC HEARING;

APPROVAL OF AMENDMENT FOR GARFIELD COUNTY BUILDING CODE RESOLUTION CONCERNING PLOT PLANS FOR BUILDING PERMITS

Mark Bean and Carolyn Dahlgren were present. Mark stated that to date there is no proof of publication to present to the Board. This was published February 28, 2003. Mark stated that he had sent the notice to the newspaper timely and requested a proof of publication.

Commissioner McCown suggested that a letter go out for the Board's signature that in the future we have a credit coming and the paper will provide those things to us in a timely manner. This is not the first time it has happened.

Later in the meeting:

A copy of the publication from the newspaper from February 24, 2003 was submitted.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A – Proof of Publication – February 28, 2003 from the Glenwood Springs Post/Independent. Exhibit B – Staff Report and Comments. Chairman Martin entered Exhibits A and B in the record

Mark - At the Board's request, staff proposed some language to revise a portion of the building code relating to the data and information submitted at the time of building permit application. Specifically we had required that all plot plans be developed by a license surveyor for all pieces of property. Subsequently, they have run into situation that it seemed somewhat redundant or cumbersome on some larger pieces of property and the smaller pieces already have site plans that are actually surveyed in with building envelopes, i. e. Sunlight View Subdivision II. He suggested changing the language "that any site plan for the placement of any portion of a structure within ***50-feet*** *(*changed from the proposed 30-feet) of a property line and not within a previously surveyed building envelope on a subdivision plat shall be prepared by a licensed surveyor." Also noting, "that any structure to be built within a building envelope of a lot shown a recorded subdivision plat shall include a copy of the building envelope as it is shown on the final plat with the proposed structure located within the envelope." This is a request that came from the chief building official Andy Swaller; they're not just giving us the building envelope but their also locating the structure within it itself. Mark suggested changing from 30-feet to 50-feet because even large pieces of property when you start getting into 3-feet there is a margin where we could miss some set back requirements particularly those that are of 25-feet or more; the 50-feet will make sure we are outside any area that would building envelopes. Larger acres larger than 2-acres up, if you're not locating within those boundaries, it's not going to be difficult to meet the 50-feet. This is the reason for the previous change when the Board adopted Resolution 2002-32 when we adopted all the 1997 Uniform Building Code Requirements.

Staff recommends Approval.

Motions

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amendment to the Garfield County Building code, Resolution as noted in 106.3.1. (7) as corrected with the bold print; motion carried.

Attest: Chairman of the Board

_____ _____

MARCH 17, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

Excerpt

PUBLIC HEARING:
CONSIDER THE APPROVAL OF THE SPRINGRIDGE II PUD FOR A PROPERTY KNOWN AS THE GREENWALD PROPERTY: LOCATED ON DRY PARK ROAD (CR 125) APPROXIMATELY ONE MILE FROM THE INTERSECTION WITH FOUR MILE ROAD (CR 117) IN THE DRY PARK VALLEY AND CONTAINS APPROXIMATELY 484. APPLICANTS: S&S RANCH LLC, SBJ RANCH LLC, FREEMAN RANCH LLC, GSB RANCH LTD, AND WILD MOUNTAIN RANCH LLC, REPRESENTED BY PATRICK FITZGERALD AND OTAK

Carolyn Dahlgren John McCarty, David McConoughy from Lee Leavenworth & Associates, Sopris Engineering, Martha Cochran representing Aspen Valley Land Trust, and Pat Fitzgerald representing the Greenwald trust 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.

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 as amended; Exhibit D –

Garfield County Comprehensive Plan of 2000; Exhibit E – Staff Memorandum; Exhibit F – Application Materials; Exhibit G –Letter from the Colorado Geologic Survey to B & P dated November 22, 2002; Exhibit H – Letter from the Division of Water Resources to B & P dated November 21, 2002; Exhibit I – Memorandum from Andrew McGregor of the City of Glenwood to the B & P dated 11-15-02 containing the "Pre-Annexation Agreement" between Springridge II and the City of Glenwood Springs dated July 25, 2001; Exhibit J – Letter from the Colorado Geologic Survey to B & P dated October 25, 2000; Exhibit K – Letter from the Colorado Geologic Survey; Exhibit L – Letter from Garfield County Road and Bridge Department to B & P dated November 25, 2002; Exhibit M – Referral comments from Mary Meisner to B & P dated 11-19-02; Exhibit N – Letter from the Colorado State Forest Service to B & P dated November 22, 2002; Exhibit O – Letter from Garfield County Engineering Department to B & P dated 11-25-02; Exhibit P – Letter from the Glenwood Springs Fire Department to B & P dated 11-26-02; Exhibit Q – Letters from the Division of Wildlife to B & P dated 11-27-02, 11-18-02, 12-27-94, 7-23-94 and 7-28-94; Exhibit R – Memorandum from Steve Anthony to B & P dated 11-17-02; Exhibit S – Traffic Impact Analysis by OTAK dated 12-16-02; Exhibit T – Letter and attachments (subsequent application clarifications) from Pat Fitzgerald to B & P dated 1-2-03; Exhibit U – Letter to the Garfield County Commissioners from Kathy Harris dated 1-28-03; Exhibit V – Letter from the Spring Ridge Place Subdivision to Mark Bean received 3-05-03; Exhibit W – Email from the Division of Wildlife to the B & P dated 3-7-03; Exhibit X – Memo from Pat Fitzgerald to B & P dated 3-7-03; Exhibit Y – Memo from Pat Fitzgerald to B & P dated 3-12-03; Exhibit Z – Letter to B & P (presumably) from Barbara E. Larime, Secretary of the Springridge I HOA dated 3-13-03; Exhibit AA – Memo from Pat Fitzgerald to B & P dated 3-12-03; Exhibit BB – First Amendment to the Pre-Annexation Agreement between the City of Glenwood Springs and the owners of the Greenwald Property.
Exhibit CC – Updated easement
Chairman Martin entered Exhibits A – CC into the record.
Fred stated that the applicant has a very special request to present to the Board and has requested time before he gives his staff report.
Pat Fitzgerald proposed to the Board that the *open space* be given to Aspen Valley Land Trust, and met with AVLT last Thursday, Martha Cochran and her attorney Bob Noone thinking they would sign the donation to AVLT at that time. There was no final board approval that Martha had to accept the donation and Pat gave her all of the signed donation agreements on their part together with the check promised, and as soon as the AVLT board has taken action, the donation will be finalized present. Pat asked the Board of Commissioners to proceed today with everything that they normally do, but and when we get to the final wrap-up to continue this to a date certain with a signed contract with Aspen Valley Land Trust. The Board agreed.
Fred Jarman presented a *Power Point* regarding the land use proposal. This is a request for approval of a Planned Unit Development for approval of 81 total lots on 484 acres of property in the A/R/RD zone district. The residential area comprised of 81 clustered residential lots range from 0.7 acres to larger than 4 acres in size. These residential lots encompass 150 acres. A reserved area to include 309 acres to be designated as open space to remain undeveloped. 15 acres for infrastructure. All residential lots will tie into the existing central water system serving neighboring Springridge I as well as tie into the City of Glenwood Springs' central waste water system. A single main entrance is proposed for the lots on the east side of CR 125 (lots 7 – 81. Access to lots 1 – 6 on the west side of CR 125 is proposed via shared driveways for a total of 3 shared driveways. One emergency road access is proposed for the development to be located along the western boundary of lot 81 accessing existing Spring Ridge Place Phase I. The applicant has gone through the sketch plan process with the Planning Commission. The applicant proposes to rezone the property from A/R/RD to PUD in order to establish a zoning that would allow the applicant to subdivide the 484-acre site as proposed. January 8, 2003 the Planning Commission reviewed a Sketch Plan of the property application concurrently with the proposed rezoning request to PUD. As a result, the PC forwarded a formal recommendation of approval with conditions for the PUD to the BOCC. In order for the property to be subdivided and the project to be fully realized, the Applicant will be required to go through the County's Preliminary Plan and Final Plat review processes later. Carbondale Collapsible Area is the soil condition in this area.
Traffic – the project would general 2,077 trips on CR 117 and over an 8 year period to 3,577 – 4%, 8% to 16% at build-out. The fee would realize about $204,600.00 with payment of ½ at time of approval and paid as to what is in effect at the time. CR 125 is Dry Park Road.

The property has tremendous wildlife activity for Elk, Mule Deer for winter range. Justin Martin from DOW was present. The recommendations contain several issues regarding the wildlife issues. *Cul-de-sac* – three are proposed. Two are longer than allowed in the regulations. One is shorter than the regulations. The reasons to approve a longer cul-de-sac are for egress from the site and a proposal was made by the applicant to connect the two longer cul-de-sacs together to address egress issues. The proposed phasing plan includes four phases: 28 lots, 27 lots, 20 lots and 6 lots. The impact fees include a 21% increase to CR 117 and paving of CR 125.
Recommendation:

I. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends the Board of County Commissioners approve the Spring Ridge II Planned Unit Development with the following conditions.

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.

2. The Applicant shall delineate appropriate building and landscaping envelopes on all proposed lots in the subdivision as part of the Preliminary Plan application that are sensitive to geologic constraints (steep slopes and rock fall hazards) as well as the preservation of wildlife patterns throughout the site. As a part of this PUD, the Applicant shall fully define and describe what may occur within the building and landscaping envelopes within the protective covenants to be submitted as part of the Preliminary Plan application.

3. The Applicant shall be required to obtain all necessary "road cut permits" from Garfield County in the event the Applicant intends to place the extended sewer service line in any County public right-of-way such as CR 117 and /or CR 125. The Applicant shall submit all necessary information required from a road cut application to the Building and Planning Department and the Road and Bridge department as part of the Preliminary Plan application.

4. The Applicant shall provide the following information regarding providing sewer service from the City of Glenwood Springs as part of the Preliminary Plan:

A) Provide a specific plan and design indicating exactly where the sanitary sewer line will be installed.

B) Submit detailed standards for review of how any County roadway (if used) will be replaced after installation of utilities.

C) Submit a summarized phasing plan for the entire sanitary sewer system for review and comment.

5. Regarding fire flow, the proposed water system shall meet the requirements of the 1997 Uniform Fire Code, Division III, Fire Protection, Appendix III-A, Fire Hydrant Location and Distribution, Appendix A-III-B.

6. For any homes proposed in Springridge II over 3,600 sq. ft., they shall need to have an interior fire sprinkler system installed. These systems to be designed and installed to meet or exceed the standard set forth in NFPA 13R or 13D 1999.

7. The Applicant shall design all roadways, driveways, and water supply systems to meet the Uniform Fire Code 1997 specifications of Article 9. Exception: omit all of Section 902.3 Access to Building Openings.

8. The Applicant shall develop 1) a Wildland fire fuels reduction mitigation plan for the entire Subdivision and 2) a plan to maintain the reduced vegetation fuel load. Guidelines to develop

this plan may include but are not limited to: Colorado State Forest Defensible Space Thinning Standards (current edition), Uniform Fire Code 1997, Division II, Special Hazards Appendix II-A, Sections 1,2,3,5,7,10, 12,13,14,15,16,17,18,20,23,24. This shall be submitted with the Preliminary Plan application.

9. **The Applicant shall submit a Weed Management Plan which includes 1) a map and inventory the property for noxious weeds found on the site, 2) a statement regarding what entity will be responsible for common area weed management in the future including such areas as parks and trails. This Plan shall also be referenced in the protective covenants for the project. This plan shall be submitted with the Preliminary Plan application for review.**

10. **The Applicant shall provide a general outline of a Soil Management Plan as part of the preliminary plan submittal. A detailed plan will be submitted for county approval prior to the commencement of construction.**

11. **The Applicant shall submit 1) a plant material list, 2) planting schedule, 3) a map of areas impacted by soil disturbance outside of building envelopes (in terms of acres) which are proposed to be disturbed and subsequently reseeded including all road cuts and utility disturbances, and 4) the provision of a revegetation security which shall be provided at the time of Final Plat. The amount of the security shall be determined by the County Vegetation Manager and the Applicant based on the information above and provided at the time of Final Plat. The Applicant shall provide estimates for revegetation that include costs for seeding, mulching, and other factors that may aid in plant establishment. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the attached Reclamation Standards.**

12. **The Applicant shall provide for the on-going flood irrigation of open space areas B and C. Provisions will be made to irrigate these areas by the Home Owners Association as an on-going obligation of the Association.**

13. **The Applicant shall design all ditches at a minimum of six feet for all secondary access roads per County regulations.**

14. **The Applicant shall revise all sections in accordance with road ditch width standards. The drainage report should detail how deep all ditches need to be and drawings should delineate them accurately and in relation to drainage report recommendations. All culverts shall be sized and located per storm drainage report recommendations. Refer to section 9:35 of the Garfield County Design and Improvement Standards. This information shall be provided during Preliminary Plan to allow adequate review by the County Engineer.**

15. **The Applicant shall submit a summarized phasing plan for the entire storm water control system for review and comment by the County Engineer during Preliminary Plan.**

16. **All roadways within the development shall be dedicated to the public.**

17. **Prior to submitting the Preliminary Plan application, the Applicant shall forward the proposed traffic generation analysis to the County Engineer so that an accurate ADT calculation shall be calculated regarding the proposed trips to be generated from the development.**

18. **The Applicant shall improve CR 125 from the intersection of CR 117 to the main entrance of Springridge II. Further, the Applicant shall not be required to improve CR 125 beyond the main entrance to the eastern end of the development. The Applicant shall consider the possibility of relocating an existing school bus turnaround on CR 125 to the main entrance of Springridge II or at an appropriate location given topographic constraints and as appropriate engineering practices allow.**

19. **Submit a summarized phasing plan for the entire road system for review and comment.**

20. **The Applicant shall be allowed to construct the proposed cul-de-sac which ultimately serves lots 13 and 17 as well as the proposed cul-de-sac which serves Lots 77 - 81.**

21. **The Applicant shall be required to obtain driveway permits for four roadway cuts from the Road and Bridge Department as part of the Final Plat application process.**

22. **In accordance with the opinion of the Division of Water Resources, the proposed water supply can be provided without causing material injury to decreed water rights, and is adequate, as long as: 1) the District's plan for augmentation, the Fourmile Creek SWSP and the wells are operated according to their decreed/approved terms and conditions; and 2) the applicant obtains the aforementioned well permits and the contract with the District. The applicant shall be required to produce these approved well permits as part of the Preliminary Plan process and include provisions for managing the water system (what entity ((i.e. Home Owner's Association)), will own and operate/manage the water supply system) within the protective covenants.**

23. **The Applicant shall submit a copy of the approved contract with the West Divide Conservancy District for 34 acre-feet and the required approved well permits as part of the submittal materials for Preliminary Plan so that they may serve as proof of a legal and adequate supply of water.**

24. **The Applicant shall provide a copy of the signed agreement between the developer and Aspen Valley Land Trust (AVLT) that fully describes the perpetual conservation easement governing the proposed open space on the property.**

25. **All foundations for all of the units in this development shall be required to have properly engineered foundations due to the potential for hydro-compactive soils in the area. In addition, the units on Lots 1–6 and lots 63-81 shall be required to be properly located within designated building envelopes to effectively avoid any potential for rockfall hazards on those lots. This condition shall be addressed during the Preliminary Plan review and included as a plat note on the final plat.**

26. **The Applicant shall submit an updated geotechnical report for the property that addresses the current project configuration as part of the Preliminary Plan application.**

27. **CGS recommends that an engineering geologist be retained to assist in the sitting of residences for lots 1 through 6 and all those that flank the Maroon dip slope on the east side (lots 63-81). This should be completed prior to construction because if unstable rock features are located, they can be easily removed with little cost.**

28. **The Applicant shall submit a revised drainage study in the Preliminary Plan application that calculates a 100-year flood discharge for the project site so that residences are sited such that there is no threat to flash flood.**

29. **The Applicant shall pay the School Site Acquisition Fee according to the calculation found in Section 9:81 of the Subdivision Regulations. The Applicant shall be required to pay this fee in full at the time of Final Plat.**

30. **The Applicant shall pay the appropriate Traffic Impact Fee as calculated for Traffic Study Area 8d. The fee is a cumulative fee for areas 8a + 8B + 8c + 8d which are a total fee of $264.00 per determined ADT (which will be 9.57 ADT) minus the appropriate discounts will be paid at the time of Final Plat.**

31. The Applicant shall limit the area of Lots 1-6 that may be disturbed by building and landscaping so as to maximize wildlife forage, by either landscape envelope or a percentage of area in each lot that may be disturbed.

32. Dogs should not be allowed to roam and homeowners should also be advised that dogs chasing wildlife is illegal and can lead to legal action. No more than one dog per household with a kennel restriction; furthermore, an electric fence should not be considered a kennel. Dogs that are not kenneled must be leashed at all times. No dogs allowed by construction workers during the development process.

33. The Applicant shall provide Staff with proposed covenants of the Homeowners Association that address the recommendations of the Division of Wildlife which are included as follows:

a. Bear/human conflicts have the potential to be a reoccurring problem in this area and it is paramount that certain measures be taken to minimize these conflicts. The Applicant shall be required to incorporate the following as covenants for the subdivision:
b. All homeowner have and use an approved bear-proof container for storing all trash/garbage. Trash compactors inside the house can help eliminate bulk and odors, which will further reduce potential problems;
c. Bird feeders can be used but do not mount humming bird feeders on windows or the siding of the house. Seed feeders should be strung up at least 10' from the ground with a seed catchment to discourage other wildlife foraging;
d. Pets should be fed indoors, and pet food or food containers should not be left outside;
e. Horse feed should also be stored in a bear proof container and locked; a job box with a padlock can adequately prevent bears from breaking into horse feed containers;
f. BBQs should also be securely housed in the garage or cleaned with a bleach solution when not in use due to the fact that leftover food and grease are an overwhelming bear attractant;
g. Round door knobs on the outside of doors rather than lever-type can limit bear access into houses as well as installing a cooling system rather than leaving windows open, as this is the main way bears access homes in the summer. Storm shutters that can be closed and locked when the house is not being used can also discourage bears from entering vacant houses;
h. Under current state laws, the Division of Wildlife is not liable for damage to real or personal property by bears.
i. For homeowners keeping horses on their property, fencing haystacks with 8' mesh fence for wildlife proofing at the homeowners expense is recommended.
j. Eliminating plantings of any berry, fruit, or nut producing plants or shrubs will also discourage bears and other wildlife from feeding on expensive landscaping. Homeowners also need to be aware that the Division of Wildlife is not liable for any damage to landscaping by deer, elk, or bear.
k. Due to the fact that wildlife does travel through the area, all fencing should be eliminated. If absolutely necessary, homeowners need to adhere to wildlife friendly fencing. For wire fencing, a maximum height of 48" with no more than 4 strands and a 12" kickspace between the top two strands is sufficient. 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, as it significantly impairs wildlife movement.
l. Maintaining as much of the native mountain shrub communities inside the building envelopes is encouraged to continue to provide the highest value to existing wildlife.
m. During the construction process, large areas of disturbed soil will be inviting to noxious weeds. Weeds can out-compete native vegetation, thus degrading the quality of the habitat. Precautions should be taken so that heavy machinery does not spread noxious weeds within the area. After construction is complete, a weed management plan should be drafted to further ensure that weeds do not invade the native plant community habitat.
n. Homeowners need to be made aware that the surrounding lands are heavily hunted during big game seasons. Hunting in the area will not be eliminated due to development.

o. Mountain lions may frequent the area and if one is seen in the area, small pets and children should not be left outside unattended during the early mornings and late evenings. Pets and any livestock should be kept in a kennel or enclosed area during the night.

34. The Applicant shall agree that completion of a phase means the completion of all construction including infrastructure for the subject phase.

35. The Applicant shall include the following plat notes on the Final Plat:

a) "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."

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 & 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 (1) 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 3,500 square feet of irrigation water."

f) No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. sew. and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

36. The Applicant may be allowed to construct the trail southward along the knoll above lots 55 through 61 so long as the trail is constructed out of dirt or wood chips.

37. The Applicant shall submit the plans and /or maps finally approved by the Board of County Commissioners to the Building and Planning Department in an acceptable digital format as part of final plat.

II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Planned Unit Development to the Board of County Commissioners, with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.

Zoning

2. The Applicant shall delineate appropriate building and landscaping envelopes on all proposed lots in the subdivision as part of the Preliminary Plan application that are sensitive to geologic constraints (steep slopes and rockfall hazards) as well as the preservation of wildlife patterns throughout the site pursuant to the Division of wildlife comments. As a part of this PUD, the Applicant shall fully define and describe what may occur within the building and landscaping envelopes within the protective covenants to be submitted as part of the Preliminary Plan application.

Sewer Service

3. The Applicant shall be required to obtain all necessary "road cut permits" from Garfield County in the event the Applicant intends to place the extended sewer service line in any County public right-of-way such as CR 117 and /or CR 125. The Applicant shall submit all necessary information required from a road cut application to the Building and Planning Department and the Road and Bridge department as part of the Preliminary Plan application.

4. The Applicant shall provide the following information regarding providing sewer service from the City of Glenwood Springs as part of the Preliminary Plan:

D) Provide a specific plan and design indicating exactly where the sanitary sewer line will be installed.

E) Submit detailed standards for review of how any County roadway (if used) will be replaced after installation of utilities.

F) Submit a summarized phasing plan for the entire sanitary sewer system for review and comment.

Fire Protection

5. Regarding fire flow, the proposed water system shall meet the requirements of the 1997 Uniform Fire Code, Division III, Fire Protection, Appendix III-A, Fire Hydrant Location and Distribution, Appendix A-III-B.

6. For any homes proposed in Springridge II over 3,600 sq. ft., they shall need to have an interior fire sprinkler system installed. These systems to be designed and installed to meet or exceed the standard set forth in NFPA 13R or 13D 1999.

7. The Applicant shall design all roadways, driveways, and water supply systems to meet the Uniform Fire Code 1997 specifications of Article 9. Exception: omit all of Section 902.3 Access to Building Openings.

8. The Applicant shall develop 1) a Wildland fire fuels reduction mitigation plan for the entire Subdivision and 2) a plan to maintain the reduced vegetation fuel load. Guidelines to develop this plan may include but are not limited to: Colorado State Forest Defensible Space Thinning Standards (current edition), Uniform Fire Code 1997, Division II, Special Hazards Appendix II-A, Sections 1,2,3,5,7,10, 12,13,14,15,16,17,18,20,23,24. This shall be submitted with the Preliminary Plan application.

Vegetation Management

9. The Applicant shall submit a Weed Management Plan which includes 1) a map and inventory the property for noxious weeds found on the site, 2) a statement regarding what entity will be

responsible for common area weed management in the future including such areas as parks and trails. This Plan shall also be referenced in the protective covenants for the project. This plan shall be submitted with the Preliminary Plan application for review.

10. The Applicant shall provide a proposed Soil Management Plan that includes 1) provisions for salvaging on-site topsoil, 2) a timetable for eliminating topsoil and/or aggregate piles, and 3) a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more. This plan shall be submitted with the Preliminary Plan application for review by the County's Vegetation Manager.

11. The Applicant shall submit 1) a plant material list, 2) planting schedule, 3) a map of areas impacted by soil disturbance outside of building envelopes (in terms of acres) which are proposed to be disturbed and subsequently reseeded including all road cuts and utility disturbances, and 4) the provision of a revegetation security which shall be provided at the time of Final Plat. The amount of the security shall be determined by the County Vegetation Manager and the Applicant based on the information above and provided at the time of Final Plat. The Applicant shall provide estimates for revegetation that include costs for seeding, mulching, and other factors that may aid in plant establishment. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the attached Reclamation Standards.

Drainage

12. The Applicant shall submit detailed calculations at the Preliminary Plan phase showing how the well will be recharged by maintaining irrigation.

13. The Applicant shall submit a summarized phasing plan for the entire storm water control system for review and comment by the County Engineer during Preliminary Plan.

Roadways / Access

14. All roadways within the development shall be dedicated to the public.

15. Prior to submitting the Preliminary Plan application, the Applicant shall forward the proposed traffic generation analysis to the County Engineer so that an accurate ADT calculation shall be calculated regarding the proposed trips to be generated from the development.

16. Submit a summarized phasing plan for the entire road system for review and comment.

17. The Applicant shall not be allowed to construct the 700-foot long cul-de-sac, which serves lots 13 and 17 because the Applicant has not determined its necessity due to topographic reasons or provides emergency egress out of the subdivision. The Board may approve a longer cul-de-sac if it designed for either topographic or fire / emergency egress reasons.

18. The Applicant shall request the Board approve the 1,300-foot long cul-de-sac, which serves Lots 77 – 81 as it serves as secondary emergency egress from the subdivision to Springridge I.

19. The Applicant shall be required to obtain driveway permits for four roadway cuts from the Road and Bridge Department as part of the Final Plat application process for the four proposed driveways to serve all 81 lots.

Water

20. In accordance with the opinion of the Division of Water Resources, the proposed water supply can be provided without causing material injury to decreed water rights, and is adequate, as long as: 1) the District's plan for augmentation, the Fourmile Creek SWSP and the wells are operated according to their decreed/approved terms and conditions; and 2) the applicant obtains the aforementioned well permits and the contract with the District. The applicant shall be required to

produce these approved well permits as part of the Preliminary Plan process and include provisions for managing the water system (what entity ((i.e. Home Owner's Association)), will own and operate/manage the water supply system) within the protective covenants.

21. The Applicant shall submit a copy of the approved contract with the West Divide Conservancy District for 34 acre-feet and the required approved well permits as part of the submittal materials for Preliminary Plan so that they may serve as proof of a legal and adequate supply of water.

Geotechnical Issues

22. All foundations for all of the units in this development shall be required to have properly engineered foundations due to the potential for hydro-compactive soils in the area. In addition, the units on Lots 1–6 and lots 63-81 shall be required to be properly located within designated building envelopes to effectively avoid any potential for rockfall hazards on those lots. This condition shall be addressed during the Preliminary Plan review and included as a plat note on the final plat.

23. The Applicant shall submit an updated geotechnical report for the property that addresses the current project configuration as part of the Preliminary Plan application.

24. CGS recommends that an engineering geologist be retained to assist in the citing of residences for lots 1 through 6 and all those that flank the Maroon dip slope on the east side (lots 63-81). This should be completed prior to construction because if unstable rock features are located, they can be easily removed with little cost.

25. The Applicant shall submit a revised drainage study in the Preliminary Plan application that calculates a 100-year flood discharge for the project site so that residences are sited such that there is no threat to flash flood.

Fees

26. The Applicant shall pay the School Site Acquisition Fee according to the calculation found in Section 9:81 of the Subdivision Regulations. The Applicant shall be required to pay this fee in full at the time of Final Plat.

27. The Applicant shall pay the appropriate Traffic Impact Fee as calculated for Traffic Study Area 8d. The fee is a cumulative fee for areas 8a + 8B + 8c + 8d which are a total fee of $264.00 per determined ADT minus the appropriate discounts will be paid at the time of Final Plat.

28. Staff recommends the Applicant contribute $20,000 to the Roaring Fork Transit Authority (RFTA) to build Park-and-Ride spaces located at the CMC / HWY 82 intersection and /or the proposed Four Mile Road connection to HWY 82. Staff recommends this payment be made to RFTA at the time of Final Plat.

Wildlife

29. All lot owners shall be provided with information in the protective covenants which shall serve as a reminder to land owners as to how they can reduce wildlife / people conflicts and ultimately understand how to live with wildlife present in rural Garfield County.

30. The Applicant shall place building envelopes on perimeter lots to minimize disturbance to existing native sage shrub communities. This is very crucial to try and also preserve as much of the winter forage and cover for deer and elk. These building envelopes shall be shown on the plat provided as part of the preliminary plan submission.

31. Lot owners shall be restricted from erecting perimeter fences around the boundaries of lots. This will allow free movement of wildlife to, from, and between properties and will serve to help minimize wildlife caught in fences. Lot owners shall only be allowed to construct backyard privacy fences not to exceed 50x75 in area for their dogs. Further, these fenced areas should be constructed prior to a C.O. is issued.

32. During the winter and early spring, maintain closure of the hillside pedestrian trails. This area is very important to wintering deer and elk for forage and cover and human or dog intrusion can have a large impact on wintering animals.

33. Keeping lots 1 – 6 and their building envelopes down as close to county road 125 as possible. The adjacent hillside is one of the key areas to wintering deer and elk and disturbance in this area could significantly impact wildlife use of the area. The western hillside is steeply sloped, and avoiding construction up the slope will help lessen the impacts to wildlife.

34. The Applicant may be allowed to construct the trail southward along the knoll above lots 55 through 61 so long as the trail is constructed out of dirt or wood chips and is closed to use from January 15th through March 15th of each year to prevent disturbing deer and elk when they are in a weakened condition or are calving.

35. The Applicant should incorporate the following items in the protective covenants:

a) Dogs should not be allowed to roam and homeowners should also be advised that dogs chasing wildlife is illegal and can lead to legal action. The Colorado Division of Wildlife will issue fines for dogs harassing or chasing wildlife. If a dog is observed chasing or harassing wildlife it may be shot. No more than one dog per household with a kennel restriction; furthermore an electric fence should not be considered a kennel. Dogs that are not kenneled must be leashed at all times. Proof of kennel construction should be required before a Certificate of Occupancy is issued. No dogs allowed by construction workers during the development process.

b) Bear/human conflicts have the potential to be a reoccurring problem in this area and it is paramount that certain measures be taken to minimize these conflicts:
   - All homeowner have and use an approved bear-proof container for storing all trash/garbage. Trash compactors inside the house can help eliminate bulk and odors, which will further reduce potential problems;
   - Bird feeders (including hummingbird feeders) can be used but do not mount humming bird feeders on windows or the siding of the house. Seed feeders should be strung up at least 10' from the ground with a seed catchment to discourage other wildlife foraging
   - Pets should be fed indoors, and pet food or food containers should not be left outside;
   - Horse feed should also be stored in a bear proof container and locked; a job box with a padlock can adequately prevent bears from breaking into horse feed containers;
   - BBQs should also be securely housed in the garage or cleaned with a bleach solution when not in use due to the fact that leftover food and grease are an overwhelming bear attractant;
   - Round door knobs on the outside of doors rather than lever-type can limit bear access into houses as well as installing a cooling system rather than leaving windows open, as this is the main way bears access homes in the summer. Storm shutters that can be closed and locked when the house is not being used can also discourage bears from entering vacant houses;
   - Under current state laws, the Division of Wildlife is not liable for damage to real or personal property by bears.
   - For homeowners keeping horses on their property, fencing haystacks with 8' mesh fence for wildlife proofing at the homeowners expense is recommended.
   - Eliminating plantings of any berry, fruit, or nut producing plants or shrubs will also discourage bears and other wildlife from feeding on expensive landscaping. Homeowners also need to be aware that the Division of Wildlife is not liable for any damage to landscaping by deer, elk, or bear.
   - Maintaining as much of the native mountain shrub communities inside the building envelopes is encouraged to continue to provide the highest value to existing wildlife.

c) Due to the fact that wildlife does travel through the area, all fencing should be eliminated. If absolutely necessary, homeowners need to adhere to wildlife friendly fencing consistent with the Colorado Division of Wildlife approved fences. For wire fencing, a maximum height of 48" with no more than 4 strands and a 12" kickspace between the top two strands is sufficient. 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, as it significantly impairs wildlife movement.

d) During the construction process, large areas of disturbed soil will be inviting to noxious weeds. Weeds can out-compete native vegetation, thus degrading the quality of the habitat. Precautions should be taken so that heavy machinery does not spread noxious weeds within the area. After construction is complete, a weed management plan should be drafted to further ensure that weeds do not invade the native plant community habitat.

e) The surrounding lands are heavily hunted during big game seasons. Hunting in the area will not be eliminated due to development.

f) Mountain lions may frequent the area and if one is seen in the area, small pets and children should not be left outside unattended during the early mornings and late evenings. Pets and any livestock should be kept in a kennel or enclosed area during the night.

36. The Applicant shall agree that completion of a phase means the completion of all construction including infrastructure for the subject phase.

37. The Applicant shall include the following plat notes on the Final Plat:

a) "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."

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 & 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, downcast, and 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 (1) 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 3,500 square feet of irrigation water."

f) No open-hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. sew. and the regulations promulgated hereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

38. The Applicant shall submit the plans and /or maps finally approved by the Board of County Commissioners to the Building and Planning Department in an acceptable digital format as part of final plat.

Fred combined these two recommendations in written form (staff and Planning Commission) and submitted them to the Board.
Commissioner McCown stated he had a question to discuss road cuts and clarified that this would be length of the road. Fred stated technically where possible he assumed they would run along side the road rather than across it. Carolyn Dahlgren said this is an issue as the Board of County Commissioners does not have a deeded right of way on Four Mile Road (CR 117) and it would be in the road and not along side of the road. Chairman Martin noted this to be an issue for discussion. Commissioner McCown clarified he was talking about coming down CR 117 to where the development will intersect with the existing sewer, turning left and going down CR 125 to the project, all of the ditching and wastewater, lift stations, everything having to take place in the County right of way.
Pat Fitzgerald – in the ditches along side of the road for the most part.
Carolyn – there does exist the issue of the County not having a deeded right of way so it's not clear what the boundaries of our right of ways are, therefore, it's more likely to be literally in the road rather than in the ditches.
David McConanhey – The precise location of the sewer line and the easements needs to be also approved by the City Engineers so that is something anticipated as part of the proposal as part of the Preliminary Plan application in consultation with the City.
Commissioner McCown – there's a considerable difference in running down the center of a roadway where traffic is on it daily and running down the road ditch which Council just says we don't deeded access to that road ditch.
Pat Fitzgerald – The alignment has not been finalized. Yancy Nichols – mainly the sides of the roads.
Yancy Nichol – Sopris Engineering – mainly the sides of the roads. Most of the alignment has been surveyed and trying to establish historical use of the road which would prescribe the right of way and because public utilities, driveways, other influences going down the shoulder they could maintain traffic of the road and not impacting the road. This is an issue they are looking at in the entire area.
Pat started with some history of the project in 1992. History is important and what has gone before brings them to today. This exceeds the Garfield County comprehensive plan.
Power Point Presentation
In 1992 – Phase I – a 22 lot subdivision with lots ranging from 3 – 5 acres. Today there are 13 homes in Springridge I. This averages 1.4 homes being built per year. In 1992, they did suggest there would be a Phase II. In 1994, they suggested part A of Phase II would be a duplication of Phase I with some new roads. The county planning office recommended denial due to the fact that there was no master plan for the entire 500 acres. In 1996, they started again on the master plan of 132 lots ranging in sizes from 2 – 5 acres. The property is approved through the Preliminary Plat stage. (200 people were against the development). Neighbors raised concerns about well pollution, traffic from a development of this size and ridgeline on the hogback and ridge just east of the property. They received preliminary but the Commissioners were concern about the roads and asked them to withdraw. A firm was hired, Dennis Stranger, to conduct a road impact study on Four Mile. Today that is in place and the County collects fees. For Springridge II that means a $2,500 fee assessment per lot. In 1998-99 – the County adopted the position that land use must comply with the Garfield County Comprehensive Plan. In 2000, Springridge retained OTAK, Inc. and Sopris Engineering to design Phase II. They were requested to make Phase II comply with all aspects of the Comprehensive Plan with particular emphasis on: Central sewer to eliminate any pollution possibilities; provision of road fees based on County requirements; clustering and op-en space in compliance with Comprehensive Plan to utility building envelopers, identify land that cannot be disturbed, no build zones with larger lots, no boundary fences to maintain open feeling; appreciation and responsiveness to Colorado Division of Wildlife request; de-emphasis "trophy homes": tie open space together and provide pedestrian friendly trails. In 2001 the sketch Plan was reviewed and after obtaining the above sewer taps – prepayment of all sewer taps in the amount of $183,374; road improvement fees of $205,600, park and open spaces fees of $250,000, Springridge was one again presented to the Planning Commission at a continued hearing and was unanimously approved. The plan was approved by the City of Glenwood Springs, the owner of the triangle portion and removal of 70 lots was substantial deviation and they had to reapply (2001). It was also a time to revisit with neighbors to the South. *Aspen Valley Land Trust* was asked to be the manager and holder of a conservation easement for the Springridge open space. There were compromises made between the 01 plan and the 02 plan. The *DOW* and ranch neighbors to the south wanted unfettered migration and the neighbors wanted no dogs and no people. The ridgeline is very popular land but they eliminated any building envelopes. *Open Space/Conservation Easement* – The 70 acre parcel decided not to be part of the

subdivision in the sense of having a formal approval from the BOCC but they are a part of the commitment as to what we are doing and the commitment to Open Space. That's the Wampler property – Farenhhyl (Williams) Property – *This plan will link together four properties, three of which are already committed to open space. Wampler is working with and committed to AVLT to no more than 2 lots on his 70 acres and certain wildlife covenant restrictions. To the west, the Williams Property/Farenhhyl Subdivision has created 35-acre exempt tracts and when you buy a tract you're only able to build on a couple of acres of the property and the rest you have to leave as whatever you find now – hay meadow, Oak Brush and Creek frontage. There is a great deal of BLM property that most of that land you would never hike, bike or ride across but it's there to enjoy and look at because it's empty. Lastly, big ranch land surrounding us to the south southeasterly. When this application was presented to the County Planning Zoning Commission, it was a unanimous vote of approval with the statement from the Commission that it complied 100% with your Comprehensive Plan.*

John McCarty – Values that were done with open space, preserving vegetation and ridge top acres. By pulling the lots off the top of the ridge, it blended better into the plan. This interfaces to the lots that the BLM and staff are concerned about and try to control with building envelopes. By bringing these lots down and blending into the agricultural areas and pastureland. The notion of bringing these lots into the pasture area means struggling with the desire of the people up there currently in relying upon the wells of wanting these pastures to continue to be watered and irrigated in order for it to recharge the wells.

Pat – Reiterated the open space and said there's 308 acres of open space which almost three times the County requirement. Of that over 120 acres of, twice the County's requirement is usable open space. In Springridge II there are multiple *benefits to the public*: - Road improvements fees are doubled over what you charge essentially, fees to Glenwood of $205,600 and $202,600 to the County, which they are pledged to use for this area's impacts of fees to the County; - Better wildlife protection with present development potential; - Open space adjoining other open space, plus donation to Glenwood Springs Park and Recreation fees; and Central sewer protects wells and water shed area. *Benefits to Colorado Division of Wildlife*: - Migration routes provided; - fences eliminated on lots, any new fences to be built to DOW standards; - Covenants reflect DOW requests; and - Two revisions of plat to reflect DOW request. *Benefits to Four Mile neighbors*: - no ridgeline development; - protection. *Benefits to our Springridge neighbors* too open space buffering adjoins present development; - AVLT management of open space gives long term reliability; - continued irrigation of meadows is assured; and - second well and second water tank tied to existing system creates mechanical redundancy. *Conceptual Building Envelopes*: - smaller building envelopes than County Regulation; - landscape / construction envelopes limited in acre; landscape guidelines preserve unique features such as trees and rock formations. These are conceptual because John has to go out and hike and plat each lot, but aerial photos were precise.

John McCarty – *Building Envelopes* are gaining in popularity as a tool to protect and preserve the natural character of our landscapes in the Rocky Mountains. They approached this project in a different manner other than coming in and scraping the land. They are proposing and it has been echoed by the town staff as well as the DOW to try to control the building envelopes and keep in mind the migration of the wildlife to these sensitive areas. (Lot 74 was used as an example). The landscape construction envelope does not have to be green grass rather gamble oak brush and natural vegetation. Lot 53 – critical area and wanted to maintain 500' set back for wildlife. Creating a no-build zone next to the conservation area and creating space between Springridge I and the new development.

Slide No. 3 Pat – *Conditions of approval* – Referencing the Staff's Conditions, Pat said they are generally on the same page with those. There are four conditions of approval that Pat suggested some changes to: Item 12 – study that irrigation will recharge wells. And we know from experience that irrigation recharges wells and think that Item 12 should more properly say, "the applicant should provide for the continued, uninterrupted irrigation of those meadows historically irrigated." Fred, on the new blended recommendations, stated it was still 12. Commissioner McCown asked on irrigation, in the areas where the homes were slid down into the pasture areas, how much irrigated ground was given up. Pat estimated 7 acres. Commissioner McCown – Springridge I, the area abuts them will drain toward them, do they have a ditch that will catch that wastewater or is it going to encroach on lots or what. Pat said, then they designed Phase I, there are easements through the lots and then a 50-60 foot wide easement does pick up all the drainage and there's a pre-existing gulch that probably was created by 100 years of irrigation and it all drains to one location and then down to a gulch that goes to Dr. Zilm's property. That gulch goes all the way to Four Mile Creek at the Bershenyi dip. About the *Connecting the two cul-de-sacs* – there are two cul-de-sacs. Fred told Pat that he believes in connecting things. Pat's opinion is from one that sells real

estate and suggested not connecting these cul-de-sacs because it's better to have a dead-end road, it makes a more peaceful surrounding than connecting or looping. But, this is not a 'give me liberty or give me death' situation and if the Board feels the need to connect those, he would just like the Board to consider what he said. If the Board wants them connected, he said they could go right down the lot lines and do an emergency connection; he would like it not to be a two-lane road but only as an emergency connection only.

Staff recommends the Applicant contribute $20,000 to the Roaring Fork Transit Authority (RFTA) to build Park-and-Ride spaces located at the CMC / HWY 82 intersection and /or the proposed Four Mile Road connection to HWY 82. Staff recommends this payment be made to RFTA at the time of Final Plat.

Condition No. 30 – Pat is troubled by this RFTA request of a $20,000 donation to construct something at the intersection of Hwy 82 and the CMC road. He suggested it would be more beneficial if the Board would lean on RFTA to bring buses up Four Mile and they'll spend the $20,000 on a bus shelter right at the intersection of Four Mile and Dry Park where people use it. Buses are a way to alleviate congestion but said he didn't see people driving all the way down to the CMC intersection to catch a bus.

Bear/human conflicts have the potential to be a reoccurring problem in this area and it is paramount that certain measures be taken to minimize these conflicts. The Applicant shall be required to incorporate the following as covenants for the subdivision:

All homeowner have and use an approved bear-proof container for storing all trash/garbage. Trash compactors inside the house can help eliminate bulk and odors, which will further reduce potential problems;

Bird feeders can be used but do not mount humming bird feeders on windows or the siding of the house. Seed feeders should be strung up at least 10' from the ground with a seed catchment to discourage other wildlife foraging;

Pets should be fed indoors, and pet food or food containers should not be left outside;

Horse feed should also be stored in a bear proof container and locked; a job box with a padlock can adequately prevent bears from breaking into horse feed containers;

BBQs should also be securely housed in the garage or cleaned with a bleach solution when not in use due to the fact that leftover food and grease are an overwhelming bear attractant;

Round door knobs on the outside of doors rather than lever-type can limit bear access into houses as well as installing a cooling system rather than leaving windows open, as this is the main way bears access homes in the summer. Storm shutters that can be closed and locked when the house is not being used can also discourage bears from entering vacant houses;

Under current state laws, the Division of Wildlife is not liable for damage to real or personal property by bears.

For homeowners keeping horses on their property, fencing haystacks with 8' mesh fence for wildlife proofing at the homeowners expense is recommended.

Eliminating plantings of any berry, fruit, or nut producing plants or shrubs will also discourage bears and other wildlife from feeding on expensive landscaping. Homeowners also need to be aware that the Division of Wildlife is not liable for any damage to landscaping by deer, elk, or bear.

Due to the fact that wildlife does travel through the area, all fencing should be eliminated. If absolutely necessary, homeowners need to adhere to wildlife friendly fencing. For wire fencing, a maximum height of 48" with no more than 4 strands and a 12" kickspace between the top two strands is sufficient. 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, as it significantly impairs wildlife movement.

Maintaining as much of the native mountain shrub communities inside the building envelopes is encouraged to continue to provide the highest value to existing wildlife.

During the construction process, large areas of disturbed soil will be inviting to noxious weeds. Weeds can out-compete native vegetation, thus degrading the quality of the habitat. Precautions should be taken so that heavy machinery does not spread noxious weeds within the area. After construction is complete, a weed management plan should be drafted to further ensure that weeds do not invade the native plant community habitat.

Homeowners need to be made aware that the surrounding lands are heavily hunted during big game seasons. Hunting in the area will not be eliminated due to development.

Mountain lions may frequent the area and if one is seen in the area, small pets and children should not be left outside unattended during the early mornings and late evenings. Pets and any livestock should be kept in a kennel or enclosed area during the night.

These are items that plagiarize the things from the DOW that Pat said they have agreed to. Chairman Martin noted that these were in their Covenants and suggested just making them conditions of approval. "Each lot shall have 3,500 square feet of irrigation water." Pat said this should read "water sufficient to irrigate 3500 square feet of each lot not 3500 square feet of irrigation water, this is not a measurement. Additionally, there are some other Covenants that they suggest to you that are an outgrowth of the discussions had, Exhibit DD – Phase I in Springridge Concerns: These folks were there first and their concerns are valid. Atkinson Ditch is overgrown and doesn't deliver water very well, we planned all along in piping that ditch; they are willing to commit to normally irrigation of the meadows (during the construction period they were afraid when there is earthmoving we would stop irrigating; Pat said they are willing to say that water meters are required as a condition of final Certificate of Occupancy to make sure water is metered and filled out; a concern about construction noise and dust and they have been addressed these. Construction is from 7 am to 5 pm - 6-days a week and provisions for dust suppression on Dry Park Road; and dust suppression during construction both of infrastructure and homes. One of the biggest concerns was in guaranteeing the meadows are going to always be irrigated. In the deal with Aspen Valley Land Trust, that's one of the rights that AVLT can enforce and in fact they can go to court and sue us over it, is the forcing the irrigation. They were concerned that the lift station could break down – this is very typical when you design a lift station you design it with dual pumps and an emergency generator to kick in if you lose power. Since we are cross-connecting the wells, they want to make sure we are measuring what we're taking out of each well. Again, that's no problem with meters on them. And, they want Covenants and By-Laws that enforce low water use in landscaping. At the last meeting with the Planning and Zoning Commission, concern about School Bus load out and asked that this area where we enter the subdivision, pull in near the old ranch house, that we provide a turn around and Pat said they agreed to do that at Preliminary Plat and do more fix up where you turn into Phase I so that kids can load and unload. Lastly, they said they didn't want to be drug kicking and screaming into our HOA and Pat said they had never planned on that however, he would like to talk as we go along, there are probably areas where we can both save money, such as snowplowing or someone mind the water system.

Commissioner McCown asked to be shown on the plat where he is going to pipe the Atkinson Ditch from point A to point B. On the overhead, this was shown and explained that it was in a heavily vegetated area and would be from the splitter box. They would be piping it all the way from the splitter box and right at the juncture of Four Mile and Dry Park, Springridge I has an intake for their irrigation water, hook to them and have a measuring device and then continue on down. The existing ditches and the new ditches can take it from there.

Public Comment for citizens who were present.

Colleen Truden – for Crystal River Ranch and Sue Rogers. Colleen stated that Sue was very happy with the conservation easement. Pat Fitzgerald took time to approach Sue Rogers prior to proceeding with the plan and this made her very happy.

Chairman Martin entered DD into the record.

The Board discussion the fact that due to the agenda, time was running out for today and the public hearing would need to be continued in order to have adequate time to address the questions to be generated from the County Commissioners

A date certain was set for May 5 at 1:15 PM

Commissioner McCown made a motion and Commissioner Houpt seconded to continue the Public Hearing until May 5, 2003 at 1:15 PM. The applicant stated there was no problem. Motion carried.

PUBLIC MEETING:

PROPOSED AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR BLUE CREEK RANCH

Larry Green and Carolyn Dahlgren were present.

A memorandum was presented to the Board requesting to amend the SIA so that the completion date of the subdivision improvements is accelerated to August 15, 2003 rather than November 30, 2002 and Larry Green explained. This would be a matter of inserting one page into what documents Mildred is currently holding.

Staff recommends the Board of County Commissioners approve this request.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt approve the new date of August 15, 2003 for the Blue Creek Ranch SIA; motion carried.

TPR – accept the $1000 from RFTA

Commissioner McCown made a motion to accept the $1000 donation from RFTA for the TPR bringing the amount owed by Garfield County to $9,300. They will be added to the signature page. Commissioner Houpt seconded. Chairman Martin stated he would take the IGA to the Mayor's meeting and personal be responsible for returning it with all signatures and funds; motion carried.

INTERVIEWS FOR SURVEYOR POSITION

The Board developed a set of questions to ask each applicant.

Those interviewed were:

RICHARD DEMING, RICHARD MIGCHELBRINK, SCOTT AIBNER, UDELL WILLIAMS and SAMUEL PHELPS

The Commissioners informed the applicants they would make a decision and advise of their selection.

Oil and Gas Commission

Carolyn Dahlgren submitted a phone message from Brian Mackey in reference to Mr. Lindale's presentation on noise. Mark has also talked to Brian. Brian is saying that the Oil and Gas Commission sticks with their prior prospective, which is they include compressor stations under the term gas facility and they include gas facility under those operations that have to comply with the maximum permissible noise levels and they go by State Statute and they don't believe the Board can do anything other than respect their ability to enforce that Statute under their rules and regulations.

Commissioner McCown summarized that Mr. Lindauer wants a lower decibel. With the demonstration he gave the Board earlier today at 49 decibels at his house, from the white noise that was here when no one was talking in this room was 40 dba, that's only 9 decibels difference what we would consider silence other than a fan running and what he's hearing. 49 decibels would be close to a babbling brook and that is peaceful and quiet but it is relentless.

Commissioner Houpt – stated that it is important to have discussion with the State to look at what others are doing and the true health needs of the people and stop being so unwilling to look at local control as well. We need to be able to give input. We represent the people in our County and what that message says to her is that the Oil and Gas Industry

Mark Bean - Brian is saying, in the court cases Sid sited, we have the authority to impose standards on compressors but not exceed standards in the oil and gas compressors. Unless the legislature changes this – Garfield County can issue SUP's. Mesa County cannot deny and cannot lower the levels. The Oil & Gas Industry is trying to mitigate some of these noise factors.

This industry has been in Garfield County for many years and there have been no reports of health concerns. Mark could check to see if studies have been done on health issues and noise related issues.

Sale on County Property Road and Bridge Glenwood Springs Shop

Discussion was held and a decision made to give the bidder, City of Glenwood Springs, the first right of refusal.

A motion was made by Commissioner McCown to proceed on the sale accepting the price under their first right of refusal; Commissioner Houpt seconded; motion carried.

Fund Allocation

Commissioner Houpt wanted to reserve the right for discussion.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

MARCH 24, 2003
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 24**,** 2003 with Chairman Pro-tem Tresi Houpt and Larry McCown were present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder. Chairman John Martin was out-of-town on family business.

CALL TO ORDER

Chairman Pro-tem Houpt called the meeting to order at 8:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY MANAGER UPDATE – ED GREEN

a. Division of Wildlife Grant Request – Shannon Hurst

Shannon Hurst submitted the grant request. Each year this is an impact assistance grant application looking at all the Division of Wildlife parcels and classifying them as agricultural property in order to obtain payment in lieu of taxes. This year she is requesting $9,667.01 and requested the Board sign the grant request. It is due on April 4th.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the application for the impact assistance grant to the Colorado Division of Wildlife for payment in lieu of taxes. Motion carried.

b. Road Scholar Award – Kraig Kuberry

Marvin Stephens presented Kraig with the Plaque and stated there are classes scheduled. Kraig wasn't able to take all the classes due to his heavy work load he had to spread them out.

Kraig competed the following to obtain this plaque: classes on managing people, safety on the job – the basics of a good road sign management market and work zone control, equipment maintenance – maintenance of management and cost accounting – all about payments; winter maintenance, drains, road side safety, road material soils and gravels, and bridge maintenance.

b. ***Williams Energy Services (well proceeds) – Ed Green***

Ed submitted the division order to the Board stating these were for Well #857855 GM 314-12 and #8570903 GM 24-13. Sandi Rupprecht, Division Order Analyst forwarded the Division Orders him requesting the Chair be authorized to sign.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair's signature on the Williams Energy Services two wells division orders; motion carried.

c. Consideration of Lease/Grant for United Way – Dale Hancock

Leslie Robinson presented a letter on behalf of United Way requested to enter a letter of agreement for a one-year lease of Room #207, the southwest two-room office upstairs in the Henry Building with adjoining storage room. They are willing to pay $200 a month for a total of $2400 a year to the County.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the lease with United Way for 360 square feet on the second floor at the Henry Building and accepting the $1200 in lease rent from United Way and providing the other $1200 as a grant and authorize the Chairman Pro-tem to sign the amended lease. Motion carried.

d. Property acquisitions – 1015 School Street – Ed Green

Ed stated that he had sent a letter to Michael Copp, Manager for the City of Glenwood Springs stating since they have the first right of refusal, a decision must be made by March 28, 2003 at 5:00 P.M. as to plans to match the offer tendered by another firm for $600,000 cash.

Postponed for Executive Session – later in the agenda

e. Changes to Per Diem – Meal Expense - Jesse Smith

Jesse submitted a recommendation regarding meals for employees requested a flat $38 per day allowance based on receipts turned in with their travel expense report.

Commissioner Houpt suggested looking at these rates to see if they need to be adjusted to the standard. Commissioner McCown made a motion to set the maximum for meals per day to $38.00 and remove the per meal statement. Commissioner Houpt seconded; motion carried.

f. Changes to On-Call Personnel – Road and Bridge; Social Services; Sheriff - Jesse Smith

Jesse submitted a proposal regarding the three aforementioned departments who have people on-call at all times. He explained the current policy and the concern is a lack of uniformity between the three departments in how they pay for it. He proposed for weekdays to pay $2.00 an hour and if called out, to pay the hourly rate for the exact time worked. On weekends to pay $2.25 hour for on-call and the hourly rate for time worked if called out.
Marvin stated that Road and Bridge works four – ten hour shifts beginning with daylight savings time.
The Board requested that Jesse obtain a letter from the Department of Labor regarding this issue and tabled this until April 7, 2003.

g. Rifle Correctional Center Agreement with Landfill – Ed Green

Ed submitted the general agreement between the two entities.
Postponed until later in the agenda for Marvin to obtain the agreement.

h. Follow-up for request for additional funds for Colorado West

The request for additional funds was postponed until April 8, 2003.

i. Earth Day – April 22, 2003 - Report on Earth Day - 2002

Kraig Kuberry and Marvin Stephens were present.
Kraig requested Board approval for an Earth Day at the Landfill. He submitted some recommendations for the Board's consideration. Last year they did not shut it off to all commercial haulers and they took in over 3,000 tires. This year he would like to have it strictly for residential use.
Commissioner Houpt suggested having a hazardous waste component and quoted Eagle County, Glenwood Springs, Carbondale, and Pitkin County all do household hazardous waste collection day around Earth Day and spring clean up. Kraig mentioned they were nearing the point where they can take florescent light bulbs and rechargeable batteries. This may be set up by April 22, 2003.
Commissioner Houpt requested a cost of what this would cost to implement at the Landfill. Eagle has a cost schedule and only does it once a year. Kraig would like to do this year round and the initial cost to the County when it is set up is paying for the boxes, but when they ship the boxes back to the company, the landfill will be reimbursed. Further, herbicides, pesticides, oil base paint are other waste that Commissioner Houpt is interested in handling. Kraig stated they did not have the computers do handle these types of waste yet. The Certificate of Designation now will not allow the Landfill to take pesticides and stuff like that until there is a place to ship it to the day after receiving the waste. Pitkin County is the only landfill that has a component in place to handle this type of waste year round. The others have Safety Clean come in on that day and work with all the waste and then they haul it off same day. Kraig mentioned they are working on improving what products the landfill can accept, but it is going slow.

j. On-going Consulting Agreement with Diana Wessel

This was postponed until April 8, 2003.

k. Proclamation – Sexual Assault Awareness Month - April

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adopt the Proclamation and declare April as Sexual Assault Awareness Month and to authorize the Chairman Protem's signature on the Proclamation. Motion carried.

l. Ongoing Consultant – TPR

Carolyn Dahlgren spoke to Chairman Martin earlier this morning and the consultant had requested the Commissioner waive the professional services insurance requirement, that he would be able to do the job for $15,000 instead of $20,000 if this could be waived.
A motion was made was made by Commissioner McCown to waive the professional liability services insurance requirement for the TPR; Commissioner Houpt seconded; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update – Property Acquisition, Per Diem and On-call pay

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

Action Taken – County Surveyor

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Scott Aibner to serve as the County Surveyor until the next general election in 2004; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to write a letter to Sam Phelps, former County Surveyor to turn over all old completed project files to the County Clerk; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Mayors Meeting last week and the Detox Facility was discussed. The TPR IGA, which went through and everyone is collecting signatures at the present. Spring Break this week and next week in Denver at the American Association National Planning Conference.

Commissioner McCown – Speaking at the Rifle Rotary at 7 a.m.; Thursday, 1:30 p.m. is the Communication Board.

CONSENT AGENDA

a) Approve Bills with a request to modify a voucher authorized on 3-10-03 to City of Glenwood Springs for $65.73)
b) Proposed Glenwood Springs Mall Routing for RFTA Buses – Mike Davis (pulled
c) Authorize Chairman to Sign Cluster Resolution for Text Amendment to the Garfield County Zoning Resolution of 1978, as amended
d) Authorize Chairman to Sign Cluster Resolution for Text Amendment to the Garfield County Subdivision Regulations of 1984, as amended.
e) Authorize Chairman to Sign Contract for Healthy Mountain Community, Forest Service Pass Through Funds
f) Sign a Resolution of approval concerning the Amendment of Resolution 2002-32, which is concerned with the 1997 Uniform Building Code.
g) Sign a Resolution of approval concerned with the Amendment of the PUD Plan and Text for the Spring Valley Ranch PUD
h) Sign Purchase of Service Agreement for Hoefer Associates for providing consulting advice regarding the TeePee Park Timber Harvest Plan

Item b was pulled from the Consent Agenda

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

Proposed Glenwood Springs Mall Routing for RFTA Buses – Mike Davis (pulled)

78.0

Mike Davis presented a request before the Board due to the sudden cancellation of their contract by the Glenwood Springs Mall refusing to allow the buses to use their asphalt to drive the buses onto for passenger pick-up. The proposal included the RFTA maintaining the area the buses travel on through the parking lot and RFTA could not do that as there are trucks and other vehicles that travel on those roads and RFTA could not financial support that solution. An alternative pick-up was proposed that would stop within the 10-foot right of way on Storm King Road in front of Staples proceeding onto Donegan and down Mel Rey Road. This includes both the small bus and the RFTA. School busses travel this route so it would probably be deemed okay; the Road and Bridge Department would need to be contacted and this would be pending compliance with the weight ordinance.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to move forward with the route change. Discussion. Commissioner Houpt said she would like Mike Davis to asterisk that route because there is a high concentration of kids on that street and whomever you put behind the wheel needs to slow down on that road. It may be considered a major road but it is a major residential area and please keep track of that even if you don't get calls every week. Mike stated he rides the bus himself so he would be traveling through there and would pay attention to those things. Sometimes they put in a weight restriction to keep vehicles off the road even though the structure can hold that weight. Commissioner McCown informed Mike that the small Glenwood Ride buses would not be a problem but the larger RFTA buses may. Don clarified that the Board wants this discussed with the Road and Bridge Department. Vote on the motion: McCown – aye; Houpt – nay.

Commissioner Houpt noted the motion failed but because we need more information on the impact, we need to have Mike communicate with Road and Bridge, there is a weight ordinance on that road, and it does change the completion quite a bit on the traffic. Mike said it is likely that the buses will be fine on that road and is not as concerned with the weight ordinance, but if the Board has other problems, this is the time to bring those up.

Next time this is on the agenda, Road and Bridge would need to be present.
Mike stated he would not be able to hold off printing his new schedule. If this is a huge impact in such a way, then they can look at another way to do this in November. Mike will come back before the board in November and update the Board as to how this new route is doing. Due to several more bus stops going up in Garfield County, he will be back in three weeks.
Commissioner McCown noted that the people that live on Donegan Road would more than likely give input by May on how this is working and put a new motion on the floor that we approve this with a 30-day time period, apologizing for the cost of printing, but if this is unsuccessful and they cannot meet the weight criteria as proposed by Road and Bridge this would be null and void; and the 30-days would take into account the impact to the public on Donegan Road. Commissioner Houpt seconded. Mike Davis requested this be extended to June 15 when the summer schedules switch over. Commissioner McCown would not agree as it may become a safety issue and require immediate action. At the end of the 30-days, if there is no problem, it will run until it is renewed again the next time. But, if there is a problem in the 30-days we reserve the right to tell you, you can no longer use that road for a route. Motion carried.

BUILDING AND PLANNING ISSUES

REQUEST FOR CONSIDERATION OF SPECIAL USE PERMIT FOR MAMM CREEK SAND AND GRAVEL PIT

Mark Bean stated what was before the Board - the actual Special Use Permit for the Mamm Creek Sand and Gravel Pit. Previously last year, a Resolution of Approval, which was the conditional of approval signed by the Board and it included a number of conditions that had to be met prior to the actual issuance of the permit. The applicants have provided documentation and have met those conditions. Staff has presented you the actual permit for signature by the Chairman.
Commissioner Houpt – I was not in this seat when this discussion came to the Commission. And for that reason, I wasn't involved in this discussion in determining or voting on what would be needed to do to meet the conditions of the Resolution. I'm going to ask that we continue this until Commissioner Martin is here so there will be two commissioners who were involved in this discussion to vote on this. And, I'm going to remove myself from voting on this particular project for quite a few reasons. One is that it was a very intensive discussion and at one point and time it was a question of whether or not I had a conflict of interest. I was not on the Board when this was approved. This is definitely not unusual. There have been a few where I felt that this decision really needed to be by the Commission who heard the discussion on the project. John will be back at the next meeting, I'm assuming. I'm sorry that he isn't here today. He had an emergency out of state so he couldn't be here.
Tim Thulson – May I clarify. Are you rescuing yourself from all matters regarding this project, am I understanding that correctly?
Commissioner Houpt – I'm not going to be voting on the Special Use Permit.
Tim Thulson – Obviously, this is going to impact our development schedule very dramatically, when will you have your next meeting?
Commissioner McCown – April seventh (7^{th}) I believe. And it would be on the Consent Agenda at that time.
Tim Thulson –The point I would like to raise is that this seems to be purely administrative in what we're doing here. We have a list of conditions that we had to satisfy to the staff's satisfaction prior to the issuance of the Special Use Permit and we've clearly done that and to hold us back two weeks at the start of the construction season when we have to get things up and running will impact a hardship on us. I presented this to Don, I don't know that there's any official Commissioner action that's required here, is there?
Don DeFord – Yes, the Board has to authorize the Chair to sign the Special Use Permit.
Mark Bean – Correct.
Don DeFord – It does require Board action to do that.
Tim Thulson – What section would that be under Don?
Don DeFord – Tim, I can't say right now, it's not on the top of my head It's a permit issue and the Chair needs to sign the action.
Tim Thulson – Well, I'm just wondering. I would think that the Chair would have authorization under section 2001-101.
Don DeFord – because there were conditions imposed under that Resolution, so while Mark can make recommendations on the compliance of those issues, it's the Board, and I'm speaking generally because I was not on this project, but on all Special Use Permits, the Board has to make the final determination as to whether or not those conditions were met.

Tim Thulson – This will on the Consent Agenda?
Commissioner McCown – Yes, it will.
Tim Thulson – Well, I really don't know what we can do if you're rescuing yourself. I don't know what alternatives we have.
Commissioner Houpt – I had a couple of choices. One, because I didn't have all of the information in front of me that I needed to review this was to say no until I was able to review it; or I can step aside and remove myself and continue this until John is back. I thought I was taking a fair approach to this. I'm not going to say yes on this because I don't feel that I would be able to make a well informed decision. But, if you would like to discuss the Special Permit, then that will be fine.
Tim Thulson – Do you feel, well, I think we should have a discussion on the permit conditions. The discussion today is not going to the merits of the project, we're merely determining whether or not we're satisfying the terms and conditions of this Resolution as proposed. And I don't see how your lack of familiarity with this project would have anything to do with whether or not we satisfied these conditions and I would at least like Mark to address the satisfaction and if you still feel that you can't, then we'll have to continue this until John gets back.
Commissioner Houpt – That would be my thoughts.
Mark Bean – I had not planned to make a formal presentation, Tim, to be very honest. I mean, I would have to get my file in terms of all the information and present it; I've not done that.
Tim Thulson – Well, I'm pretty familiar with the project.
Commissioner Houpt – In all fairness, I would like to continue this.
Tim Thulson – Well, I tried. We'd rather have you continue this rather than saying no on this.
Don DeFord – So right now, is it your position Tresi, that you are not going to participate in the item scheduled at 10:15 for the consideration of a Special Use Permit for Mamm Creek Sand and Gravel Pit as presented by Mark Bean?
Commissioner Houpt – That is correct.
Don DeFord – Well then this will need to be set over.
Commissioner McCown – Mr. Chairman, I mean Madam Chairman, can I make a motion that this matter be set over on the April seventh (7^{th}) Consent Agenda at which time action will be taken on it as a Consent Agenda Item.
Commissioner Houpt – That will be fine.
Tim Thulson – Well, thanks.
Commissioner Houpt – Thank you.
Commissioner McCown – Thank you.
Mildred Alsdorf – We have a motion on the floor.
Commissioner Houpt – Was that a motion?
Commissioner McCown – Yes that was a motion.
Commissioner Houpt – I will second that. All those in favor? Commissioner McCown – Aye;
Commissioner Houpt – Aye. Motion carried.

AMENDMENT TO 2002 BUDGET

Jesse Smith explained this was before the Board last meeting, but due to the publication not getting into the newspaper, this was rescheduled for today. This is a Resolution to approve the 12^{th} Amendment to the 2002 Budget and 12^{th} Amendment Appropriation of Funds and requested the Chair be authorized to sign the Resolution. This will clear up all the year-end issues including the transfers between funds on those accounts that are internal. These issues need to be in place as the audit begins today.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 12^{th} Amendment to the 2002 Budget and 12^{th} Amendment Appropriation of Funds and requested the Chair be authorized to sign the Resolution; motion

HUMAN SERVICES COMMISSION

Minority Services Presentation – Tom Ziemann, Director of Catholic Charities and Mike Powell were present.
Tom submitted a brochure that explains the services this organization provides as well as an Annual Report. He summarized the DIRECT SERVICES: Emergency Assistance; Immigrant Community Advocate; Family Transitional Housing; Immigration Services; Miles for Smiles program; (Share) Food. ADVOCACY: Legislative Advocacy Network; Healthy and Dental Care; Hispanic Community Organizing; and Parish Social Ministry. Catholic Charities are attempting to replace the services provided by Asistencia Para Latinos.

Human Service Board Members
Mike Powell – Indigent Services replacing the former director of Lift-Up and Tom Ziemann for the Minority Services positions were recommended to be appointed.
Tom gave several case histories regarding how their services work including pro-bona work from local attorney's for the immigrants. 122 clients have been seen by the para-legal. They are charging a fee for some of the services and an evaluation is on-going as to whether this should be assessed on a sliding scale basis. They have been giving classes on domestic violence, what to do if they are stopped by a law enforcement officer, etc. This is an orientation type program to help the employee understand the employer-employee relationship. Four sessions have been done in the Vail Valley. They are given a 50-page booklet in order to reflect the training.
Mildred requested Tom schedule a meeting with her to provide some training on how he can be helpful when the immigrants purchase a vehicle and come to obtain a permit and/or license plates.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Mike Powell representing Indigent Services and Tom Ziemann for Minority Services to the Human Services Commission; motion carried.

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

BOARD OF HEALTH

Mary Meisner and Wanda Berryman were present.
HIPPA – the County Attorney's Office is looking at the policies in the draft form. This will be brought to the Board before April 15, 2003 for adoption.
Old Hospital Photograph – This is a symbol of the County's commitment to health. There was an article about it in the newspaper and many elderly clients have come forward with stories regarding its history and they are so proud of the care the Commissioners have taken and the noble use the County has put it to in meeting the health care needs.
Homeland Security – Mary passed out pamphlets on Home Emergency Preparedness in Colorado. All key stakeholders have been pulled together in the emergency preparedness area – the document has been completed and turned into CDPHE. This included inventorying and assessing all the EMT's, community's readiness response and some of the areas we know are possibly more venerable. The key item about that was the process that we went through to bring people together to work on it. The communication between fire, public health, emergency management, police and sheriff was excellent.
Mass Vaccination and Medication Clinic Implementation Plan for Garfield County – Public Health in a response of a Bio Terrorism event, mass clinic or mass disaster and this plan was turned into CDPHE.
Nurse – Blue Response Bag – These are carried in the nurses' cars and contain everything that would be needed in case of an emergency. Wy Long attended a conference in Reno, a scholarship signed off by the Board paid for by State Health, and brought back all the new information on Bio Terrorism, West Nile Virus, SIRS, etc. As an agency, the department stays active on all the regional and community emergency task forces.
Mutual Aid Assistance Agreement for Local Colorado Public Health Agencies - this is under review at the County Attorney's office and once it is completed, Mary will bring this to the board and adoption. It is mutual aid, it allows within the region for Eagle County to assist us if we need it in case of a disaster or an emergency, bio terrorism and vice versa. There are 64 counties in the state and all but 11 have signed this agreement.
West Nile Virus – there is a local community task force and working on the Garfield County West Nile action plan. The task force is headed up by Steve Anthony, Vegetation Management specialist for Garfield County and has representations from all the County municipalities and Battlement Mesa, public health and vegetation management. Two meetings have been held thru far and another has been set up. Steve and Mary will be presenting an action plan on May 5, 2003. There will be a statewide media campaign called "Fight the Bit".
SARS – Severe Acute Respiratory Syndrome – Public Health did put alerts out to all MD offices, hospitals, ER and giving out information to callers for our oversees travel consults and the department can tell then exactly where it is and what they can do such as wearing masks, etc. There was an article in the Sunday Post Independent about SARS.
Program Updates:

HCP – Health Care Programs for children with special needs – cuts in June of this year and a total restructuring of the program. The only clients that will receive financial aid through this program will be those children who are on CHC plus (children with health care plus and Medicaid). The clinics will continue but people will be on a sliding fee scale.
Immunization Program – No funding cuts but there will be a restructuring of the program at State Health. This will move under the communicable disease section of State Health. They are combining programs and there will be some losses of personnel. So far, this is not broadening the scope of services at the local levels. Mary suggested there might be an increase in our funding for immunization.
WIC – There is an 18.5% increase for a total of $25,332 and the contract amendment is forthcoming. This is due to an increase in caseload in the past year.
EPSDT Program is being restructured and is being moved from CDPHE to CPF Health Care Policy and Finance on July 1, 2004. This program will remain under public health. What this means for public health is, instead of contracting with CDPHE they will be contracting with CPF and will still be doing the program and oversight supervision. They will be paying us for that as they have in the past. Mary put a request to CDPHE that Garfield County actually become a regional site because they are looking at regionalizing this program. This makes a lot of sense in our region because of the low numbers in Pitkin County they turned the program back to the State and Eagle is about to do the same and so is Summit. Garfield County has a very active and growing program so it is an opportunity. A phone conference was held with CDPHE and CPE on March 24, 2003. The move to CPE actually saved the State Health Department over $200,000.
The Tobacco Settlement funds that we collaborated with Valley Partnership have been taken away and added to the general fund balance toward the deficit. The plan may need to be drastically cut back if they lose the funding forever. The grassroots task force building that was done over the last two years will continue. Those groups are still committed to continue those efforts.

Healthy Beginnings

Wanda Berryman reported the program is excluding any woman, who is entering for the second time, for their free services. Now they will be charged a fee. Next week they will have an article in the newspaper as to why they have had to implement this fee system.
Next month Wanda will have a power point presentation.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Social Services; motion carried.

BOARD OF SOCIAL SERVICES

Lynn Renick and Carolyn Dahlgren were present.
Action Items:

I. **SINGLE ENTRY POINT*:***

- ***Approval of Eligibility Program Disbursements for February 2003***

Lois Hybarger and Lynn presented disbursements for February 2003 and requested the Chair to be authorized to sign the approval form for $108,518.70 for February 2003.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Eligibility Program Disbursements for February 2003 in the amount of $108,518.70 and the Chair be authorized to sign; motion carried.

- ***Approval of Notice of Grant Award – Title III Agreement with the Area Agency of Aging (AAA) of Northwest Colorado for the provision of Senior Services and Equipment/Caregiver programs I the amount of $69,733***.

Lynn stated that at last month's Board meeting, approval for signature was given for the 2003 Area Agency on Aging contract for Caregiver Services, Senior Services/Equipment and the Ombudsman program that also included an addendum. An amended contract has been received reflecting the exclusion of the Ombudsman portion of the contract because the Garfield County employee has declined the position. She submitted a copy of the amended 'notification of grant award'. The total grant amount is $68,733 with $16,527 awarded for the Senior Services and Equipment program and $53,206 for the Caregiver program. Lynn requested withdrawal of the motion for approval of the previous contract as presented and a new motion to approve the Title III Agreement with the Area Agency of Aging (AAA) of Northwest Colorado for the provision of Senior Services and Equipment/Caregiver programs I the amount of $69,733. Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

- ***Approval of the HIPAA (Health Insurance Portability and Accountability Act) Business Associate Addendum as a part of the Contract dated June 30 between the Department of Health Care Policy and Financing and Garfield County Board of County Commissioners for the provision of Single Entry Point services AND AAA Contract and HIPAA Addendum for Signature***

Lynn updated the Board regarding the work session on March 10 and said they are requesting approval and Board signature for the 'HIPPA Business Associate Addendum' as part of the Contract (dated June 30, 2002) between the Colorado Department of Health Care Policy and Financing and Garfield County Boar of County Commissioners for the provision of single entry Point services.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the HIPAA (Health Insurance Portability and Accountability Act) Business Associate Addendum as a part of the Contract dated June 30 between the Department of Health Care Policy and Financing and Garfield County Board of County Commissioners for the provision of Single Entry Point services; motion .

- ***Single Entry Point (SEP) agencies – Discussion***

Lynn reminded the Board that this had been discussed with the Board at the last meting regarding potential additional responsibilities to the SEP agencies. From verbal information received, as of July 1, 2003 SEP agencies will have the following added tasks: 1) conducting Medicaid-funded nursing home resident assessments and continued stay reviews, and 2) Home and Community Based Service assessments and case management services for the mentally ill (HCBS-MI program). No additional funding has been provided for the significant increase in responsibilities and caseloads. Ken Stein of Colorado West has approached the Department regarding discussion of a possible subcontract for the HCBS-MI program.

II. Approval of the Colorado Works sub-contract with the Housing Authority of Garfield County, not to exceed amount of $150,000

Janice George, Lynn Renick, and Carolyn Dahlgren
This is a contract with the Garfield County Housing Authority requesting renewal of the same not to exceed amount of $150,000 as a sub-contract under the Colorado Works program for services to TANF-eligible clients and/or participants.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Colorado Works IGA sub-contract with the Housing Authority of Garfield County, not to exceed amount of $150,000; motion carried.

III. Colorado Works (aka Gateway) and Core Services Plan Proposals

- Lynn said the department if finalizing the required annual Colorado Works County plans that is due to the Colorado Department of Human Services by April 15, 2003.
- The department is also work on the Annual Core Services Plan proposal that includes 1) 9 county regional mental health and substance abuse services, 2) Garfield County's Adolescent Day Treatment program, 3) other child welfare home based, sexual abuse treatment, life skills and intensive family therapy services, and 4) the Chaffee Foster Care Independence Program. This is due to the State by April 30, 2003.

IV. Discussion on local impact of SB03-176 (Medicaid Eligibility for Legal Immigrants).

Lynn Renick gave the report.
Governor Owens signed this budget reduction bill, which becomes effective 4/1/03 and the department has been identifying the individuals who will be affected by this action.
Janice George presented the number of individuals as to number and category wise this would be. These are permanent residents.
Janice stated if they meet 40 quarters of work they remain eligible for Medicaid. Under the A & D program, they had five cases and they all remained eligible. Old Age Pension – 27 cases were involved; seven cases were approved; and 10 never responded and may be eligible and 10 cases were closed to Medicaid.
Wanda Berryman said this bill made reference to the State pre-natal. Janice explained these are cases that get regular F/Medicaid and these were the two cases eliminated.

V. Discussion on Child Welfare Program Budget Projections

Lynn updated the Board regarding the process of re-coding various salaries and expenses in the state's financial system in order to provide the current projection regarding the Child Welfare budget. These changes will be reflected in March 2003 state finance reports, however, it is anticipated that the reports will

not be available until after 4/18/03. The department has a confirmed date of May 15, 2003 to present Garfield's Mitigation request.

Aid to Needy Disabled was cut in benefits and these cuts will be for May, June and July. May 15th is the date to present Garfield's mitigation request. Lynn submitted a copy of an agency letter with an attachment of critical indicators and expenditure information for the Board's review. Further discussion was requested for a full work session to be scheduled at the April Board of Social Services' meeting regarding the Child Welfare Program.

Commissioner Houpt asked what services are being provided for those these benefits being cut. Lynn explained there were no other options. There are 43 clients in this program. Medicaid does not go along with this program. The home care benefit program affects 37 people.

Program Reports were submitted.

County Administration Cut – Lynn said last week the State fiscal year update is around $391,000 and Garfield's impact would only be a reduction to $381,000. This funds the County administration and eligible technicians but thus far Lynn said we are over in terms of the projection and plus there's $35,000 in a consulting contract for child welfare and this has to be brought back and put into administration. She will not have specific information until the April Board of Social Services Report.

Work session – April Board of Social Services – Lynn requested further time to discuss the shortfall statue at the April meeting. There was a cut from the permanency-planning program funding stream leaving some discussion on what to do with high need clients.

Good News

Lynn stated that as they were dealing with over projections, she had some good news to report in Child Welfare. Steve Aurand, Supervisor for Foster Care and Juvenile Programs has made a significant different.

Foster Care Program – had six homes and one on hold. These are to keep kids in the County. Steve Aurand, who is in charge of that department, determined there were 23 foster homes that can be re-determined. In the next week there will be at 12 foster homes active in the first step in getting out of home placements back in the County and costs down to a cost efficient basis. *Therapeutic foster homes* – out of county placements – many kids are in this program now. Due to cuts in Colorado West budget, they are taking kids in the welfare cases and we will be able to place those kids out of state in these slots.

Steve stated management style with specific goals set and working with folks about getting the foster homes is the reason for the good news. He put a newspaper article, a banner over Grand Avenue advertising for foster homes and believes this was the key.

Lynn stated the structural changes made the difference; she added that Wendy Christie is now working with Social Services and her addition to the staff has been very beneficial.

Steve can certify a home in less time than it took previously – it used to take 4 to 6 months. Steve and his unit are supporting retention programs for foster care homes as well.

In-State Campus for those kids Out of State - High Needs - Dual Diagnosis

Regarding the placement of kids out of state, Steve reported due to some contacts he has throughout the State, he has been able to find a program to agree to take both of those kids within the State. They are moving forward in doing that and actually two directors from different campuses on that program are going to visit those kids this week at their own expense, to really look at what campus will be most appropriate for them. The program is indicating they will not be asking us for any beyond costs, but they certainly will be much less, probably 1/3 of the current cost where they are now. They are willing to put together a program for these kids. These two kids cost the County ¼ million dollars per year. April is the period for this to happen. This is the Emily Griffith program, it has been helpful to develop the relationship, and they are willing to work with us from their statewide perspective.

Program Reports – Lynn reviewed the written reports handed to the Board. She stated from the December numbers, we are coming down significantly. For February the total is 71 but two more children reunify so they are down to 69 as of March 1st. Discussions are on-going to reduce six residential treatment center 'RTC' placements and 7 therapeutic foster home placements. The County is possibly looking at $69,000 for these funds.

Diversions Senate Bills 80 and 94

Lynn stated the department is eligible for surplus distribution. Last year at close out, they received $58,000 and hoping that this year there may be about $50,000. Mitigation is something they will be doing this year. They take 4% of the total allocation on the balance of State/Counties to save for mitigation purposes. The potential is there for about $100,000 for assistance but at last count there was 51 of 64 counties were

projected to be over-expended for child welfare. Therefore, many counties will be entering this mitigation process.

Revenues to Consider for helping, diverting, or preventing placements:

Senate Bill 80 and Senate Bill 94 monies – Both of these are incentive type pots of money and we have received a specific amount for Senate Bill 80. In January, the department received a little short of $85,000 additional 4E monies – incentives for the number of children we have placed. It is a federal program. There are some very specific criteria attached to these funds. It has to be family preservation, early intervention or placement prevention. The same goes with Senate Bill 94 monies. There is a lot of discussion related to Juvenile Diversion and Delinquency Programs. This is another section of that where we receive incentives for foster care fees we receive through child support on youth from families with children who have been placed out of the home. For the most recent year, it was approximately $64,000. The same criterion goes with that in terms of family preservation or placement prevention utilization of those funds. Over the years, at the State level, we have a pot of deferred revenues for these two pots of money. Lynn said she believes it is inclusive of the $64,000 and $85,000 but it is around $600,000 and she would like to present a request for a couple of requests for that money. One – for the Senate Bill 94 monies, we have one very needy high-risk family. She is requesting utilization of those funds to hire an in-home caregiver who would also do some parenting assistance in order to work on getting two or three youth back into the home. This is a court order and we do need to do this. Rather than trying to pull it out of the 80-20 block, Lynn would like to free us those monies to hire someone for this very job-specific program. The children are fairly young and this could be on-going until the safety risk for the children are determine null and void by Social Services and the Courts. Terminations of parental rights are underway and this may go away entirely. This was discussed as a one-year period of time. This would be a temporary position and it would be tied to this one case identified by household number. If this doesn't work, the position will end. Court hearings for re-evaluation on cases are held once a month. This is a high-risk case and the court has ordered the department provide 6 hours per day, 5 days a week protection. The issue is how to start out funding and if it continues, how to fund this in the budget. Jesse was willing to use soft money for the remainder of this year. Lynn stated there is someone who wants the job and is willing to work with this case. Jesse stated the individual would need to sign a waiver as to the temporary status of the position. This would be a new position 30 hours per week, non-contract due to insurance. Carolyn noted for the Board that there is a process in place to terminate parental rights.

In-home placement - Senate Bill 80 monies, the $85,000, they are really trying to determine ways where we can divert or prevent placements, current or future. There are things coming down from the court that is a concern regarding placement potential and they are looking at other services they can provide. Lynn said she is asking only for utilization of the $85,000, nothing beyond that, to attempt to hire an interim family therapist, which would be before placement was tried in order to exhaust all community services as well as possibly a part-time life skills worker.

It might be very much worth the cost to provide the in-home services and save money rather than going immediately into placement. Jesse – this is taking funds as seed money to save money in the future. Lynn stated that Alan Christie is a family preservation therapist program but he has a full caseload...

Carolyn explained that Judge Ossola has taken over the juvenile cases and he is not so included to believe in confinement for youth, he prefers direct services and is applying pressure on Social Services to supply those needs. This particular position Lynn described, and case, is a pilot program and if successful, we may want to build it into the budget for next year.

Commissioner McCown – asked Lynn if she thought this investment in a pilot program was the best use of those funds. Lynn stated it was. It will be a deferred revenue source fund to support the positions...

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Social Services; motion carried.

Positions Added

Commissioner McCown made a motion to authorize the creation of two positions as mentioned previously in testimony and Board of Social Services, one covered under Senate Bill 94 under the foster care fee incentives and one under Senate Bill 80 in the amount of $84,791 both of these positions will be temporary position.

Carolyn Dahlgren corrected by saying it is three positions for two pots of money. Lynn stated that Senate Bill 80 we're talking about an in-home therapist and also a possibly a life-skills worker because for the $85,000. It's two positions in Senate Bill 80 and one position in Senate Bill 94.

Commissioner McCown amended his motion to include three positions. Commissioner Houpt seconded the motion.
Discussion: Commissioner McCown – it just happened that Lynn's here to hear it, but we have got to do something about the growth of County Government. We are rapidly approaching 400 people and in next years' budget, we may be able to only fund 350 people – that makes a tough choice and we just created three new ones today, even though they are temporary, and that's the only way I would support it. Commissioner Houpt – they're temporary positions and I think when you have mandates that come from other areas that aren't funded, it's a very difficult situation. Commissioner McCown – yes, you have to layoff other people that are not covered under those mandates, which is not fair to those people. Commissioner Houpt – hopefully we can have the funding and use what has already been set aside with Senate Bill 80 in the future for funding. Motion carried.

Action: Under the Board of County Commissioners – approval of items under Social Services

Carolyn outlined the motion that was needed as the Board of County Commissioners: a motion to approve four items: 1) eligibility disbursements list for February 2003; 2) acceptance of the grant award for Single Entry Point– Title III Agreement with the Area Agency of Aging (AAA) of Northwest Colorado for the provision of Senior Services and Equipment/Caregiver programs in the amount of $69,733; 3) approval of the HIPAA (Health Insurance Portability and Accountability Act) Business Associate Addendum as a part of the Contract dated June 30 between the Department of Health Care Policy and Financing and Garfield County Board of County Commissioners for the provision of Single Entry Point services and AAA Contract and 4) the IGA with the Housing Authority; motion carried.

Previously discussed and held over - Rifle Correctional Center Agreement with Landfill – Ed Green

Ed submitted the general agreement between the two entities.
Marvin submitted the agreement and Don elaborated that the specific language of the agreement has also been discussed. Neither the discussion nor the language alleviates the concerns that were discussed earlier. They pointed Marvin to a provision on page three of the agreement, III (g) this was the Section the State pointed to us and to the contrary it states it doesn't provide any insurance, but in reflection with last year's agreement, this was the language and the Board agreed to simply take the risk. This is the dilemma the Board is facing now, is the assistance valuable enough and the risk low enough that you choose to take the risk. These folks are neither employees of the State nor the County and that's clear – there's no medical insurance that's provided. The only medical care that would be provided is the same we provide to our inmates in the jail and that is not insurance nor liability. Someone who is injured and is not covered by workman's compensation even if you repair the medical damage, still can sue for pain and suffering or exemplary damages under the liability theory. We may or may not have governmental immunity for that. A personal waiver was suggested as a hurdle to jump over. This would help per Don.
Marvin stated the Rifle Correctional folks work very well and they use between 2 to 6 inmates at the Landfill everyday. It's a full time job the Rifle Correctional Facility provides.
The inmates use equipment and are properly trained. They operate equipment on the landfill property. Rifle Correctional staff is supportive of hands-on training on equipment. All the training is done in Buena Vista before they are eligible for operating the landfill equipment.

Executive Session – Sale and Property Acquisition and Legal Advice for Contract with Rifle Correctional Liability Issues

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

Rifle Correctional Liability-Labor Contract

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to
watch this very closely, sees benefits and concerns and want to make sure we stay on top of this and work through any concerns as they arise at the landfill; motion carried.

License Agreement allowing Valley View Hospital to use County Property

The agreement was signed today.

ADJOURN

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

Attest: Chairman of the Board

APRIL 1, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 2:00 P.M. on Tuesday, April 1**,** 2003 with Chairman John Martin was present and Commissioners Tresi Houpt and Larry McCown via telephone. 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 2:00 P.M.

CONSIDERATION OF SUPPORT – SOUTH GLENWOOD BRIDGE
The Board received a letter from Mayor Don Vanderhoof of the City of Glenwood Springs and read it into the record. The letter indicated that during the trip to Washington by Chairman Martin, some confusion arose regarding Garfield County's support of the request for federal funding for a south crossing of the Roaring Fork River. Mr. Vanderhoof referenced the support of the County in the design of the bridge as well as providing financial support during the design phase. The mayor requested a letter of support from the Board of County Commissioners to Congressman McInnis to clarify the support of the request for federal funding of this south bridge crossing. Ed read the letter drafted for the Commissioners review stating the County has provided half of the funds for the design of this alternate route and believes that such an alternate route presents many benefits both to the county as a whole. An alternative route would alleviate travel time and traffic congestion, experienced daily by commuters going up valley. The concern with this project is the inability of the County to financially support the project with either capital or road and bridge funds. The total cost of the project is in the neighborhood of $10 million dollars and a significant contribution from either of those funds would have a devastating affect on fund balance for many years to come. If Congressman McInnis and the City could secure federal funding for this project, the county would wholeheartedly support the initiative. The county would also be willing to provide "seed money" in support of such a grant and be receptive to such a contribution.
Commissioner Houpt asked what roads would be impacted and Chairman Martin answered Highway 82, Midland, CR 160, CR 163 and CR 117. The proposed crossings are Dr. Jackson's property; or the Holy Cross property.
Commissioner McCown made a motion to authorize the Chair to sign the letter to Congressman McInnis; Commissioner Houpt seconded for discussion purposes. Discussion: Commissioner Houpt did not think the letter should be sent at this time and wanted to place this on the Agenda for Monday, April 7th for discussion of on-going issues including the layout design. She requested information for the Board to include having the approximate list from the City of Glenwood Springs, Larry Thompson of what is needed in order to proceed including the potential crossing of property to Highway 82.

Discussion and Action - Ratification of the DOLA Grant – Airport Road Improvements, Phase I – Garfield County Road 319
April 1, 2003 is the date this needs to be in so Chairman Martin wanted to make sure it was done.
Ed stated he had discussed the grant with each of the Board members of the scope of the project to reduce the overall cost. The scope discussions are not really reflected in the grant numbers, as they wanted to be ultra conservative in the approach. This is a project that is going to cost around $1.8 million and we're asking $600,000 from DOLA and EnCana has committed $400,000 and we would be left with $800,000 in cash plus some in-kind support from Randy Withee and Jeff Nelson. The question is if the Board wants to proceed with this grant for consideration by DOLA. $5.8 million is in the capital fund balance, so that $800,000 would come from that fund and it would reduce it to $5 million. Commissioner McCown noted that would be appropriated out of the capital but it would not be drawn down this year; it would be able to be in the budget for 2004. There has been a bill introduced and an alert going to all agencies involved. The bill would allow the governor to take any left over energy impact funds after the end of the year and apply them toward the deficit at his pleasure. This hearing session for the energy impact cycle will be in June, so for those not funded, even thought the grant money has been applied for and they have not been readily funded, then that money will be available for the governor to draw from and that grant will go away. Ed clarified that we have to initiate the project this year or the funds go away. Commissioner McCown added that he would like to have information in front of the Board the same as we did with the City of Rifle on the DOLA grant. This money has to be committed to that project and turned over to us. He was told as long as

they are still in that fund, even thought they are committed to us, they are accessible. Time is an issue in getting this together. Chairman Martin spoke to Ron Teck in Washington when he was there a few weeks ago and as an example, he said the money that was allocated to the tourist bill this year has been diverted even before they were not yet collected. Commissioner McCown – in order to balance the budget, they are looking at any fund that has not been expended; the fact that funds have been committed has become irrelevant. It's important to get this DOLA grant before them but it's important not to expend a lot of money until we're sure the funds are there on this project. Chairman Martin and Commissioner Houpt agreed.

Don clarified that by making the grant application, this does not commit the County to expend any funds. This decision could be made, if and/or when an award is made. He also clarified there were funds available in the Road and Bridge Fund. Ed stated the projected fund balance in Road and Bridge is $5 million and over the last several years, the Board has expressed interest in keeping the fund balance at this level. Don stated before the commitment for this project is made that he will need to make sure the funds in the Capital Fund can be utilized for Road and Bridge expenditures.

Commissioner Houpt so moved to get this into process. Commissioner McCown seconded; motion carried.

Reminder – Silt Town Hall Meeting – 6:00 P.M. April 2, 2003 - Workshop

Ed Green, Planning Staff, Road and Bridge, the Commissioners and Mildred Alsdorf will attend. This is a get-together to be acquainted with their new board. Chairman Martin said there may a few projects they want to discuss to bring the Board up to speed. The pre-bid on Stillwater was today and there's going to be some interaction with County Roads when this project starts. They have proposed a progressive schedule but Silt has not come to us and told us what that impact on our County roads is going to be. Ed said he knew part of the discussion would include the Silt Road and Bridge Facility. Staff was requested to attend from Legal, Planning and Road and Bridge. Ed said he has a general understanding of the nature of the land transfer but no commitment in contractual end of it.

Spring Ridge II – Evening Session Requested

Commissioner Houpt requested the Spring Ridge II continued public hearing be held as an evening meeting so we can open it up to the public. Chairman Martin stated it has already been noticed and it would be at our expense to re-notice and the Spring Ridge developers would have to agree.

EXECUTIVE SESSION – LITIGATION – GRANT BROTHERS

Don DeFord stated for the record that he and Carolyn Dahlgren need an Executive Session to discuss the current Grant Brothers versus Board of County Commissioners litigation of the pending request for issuance of the Special Use Permit.

Commissioner Houpt – at the last meeting, we moved to continue the special use permit until the April 7, 2003 meeting so that the two Commissioners involved in this discussion could be present. She had indicated that due to the lack of information, she had refrained from voting. However, she expressed that by doing that she didn't feel this precluded her from discussing other issues in this process.

Commissioner McCown stated that he was under the impression that Commissioner Houpt recluses herself from further activity with this application. Commissioner Houpt stated she did remove herself from that vote because if she had voted it would not be yes, and it would have impacted the process. This was due to not having the background she needed on it. Commissioner McCown stated her comment and statement was made in public forum that "she is not taking any action on this issue, she was not going to be a part of any further action on this issue, and therefore we needed to continue it"; and that was the basis for continuing it. Commissioner Houpt said that was the special use permit that was before us, the issuance of the SUP. Commissioner McCown – and isn't this what this discussion is going to be pertaining to? Don said his understanding of this is that it would be a combination of the existing litigation and the issuance of the special use permit. Carolyn agreed because they are ultimately entwined. Commissioner Houpt –and that was not a topic that had come up. She will remove herself from the discussion on the special use permit but thinks that is the limit from what she removed herself from at the meeting. Commissioner McCown asked then if there is a need for two executive sessions, one being an update on the litigation and then another one on the upcoming issuance of the special use permit. Commissioner Houpt – she just would not speak on that issue but would not be removed from it. Don clarified that he was not certain if we were going to ask the Board today to take action, but in any event, he suggested to handle it by discussing the litigation and proposed to go into an Executive Session in order to have the update on the litigation and in the context of that Executive Session made a judgment as to whether Tresi should participate in either the EX further or any decisions made from that and if you decide not to, then we will come out and make a record and go back in to Ex if that's what we need to do.

Commissioner McCown made a motion to go into an Executive Session to only discuss the litigation on the Grant Brothers versus the Board of County Commissioners. Commissioner Houpt seconded; motion carried.
Those present for the session included: Commissioner McCown, Commissioner Houpt, Mark Bean, Don DeFord, Carolyn Dahlgren, Chairman Martin, Ed Green and Mildred Alsdorf.
The purpose of this is to provide legal advice on ongoing litigation and the Clerk will not be maintaining a record.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.

Planning Consultant – Smart Growth Initiative – Redesigning Zoning and Subdivision Regulations

Mark Bean stated interviews would be held for four individuals who submitted proposals: HNTB, RMC/Tetrea Tech, Company, Clarion Association, LLC. and Sullivan Seavy/Norris Dullea. He passed out the proposed list of questions to be asking the applicants.

Adjourn

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

Attest: Chairman of the Board

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APRIL 4, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 9:00 A.M. on Friday, April 4, 2003 with Commissioners Tresi Houpt and Larry McCown present. Chairman John Martin was absent attending a CCI meeting in Denver. Also present were County Manager Ed Green, County Attorney Don DeFord, Building and Planning Director Mark Bean and Planner Fred Jarman and Mildred Alsdorf Clerk & Recorder.

Others present: Bob Stieney of RMC/Tetrea Tech - Planner, Chris Duerksen and Alan Richman of Clarion Associates, LLC; John Durham, Mark Aumen, Lane Wyatt, and Barbara Green, Attorney of Sullivan Seavy/Norris Dullea**; and** Martin Landers, Elizabeth Garvin, attorney for HNTB; and Charley Owens from the Department of Labor.

CALL TO ORDER
Commissioner Houpt called the meeting to order at 9:10 a.m.

PLANNING CONSULTANT – SMART GROWTH INITIATIVE – REDESIGNING ZONING AND SUBDIVISION REGULATIONS
There were four proposals interviewed today.
A discussion was held before the interviews began going over the request for proposal contents, the desired outcome for the County with respect to the land use regulations, compliance with the Comprehensive Plan.
Executive Session
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to obtain legal advice. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Adjourn

Attest: Chairman of the Board

_____ _____

APRIL 7, 2003
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 7, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

a. Employee of the Month – Ardith Knipe – Community Corrections

Guy Meyer presented the award to Ardith saying she has been an employee for Garfield County for 8 years and she is the most patience person he knows; she goes way beyond the call of duty.

b. Chip Sealing County Road – Marvin Stephens and Tim Arnett

Tim and Marvin submitted the bidders and budget breakdown for the chip seal projects. GMCO, LLC. of Colorado was the lowest bidder at $453,249.66.
The following County Roads are included in this year's budget: CR 233 - $12,672.00; CR 229 - $24,640.00; CR 216 - $16,427.00; CR 204 - $135,168.00; CR 226 - $14,016.00; and other chip seal projects for $306,070.00 for a total of $508,993.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the chip sealing for County Roads to GMCO, LLC. of Colorado in the amount of $453,249.66; motion carried.

c. Slope Stabilization Design – County Road 109 – Near the Hardwick Bridge – Randy Withee

Randy Withee and Jeff Nelson submitted the background and recommended action to the Board saying that the cut slope adjacent to County Road 109, west of the Hardwick Bridge has been experiencing geological movement over the last several years. The Road and Bridge department budgeted $30,000 for engineering purposes to assess and design a slope stabilization solution. The advertising for RFP 14-03 was completed and four responses were received. Road and Bridge and Engineering reviewed the proposals based on specific criteria and after review recommend that MFG, Inc. out of Longmont, Colorado, to perform field investigations to quantify, Geotechnical, and groundwater conditions of the site. They will also prepare a topographic map of the slope and surrounding properties, locate utilities, and assess temporary/permanent easements and right of ways. Upon review of the results from field investigations and property easement assessments, MFG will present viable design alternatives to stabilize the slope. From this presentation, with direction from the County, MFG will design the selected stabilization method and prepare construction drawings, technical specifications, and engineering cost estimates. This will give the Board an idea of when we have to do this. Marvin mentioned it was a hazard for Road and Bridge.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award a Service Agreement to MFG, Inc. to provide Geotechnical investigation, structural evaluation and design for slope stabilization of County Road 109 near the Hardwick Bridge for a not-to-exceed price of this agreement of $25,500; motion carried.

d. Rodeo Contract 2003 County Fair – Dale Hancock

Dale submitted the contract with Brenis for $4400. This has gone up less than 5% over the years. The County Attorney required an attachment advising these are not County staff putting this on.
We have $11,200 in the fund balance at the Fairground, per Dale.
A motion was made by Commissioner and seconded by Commissioner Houpt to sign the Rodeo Stock with Brenis in the amount of $4400 plus $10.00 for the Junior Rodeo runs. Motion carried.

e. ***United Way Lease and Grant – Dale Hancock***

At the January 20, 2003 BOCC meeting, Leslie Robinson presented a proposal to lease office space at the Henry Building in Rifle for the United Way non-profit organization. Leslie stated the United Way is prepared to pay $200 a month for rent and would be willing to pay for liability insurance.
Leslie was requested to identify which office space, come back with a proposal, and the Board would look at it. She was to report on the liability insurance as well.
Don asked the question of rent, if this would be both the lease and a Community Human Service Grant. The square footage cost would be based on the Gatsby guidelines. Don was requested to agree to a balance with respect to the rent.

Dale presented this for the Chair's signature. An attachment was included and the idea is to grant United Way $1200 in rent.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the lease to United Way. Motion carried.

Community Corrections – Shortfall financial

26 beds for Community Corrections – 39 beds – time out courts – no more funding – time served for these programs, stopped at the – change order and provided with some relief in February. However, there is a lack of those coming out of contract. The change order came out for February and in June, they are not prepared. First responsibility is to run this per budget. May 7 out of money and the County will not honor these beds. This is up to the 1-800 – heads up.
The defense council will be notified to file a 35B, which is a motion to change the sentence; b – rather the judge re-sentencing them to prison or to probation. Increase in the jail. The Statute is that these are those that have been diverted, but it will back up to out jail.
The jail is under capacity. This program restarts in July for new money.
The variable cot with incarceration is – the shortfall is for 6 weeks. This is a financial issue for the County. Commissioner Houpt stated she wants to discuss the shortfalls in all of these programs and some indication of what programs the Board would prioritize.

f. Request to Increase Driveway and Utility Permits – Marvin Stephens

Marvin Stephens and Mike Vanderpol presented the Board a proposal from Road and Bridge to increase the fees for driveway permits and utility permits. The current fees are $15.00 for the driveway; $20.00 for a utility permit. Other County fee structures were compared. Marvin requested the Commissioners increase the fees as follows:

$ 75.00 for a resident driveway permit
$100.00 for a commercial driveway permit – Oil Companies, etc.
$150.00 + $.25 per lineal foot over 1000-feet for a utility permit – due to surveys included.

Marvin justified the request by stating this will put Garfield County in line with the various counties and also pay for the foreman's time and effort.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Road and Bridge Department to $ $ 75.00 for a resident driveway permit
$100.00 for a commercial driveway permit – Oil Companies, etc. $150.00 + $.25 per lineal foot over 1000-feet for a utility permit. Discussion:
Commissioner McCown – suggested to drop the addition $25.00 for a commercial drive-way permit and start at the first foot $75.00 for both and then on the utility permit, which is the installation of utilities in our right of way, start with a $150 for that permit and then start at $.25 per lineal foot in the right of way starting at the very first foot. These have been more detrimental to county roads historically than anything else has. Commissioner Houpt agreed to a friendly amendment. Commissioner McCown amended his second. Motion carried. Amend second.

g. ***Consider Colorado West Request for Detox Funding – Ed Green***

The additional funding request was discussed at the March 17, 2003 meeting and staff was directed to do some research with the Sheriff in the possibility of recouping fees through the Municipal Contracts for those Towns and Cities who were refusing to fund Detox as a surcharge. Staff was also directed to evaluate the Commissioner's discretionary grant line item balance before this issue was voted upon.
The motion was made by Commissioner Houpt and seconded by Commissioner McCown to provide additional funding for the Detox for discussion purposes, however the issue was tabled.
Sheriff Lou Vallario stated that he does not have any budget for the Detox. From the law enforcement side, if we don't look for a way to keep the facility open, it will have a greater impact on our jail. This will burden the jail to find a creative way to handle this issue. One of the concerns is the reality that law enforcement is charged with taking care of people who are a danger to someone else and unable to care for themselves. For an extra $4200, this is a short-term solution. Detox is looking at long-term solutions.
Commissioner McCown reiterated his concern when you are out of money in March and you are asking $4200 for the year.
The formula determined by Detox was designed to receive funds from other sources. The same argument made by Commissioner McCown at the March 17th meeting was restated in connection with the other municipalities not paying their fees. As an example, Silt has an agreement to bill them for a person referred to Detox to be charged per day.

Motion was restated to approve the grant to Detox in the amount of $4238 and taking it out of grants to non-profit. Motion carried.

g. Vanadium Data Analysis – Rifle - Ed Green

Randy Withee followed up the Board's request for an independent investigation of vanadium concentrations using Walsh Environmental Scientists and Engineers, LLC in the US Department of Energy Data Analysis of Vanadium at the New Rifle UMTRA Project Site, Rifle, Colorado.

The conclusions were submitted to the Board and summarized the findings in the report by Edward Baltzer, saying Walsh completed their review only to the most recent vanadium report and did not include a review of other potential contaminant issues. The revised model by the DOE appears to be reasonable based on the reviewed information. Future vanadium concentration data should be compared to the proposed models and the models adjusted accordingly. DOE will be monitoring and comparing future results. Modeling was not applied to several wells that exceed the target level. Compliance is predicted based on chemical processes that are assumed to be occurring; no date quantifying these processes was presented. Walsh reviewed no data stating the form the vanadium is in, for example, the vanadium may be in solid or ionic form in solution, and it can be in various mineral states or absorbed in the soil. Each form would have its own solubility and fate in the environment. Apparently, the DOE makes assumptions about attenuation of vanadium without determining the chemical form of the vanadium. Furthermore, the different forms of vanadium have different valence states, each with its own toxicity. The valence states of vanadium in the environment were not determined in the data provided to Walsh.

Future surface development and land use could mobilize vanadium based on DOE conclusions. If this is true, vanadium concentrations in groundwater may increase during construction work in the area. Vanadium should be monitored during future construction or development activities or change in use of the land.

The vanadium is confined to the subsurface and groundwater may increase during construction work in the area. Vanadium should be monitored during future construction or development activities or change in use of the land.

The vanadium is confined to the subsurface and groundwater. Therefore, the only exposure pathway considered by the DOE is through drinking the groundwater. The groundwater in the area is not used due to odor and taste problems.

Walsh is available to provide the Board with a more detailed assessment of the current conditions after reviewing all of the technical reports for the site. A preliminary review and summary of the existing reports would take about 16 hours.

This is a naturally occurring metal.

Commissioner McCown – if this is disturbed, it will compound the problem. DOE wants to give this property to the City of Rifle and the uncertainty of what Rifle wants to do with this property is a concern.

The depth of 8 foot into the soil would miss the metal, but any footer deeper would disturb it.

The Board decided not to have Walsh do any more studies on this issue and need to voice our concerns.

Direction

Randy Withee was requested to see if we can affect an agreement on the 8' limit for footers with Rifle.

h. Request for Change Order for the WIC Program – Ed Green

The WIC program received an increase of the current term of October 1, 2002 through September 30, 2003 for $25,332.00 for an amended total financial obligation of the State of $161,831.00. The change order was submitted to the Board for signature of the Chair.

Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

Board of Health

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Contract Change Order letter for the WIC program for the program year 2003 for an increase amount of $25,332.00. Jesse stated this will require a budget supplement; motion carried.

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

i. Request for Approval of IT Services Consultant, Diana Wessel – Jesse Smith

Jesse Smith submitted the purchase of consulting services for the Information Technology provided by Diana Wessel for 2003 with the hourly rate not to exceed $6,000 during the six (6) month term of the Agreement at the rate of $24.00 per hour worked.

The new IT consultant will be on board later this month.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the contract as presented for the not to exceed amount of $6,000 and an hourly rate of $24.00 per hour as presented; motion
Items j and k were moved from the agenda to other departmental discussions.

COUNTY SURVEYOR – SWORN IN

Mildred Alsdorf swore in Scott Aibner as the new appointed County Surveyor for Garfield County. Scott will assume this position until the next regular election in November of 2004.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Consideration and Approval of Acknowledgement and Acceptance of Assignment – Child Placement Services Agreement (DSS – Lynn Renick)

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Social Services; motion carried.
Lynn Renick received a letter that was submitted to the Board from Taylor Davis for Cedar Springs Behavioral Health Systems, Inc., Colorado Springs, Colorado aka PSI Cedar Springs Hospital, Inc. in reference the Agreement to purchase child placement residential childcare to be effective April 1, 2003.
Commissioner McCown made a motion to authorize the Chairman of the Board of Social Services to sign the acknowledgement and acceptance of assignment and any other additional contracts required to ensure the placement. They may have a contract assignment according to the letter.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Social Services; motion carried.
Motion as BOCC
Commissioner McCown made a motion to authorize the Chairman of the Board to sign the acknowledgement and acceptance of assignment and any other additional contracts required to ensure the placement Commissioner Houpt seconded; motion carried.
Lynn Renick – Announcement – our two out of state youth have admission dates to come back into Colorado to Emily Griffith prior to May 1, 2003.

b. Consideration and Authorization Regarding Request of Bob Howard – Airport Land Partners Limited - for Chair to Sign Form 8283

Don DeFord submitted Form 8283 – Non-cash Charitable Contributions regarding the donated property consisting of 44.96 acres of unimproved land located within the Garfield County Airport PUD in the appraised fair market value of $1,692,974. Mr. Howard purchased the property in August of 1997 for the price of $1,113,886. Don submitted the record from the Garfield County Clerk's office dated 07/12/1999 in Book 1139 Page 623. The Special Warranty Deed made on October 4, 1999 was submitted stating the conveyance of this property to the County shall contain a right of reverted to the seller in the event the water and sewer lines are not extended by the City to the property, as contemplated by the agreement between the parties, Airport Land Partners, Limited and the Board of County Commissioners of Garfield County, dated July 12, 1000, within one year of the seller's conveyance of this property to the County.
Don suggested that the Board attach copies of the Transfer Documents.
Commissioner Houpt made a motion to authorize the Chair to sign the 8283 Form as recommended by Counsel; Commissioner McCown seconded; motion carried.

c. Executive Session: Litigation Update & Status of Sale of Road and Bridge – Glenwood Site – School Street – Statue of CR 322

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss the issues named and as to the statue of CR 322, any action taken will be handled in a public session; motion carried.
Denise Young, Marvin Stephens, Randy and Jeff, Don, Ed and Jesse, the Board, Don and Mildred were to stay for the session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action Taken

Statue of CR 322

On February 10, 2003 – the Board directed the County Attorney's office to contact necessary property owners along the course of what used to be County Road 322, Shaffer Lane, to ascertain their position on the public status of that road.

Assistant County Attorney Denise Young met with Road and Bridge and came up with a proposed design if the Board wants to widen going with the proposed figures by Engineering – it is a public road and maintenance can be done within the perimeters, but any work outside would involved condemnation. Commissioner McCown gave direction saying this will alleviate some hauling pressure on Mamm Creek to allow trucks access the evaporation ponds; it would allow a different route cutting off an additional 10 miles. The property owner on both sides of the road does not want to relinquish any property. If EnCana wants to gravel the road, this is where we should go, Commissioner McCown stated he does not favor nor vote affirmatively to any widening or improvement of this road. Commissioner Houpt – agrees, the County will continue to maintain it. To move the road for widening would be an excessive cost. Chairman Martin – alleviates some traffic on West Mann Creek Road and would like to instruct EnCana that they would have to stay within the confines of the existing road.

Commissioner McCown so moved. Commissioner Houpt seconded; motion carried. ***Correspondence – City of Glenwood Springs***

The County was given the opportunity to purchase the former City of Glenwood Springs Police Building for $400,000. Direction was given to confer with the Library Board to see if they would like to accept it. Since there is a meeting with Glenwood Springs tomorrow, they can tell them, but also instructed Don to proceed with the letter.

An additional Executive Session to discuss the Special Use Permit for the Sand and Gravel Permit will be needed.

COMMISSIONER REPORT

Commissioner McCown - City/County meeting with the Town of Silt on Wednesday last week; Thurs at 1:00 p.m. he met with the County Fire Chief and the Sheriff looking at amending the ongoing fire code that we have that would actually this is in the working process, but eventually it would alleviate the need for Garfield County to impose fire bans, those would all be done through a permitting process by the respective fire chiefs and the Sheriff for the unincorporated areas of the County. This is in the very beginning stands on trying to adopt something that would amend the fire code. Friday, we interviewed the prospective contractors for rewriting zoning and subdivision regulations. Tuesday, 4/8/03 City/County Glenwood Meeting; Tuesday at 7:00 p.m. attending a meeting at the Rifle Elks Lodge sponsored by EnCana speakers from the BLM are talking on unitization and the oil and gas industry. Thursday, Associated Governments in Palisade.

Commissioner Houpt – most of last week she was in Denver at the American Planning Association conference. Silt meeting; on Thursday, she had an Advisory Board meeting with the Northwest Colorado Options for long-term care - mostly budget discussions from State impacts; Friday – interviews. RFTA meeting on Thursday; Doug Dennison - Oil and Gas Auditor - meeting with him.

Commissioner McCown – Dave Cezark, environmental engineer for Williams Petroleum called and is requesting a letter of endorsement for the RAC Board he is applying for and there are three groups that set on that Board – one is the holder of federal grazing permits, leases, representing of mining, timber, off-road vehicle use and commercial recreation, group two is representative of recognized national, environmental or resource conservation organizations, archeological, historical, Wildhorse, burro groups, dispersed recreational activities; and in group three is state, county and local officials, employees, state agencies, land, water, representative of Indian tribes, etc. and Dave is applying for group one which is the industry application and since Dave has worked and taken an interest in the publics stance in the industry and highly recommended to issue a letter under the Chair's signature or all three recommending him. Larry said he has been approached by the Division of Natural Resources to seek the vacancy under group three. He is talking to some of the members currently to see what type of time constraints that may be involved. If he decides to take it, he would also request a letter of endorsement from this Board for his appointment.

Chairman Martin – Library Board on Thursday 6 p.m. in New Castle; attended the CCI on Friday in Denver and discussed numerous issues, one being Senate Bill 154 – Affordable Housing Regulations that would actually overturn everything that is in place, it was postponed indefinitely; worked on the Senate Subcommittee trying to loosen TABOR regulations allowing the State to accept revenue that they have – the present Tabor rules they cannot. Oil and Gas – Rifle; Thursday, on the 10th – Stone Setting at the new Courthouse Plaza and setting of the plaque at the Jail – 2 PM – Walt Stone will be attending. – STACK meeting on Thursday – Planning Process from 1 – 4 discussing all the planning processes for the next 20-years on CDOT. RFTA Board and Friday – CCI; and Oil and Gas workshop; Grand Junction Tuesday, a follow-up on what it is on Friday in Rifle; Highway Clean-up on I-70 from Glenwood Springs to West

Glenwood – volunteer from 9:00 a.m. until 1:00 p.m. Also an RSVP appreciation luncheon in New Castle on Saturday, April 12 from 1:30 – 4:00 at the school.

Executive Session- Mamm Creek Sand and Gravel – Consent Agenda Item

Mark Bean, the Board, Don, Carolyn and Mildred were asked to be present.

Commissioner Houpt moved to go into Executive Session to discuss the aforementioned item; Commissioner McCown seconded; motion carried.

Action Taken

Commissioner Houpt previously removed herself from voting on the Special Use Permit and clarification was made that she had removed herself totally from this Special Use Permit and therefore would not be voting on the issue.

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

CONSENT AGENDA

a) Approve Bills
b) Authorize Chairman to Sign Special Use Permit for Greg and Dianne Park
c) Sign the Permit for the Mamm Creek Sand and Gravel Special Use Permit – Mark Bean
d) Liquor License Renewal – Fairway Café – Mildred Alsdorf
e) Request to Modify Warrant List Dated March 17, 2003 – Jesse Smith

Lois Hybarger submitted a request to modify the warrant list dated March 17, 2003 regarding Check #028297 and Voucher #467383 – vendor County Health Pool. The requested payment was for $1046.67 and the check was returned – it was for Sam Phelps (previous County Surveyor) COBRA coverage for the month of April 2003. Sam's last day of work was March 31, 2003.

f. Request to Modify Warrant List Dated March 31, 2003 – Jesse Smith

Check #028639 was voided and Voucher #467843 has been deleted for $255.00. This was due to a duplicate invoice that was being paid by two different departments. The check has been scheduled for payment on April 7, 2003 in the amount of $132.50.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f absent c; motion carried.

Item c – Discussion

Commissioner Houpt noted this was in a previous meeting with a very extension discussion before she was in the capacity as Commissioners. She is removing herself from voting on this particular issue.

Mr. Grant – comment requested.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to remove item c for comment.

Mr. Doug Grant – Since the Board has limited the comments to only the conditions of approval in the Special Use Permit, he only has one thing to say and that is in regard to the Access Permit from C-DOT. As of Tuesday, he discussed the access issue with CDOT and there was no notice to proceed from the State Highway. The access permit is a 2-step process. Doug stated he spoke to Jack Bradley and Ann Roussin on Tuesday, and they do not have a notice to proceed; the engineer was told to go back and redesign the road.

Chairman Martin – noted that CDOT gives then until 2004.

Commissioner McCown made a motion to authorize the Chair to sign the SUP for Mamm Creek. Chairman Martin seconded. He reviewed the information and found all those requirements have been met or extended; motion carried.

REGULAR AGENDA

PUBLIC MEETINGS:

CONSIDERATION VALLEY VIEW HOSPITAL ASSOCIATION BONDS

On March 24, 2003, a meeting was set for today for final signatures on the Board Resolution. Blake Jordan had explained that Statutes permit, when you are considering a Bond Resolution, that the Board can authorize the bonds within a certain range of perimeters when there isn't a specific interest rate

Bob Irving and Blake Jordan via telephone, Courtney Petre and Larry Dupper were present.

Bob Irving of Kutuck Rock explained the Bond Resolution and highlighted the primary points.

Blake Jordan reviewed the document and did not find any significant issues, he discussed several issues with Bob Irving but he does not have any concerns today.

This should be the last official action by the Board of County Commissioners and the documents will be ready to sign before May 1, 2003.

Courtney read Resolution No. 2003-22 into the record.
Commissioner McCown made a motion to authorize the Chair to sign the Resolution just read into the record; Commissioner Houpt seconded; motion carried.

HIPAA

Carolyn Dahlgren and Denise Young presented.

UPDATE ON JAIL RESEARCH

The Resolution was presented to the Board for signature of the Chair.
Denise stated that after studying the jail is not a covered entity as they do not electronic transmit any health care information. The Health Management entity does not feel they are either.
In the future, we may find that we are wrong, but this is a general consensus that jails are not covered.

CONSIDERATION OF RESOLUTION DESIGNATING COVERED COMPONENTS
CONSIDERATION OF RESOLUTION ADOPTING HIPAA POLICIES AND FORMS
CONSIDERATION OF RESOLUTION APPOINTING HIPAA PRIVACY OFFICERS

Ed Green was appointed as the privacy officer.
Ed Green, Carolyn Dahlgren, Diane Watkins and Judy Osman were present.
Motion approving direct staff in making changes in the job description. HIPPA actually requests that job descriptions show the inclusions.
Commissioner McCown made a motion to authorize the Resolution to adopt the HIPPA policies and for Garfield County Public Health Nursing Services and Healthy Beginning and the Chair be authorized to sign said Resolution. Commissioner Houpt seconded; motion carried.
Commissioner McCown made a motion to authorize the Resolution to adopting HIPPA private policies and procedures for Single Entry Point Services and the Chair be authorized to sign said Resolution.
Commissioner Houpt seconded; motion carried.
Commissioner McCown made a motion to authorize the Resolution designated covered components pursuant to HIPAA and the Chair be authorized to sign. Commissioner Houpt seconded; motion carried.

PUBLIC HEARINGS

REQUEST FOR APPROVAL TRANSFER LIQUOR LICENSE, CATHERINE STORE WINE & LIQUOR, INC. – MILDRED ALSDORF

Mildred Alsdorf, Don DeFord, and Rhonda Black for Catherine Store Wine and Liquor were present.
Chairman Martin swore in the speakers.
Exhibit A – Proof of Publication and Posting AND Exhibit B – Application and Submittals
Chairman Martin entered Exhibits A - B into the record.
Mildred explained that this was a transfer of ownership; she has checked with CBI and FBI on all principal owners and found nothing of record. This is a retail liquor store, Mildred 2-999 – they have decided that the LaFar will not be operators but they will be financial backers. A description of the store, articles of incorporation, warranty deed signed Friday, deed of trust, other things Affidavit where Lael Hughes has paid for his entire product. Fingerprints into CBI and FBI – quote the statue, checked for the DOR and County, Individual Histories and contract to buy and sell – application is complete. MA spoke to Rhonda and
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the transfer of license to Rhonda and Cheryl Black. Motion carried.

Agenda for City/County – Tuesday, April 8, 2003

South Glenwood Bridge; Parking – Permits on Pitkin; End of 8th Street – 2 hour parking possibly removed; RFTA - $10 fee; White Water Park – Letter to GoCo; Coordinated Planning – Pro-active Discussions of Annexations; Union Pacific Parking Area; and Other parking areas
Jurors – use old Road and Bridge area

Public Comment from Citizens not on the Agenda

Barton Porter – requested to read a letter he wrote into the record asking a favor but before he did, he gave the history of the Porter family on Alkali Creek and Garfield Creek. 41 houses that he divided. Not one dime has the County ever contributed to the roads. With ranch taxes the land is paying, many tax dollars. During this time, he and his sons have created two of the top producing Ranches. A month ago, two employees took photos on the road. His son has placed a 5 – 6' dam across Alkali Creek. In order to take the photos, the staff had to trespass. These photos were taken to the Corp of Engineers. Asked for the favor regarding the pipe so that the water could flow through. He needs his paper signed that the pipe will take

care of the water. Because the Commissioner saw fit to create the problem, see fit to take care of this problem since they caused it. Jake Mall and Mark Bean – watching over what their authority is to watch over private property. Chairman Martin was there to check out the road. Sent a petition to chip and seal the road – only photos were taken from the road. The other issue is that Mark Bean and Jake Mall work for the County. If they are asked to investigate, they are authorized by the Board of Commissioners. They do not have permission to trespass on his land. Barton presented a letter dated March 18, 2003 from the Corp of Engineers with respect to the County signing off on approval of the placement of a pipe for drainage. Barton asked the County Commissioners for a letter to the Corp of Engineers to settle the entire problem by April 14th. of approval. Chairman Martin stated the Board would make contact with the Corp of Engineering and see if they could resolve the issue. Barton stated that as soon as they start irrigating there wouldn't be any water running through this pipe to make a difference. Barton requested the County in the future to not take pictures of his ranch.

BUILDING AND PLANNING ISSUES: PUBLIC HEARINGS

REQUEST FOR APPROVAL OF AN CONDITIONAL USE PERMIT REQUEST FOR STORAGE IN THE AGRICULTURAL/INDUSTRIAL (A/I) ZONE DISTRICT FOR A PROPERTY LOCATED AT 5111 CR 346, SILT, COLORADO ON 6.94 ACRES. APPLICANT: DUFF NICOLA

Fred Jarman was present. Duff Nicola did not show. This will be rescheduled.

REQUEST FOR CONSIDERATION OF A PRELIMINARY PLAN - COLORADO RIVER OAKS - TO SUBDIVIDE APPROXIMATELY 15-ACRES OF LAND INTO 3 LOTS CONSISTING OF APPROXIMATELY 3, 4, AND 6 ACRES OF LAND. APPLICANT: DORA GAIL SCHULTZ. LOCATION: COUNTY ROAD 335, APPROXIMATELY 2.8 MILES SOUTHWEST OF NEW CASTLE.

Gail and Gary Schultz, Tamara Pregl, Don DeFord, Deric Walters, High Country Engineering and Tom Stuver were present. Don reviewed the regulations for noticing and the submittals from the applicant. Don determined they were in order and timely and advised the Commissioners they were entitled to proceed. Chairman Martin swore in the speakers. Tamara Pregl 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 of 1984; Exhibit F – Staff Report dated April 7, 2003; Exhibit G - Application; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated January 29, 2003; Exhibit I – Letter from Jeff Nelson, Assistant County Engineer, dated January 3, 2003; Exhibit J – Letter from the Colorado Geological Survey dated January 21, 2003; Exhibit K – Letter from the Colorado Division of Wildlife dated January 21, 2003; Exhibit L – Letter from the Division of Water Resources dated January 21, 2003; Exhibit M – Letter from Steve Anthony, County Vegetation Management Director, dated January 29, 2003; Exhibit N – Letter from the Town of Silt dated January 7, 2003; Exhibit O – Letter from the Town of New Castle dated February 3, 2003; Exhibit P – Letter from HP Geotech dated February 6, 2003; Exhibit Q – Amended Protective Covenants presented to the Planning Commission on February 12, 2003; Exhibit R – Photographs of subject property taken January 31, 2003; and Exhibit S – Addendum to application material: Letter from High County Engineering dated February 21, 2003, and reduced copies of amended Preliminary Plans.

Chairman Martin entered Exhibits A – S into the record.

This is a request for a preliminary plan review for the Colorado River Oaks Subdivision located on County Road 335 approximately 2.8 miles southwest of the Town of New Castle. The subject site contains approximately 15 acres to be subdivided into 3-lots. The property is improved with a single-family residence on what is proposed to be Lot 1A of 6.292 acres. Lots 2 and 3 will be supplied by a shared well and by an ISDS. The property is located within the 3-mile area boundary of the Town of New Castle. The comments from New Castle are shown in Exhibit O.

Tamara reviewed the staff report with the Board and highlighted on specifics and the recommendation from the Planning Commission:

1. 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.
2. The Applicant shall include in the Protective Covenants for the Subdivision the following:
   A. The water provided to the lots is very hard and the individual dwellings will need to install a water-softening equipment and additional filtration, such as reverse osmosis for drinking water supplies.

B. Individual lot owners will be responsible for the installation of an engineered ISTS (Individual Sewage Treatment System) and subsurface drain field.
C. All ISTS shall meet the minimum requirements of ANSI / NSF 40. Designed plans for the ISTS systems shall be provided to the County to determine if the lots have adequate space feasibly for the installation of the ISTS and maintain all applicable setbacks.
D. The installation and on-going maintenance of the ISTS shall be detailed and not just reference.
E. Maintenance of each system will be the responsibility of the individual lot owner.
F. The shared access off of County Road 335 for Lots 2A and 3A is considered a public road and shall be designed in accordance to the Garfield County Subdivision regulations to accommodate ADT generated from the two new residences. Repair and maintenance of this road shall be the responsibility of the incorporated Homeowners Association.
G. A reference to the subdivision Wildland Fire Home Fuel Mitigation Plan and Weed Management Plan shall be included.

3. A hydrologist shall confirm that the floodplain shown on the Subdivision Plat is correct and determine if the design flood velocities at the base of the escarpment to the north of the proposed two new residence sites have the potential to erode the escarpment.
4. The recommendations by Hepworth-Pawlak Geotechnical, Inc. outlined in the Preliminary Geotechnical Study for the Subdivision dated April 19, 2002; [Job No. 102 149] shall be adhered. These preliminary design recommendations include but are not limited to: foundations, floor slabs, under-drain system, site grading, surface drainage, and percolation testing. Soils and slope conditions shall be addressed in lot-specific Geotechnical investigations. Precautions shall be taken to prevent river and alluvial fan flooding, as well as erosion and potential expansive foundation conditions.
5. Due to the possible presence of radon gas in the area, testing for radon gas shall be done when the residences and other occupied structures have been completed, prior to the issuance of a Certificate of Occupancy.
6. The Applicant shall submit a cross-section illustrating the pond, slopes and relation to the existing County Road 335 right-of-way. The top of the pond back shall be located on the property and not within the County road right-of-way.
7. 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 $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.
8. The proposed subdivision is located in the Garfield County Traffic Study Area 3. This area calls for an impact fee payment to Garfield County of $226 per average daily trip (ADT) generated by the subdivision, less discounts included in the calculation formula in Appendix A of the Subdivision Regulations. Fifty percent (50%) of the road impact fee shall be collected at the time of Final Plat for the Subdivision. 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. All other road impact fees will be collected at the issuance of a building permit.
9. Pursuant to the recommendation by the Garfield County Road and Bridge Department, the Applicant shall:
   A. Deed to the County, a 30-foot easement from the centerline of County Road 335, the length of the entire subdivision.
   B. All fences, brush, and structures within the 30-foot easement shall be removed back to the property line (right-of-way), at the sub-dividers expense, prior to building.
   C. Construction work zone signage shall be posted on County Road 335 during driveway construction. Signage shall be posted in accordance with guidelines set forth in the Manual on Uniform Traffic Control Devices.
10. The Wildfire Mitigation Plan for the Subdivision shall be reviewed and approved by the Burning Mountain Fire Protection District, prior to Final Plat.
11. The Applicant shall provide the following weed management information for review and approval by the Garfield County Weed Management Director, prior to Final Plat:
    A. A map that details specifically where the noxious weeds are located on the site in order to

assist in suppression efforts.

B. The immediate weed management of the property shall be address in the Protective Covenants.
C. Management of noxious weeds on roadside, ditches and common areas shall be addressed. Responsibility for the weed management shall be designated.
D. The Protective Convents shall provide language that reminds the landowners that it is their responsibility, according to the Colorado Noxious Weed Act and the Garfield County Noxious Weed Management Plan to manage noxious weeds on individual properties.
E. All straw or hay bales used for the Subdivision for erosion shall be certified as "weed-free".

12. The Applicant shall comply with the wildlife habitat mitigation measurements provided by Beattie Natural Resources Consulting Inc. dated May, 2002, and the Colorado Division of Wildlife dated January 21, 2003. These include, but are not limited to:
    A. Retaining existing vegetation in the areas outside of the homes, lawns, and entrance roads.
    B. Installation of bear-proof trash containers.
13. The following additional information shall be delineated on the Final Plat:
    A. The inhabitable area shall be delineated on the Final Plat as that area contained within each lot boundary minus that portion of each lot contained within the Colorado River as mapped by the Army Corps of Engineers "Floodplain Study for the Colorado River and Tributaries", Rev. July, 1987.
14. In addition to other required conditions of approval, the Applicant shall include the following plat notes on the Final Plat:
    A. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
    B. 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.
    C. 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.
    D. No open-hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.
    E. 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.
    F. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

Tom Stuver stated they concur with staff's recommendations with just a few minor items brought to the Board's attention: Referring to the Planning commission recommendations there are a few items that need to be handled differently, paragraph 2A which provides in the covenants there be a provision reviewing the water for the lots – the water is hard and reverse osmosis might be required. They have no problem with noting that on the plat and it really isn't a statement that has any enforced necessity within the covenants. 2B – make it clear that it's the new lots that will be utilizing an ISDS and the existing lot as it has for many

years will continue to have it's individual system; 2F – make it clear that the access will have characteristics of a public easement instead of provides for joint use, both of the lot owners, emergency vehicles and utility vehicles but it truly is not a road; 9A – the deed to the County, it should be a 30' right of way rather than an easement. (The County Attorney agrees and they have worked through the wording for the deed for that purpose). Going back to 2F – there's a reference to incorporated Homeowner's Association, in this instance where they have three lots, from an efficiency standpoint they would like to adhere to a practice they have utilized in the past and have that be an unincorporated association rather than going through the filing with the Secretary of State and annual reports that serve no purpose from the association of three parties. They recognize this would be an entity but it would be unincorporated.
Commissioner McCown – nothing in the application that addressed the well-sharing agreement.
Tom Stuver – a draft of that has been provided as part of the application. This is a separate agreement because it's only going to be utilized by two of the three lots – it is subject to a separate agreement. The draft of the covenants provided and reviewed by the Planning commission will be amended before final to incorporate the items under paragraph 11. It already incorporates them in all instances but there was some discussion as to the detail required and it was agreed in discussion at P & Z that although the applicant would not incorporated the entire wording in the County Weed Plan but would refer to it and specific provision that will allow responsibility for noxious weed control. They will incorporate verbatim the wildfire suppression factors that were enumerated in the package and those will be specific items in the final draft of the covenants presented at the final plat. This had to do with clear cutting around the residences.
Don DeFord – asked Mr. Stuver as to conditions to all the subparagraphs, should these be included as plat notes as well as included in the covenants - 2 A-G. This should be clear when looking at final plat. Tamara stated these should be included as plat notes. Tom Stuver agreed but did note that water softeners may be necessary. The water, even thought it's only two lots, why is not owned by the unincorporated Homeowner's Association? Tom noted there is no need for the lot not utilizing or in participating decisions regarding its use or maintenance. It is under the well-sharing agreement and has made it the responsibility of the two lot owners.
The ISDS is owned by two lots and not the third lot - Don informed that the regulations do need to have an entity that owns it. Tom Stuver noted this could be called the Lot 1 and 2 on the appropriate association. Tom wanted to have clarity among the two owners to know that the 3rd lot is not participating in the decision making or cost sharing of a well they don't use.
Engineer Eric Walter – Condition No. 3 – the floodplain was delineated by the US Army Corp of Engineers and in their mapping and this comment comes originally from HP GeoTech's recommendation that the slope be analyzed for scouring and determinate into the building envelopes. As a registered engineer, he works regularly with drainage and erosion, debris flows, and his analysis after going on site was to recognize the type of vegetation and the conditions along the riverbank. In viewing that, the slopes going down toward the river, the first shelves coming off the building envelope are just over 40% - 42% - 43% - this is an area that is highly vegetated and is not prone to erosion. He asked the Board to strike this condition or that it be an item considered at the time of building permit by the individual lot owners and their proposed building conditions and not something placed upon the developer at this time. Additionally, staff commented in Section 9.12 of the Subdivision Regulations regarding rock falls, landslides, etc. not be platting for any use other than open space or uninhabitable areas over two acres unless mitigation as proposed by a registered qualified engineer. Between lots 2A and 3A the property lines zig zags across the slopes through they're in order to accommodate that and it's not a condition that improves the feasibility of the land use in that area. It actually incurs plat congestion and the fact that in the future with fencing and the maintenance of that area there could be confusion between the two lot owners and Eric would like the Board to consider that the property line between those two lots, directly north from the north end of the shared utility easement and across the river, meaning on Lot 2A there would be an area where uninhabitable area is less than two acres but would not change the actual scope of the land. The area zig zagging through is an area of oak brush, willows and down into the river area. This would allow the developer to take that line directly north.
Tamara – On Conditions 2 A – G, that would be fine to make those plat notes. Concerning 2A, understanding the code, a shared access, if serves more than one lot, is a public road and needs to be designed to County regulations. Condition 9a – not an issue calling it a 30-foot right of way; Condition 11 – incorporating the weed management requirement and wildfire suppression requirements within the protective covenants – that's fine. The last issue with regards to the uninhabitable area referenced being

less than 2-acres, Tamara referenced page 5 of her staff report stating this outlines the code and clearly requires it to be at least 2-acres. No. 3 – if Eric's argument if is satisfactory to the Board, then it has been addressed.
Tom Stuver reiterated that he was not asking the Board to excuse that the shared access, the design factors, we understand that it would meet County road standards, it's the characteristics of the ownership of the driveway that it be a public easement and those public uses be limited to public emergency vehicles, utilities, access issues but did not want it to be a public road where the general public could feel comfortable using it as a turn around or pull in and park there. Tamara commented that particular condition 2F would need to be reworded.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing;
Commissioner McCown made a motion to approve the Colorado River Oaks Subdivision Preliminary Plan with Conditions 1, 2A corrected to read "may" instead of "will" adding H that A – G will be also shown as plat notes with the correction on 2F from incorporated to unincorporated homeowners association, striking No. 3, No. 9 reading "deed to the County a 30-foot right of way" instead of an "easement", and striking typo C in No. 12. Commissioner Houpt seconded. Commissioner McCown added that it would be cleaner to come back, once this is platted, with a lot line adjustment because it does not show on anything presented to the Board today other than a red line on a map. Motion carried.

PUBLIC MEETINGS

REQUEST FOR CONSIDERATION FOR AN EXEMPTION REQUEST FROM THE DEFINITION OF SUBDIVISION TO CREATE FOUR (4) PARCELS OF LAND, APPROXIMATELY 17.5-ACRES EACH, FROM APPROXIMATELY 70-ACRES. APPLICANT: COULTER'S POCKET, LLC. LOCATION: OFF OF EAST BATTLEMENT PARKWAY AND COUNTY ROAD 308, ADJACENT TO THE BATTLEMENT MESA PUD

Tamara Pregl, Billie Birchfield representative for Coulter's Pocket, and Mary Ann Bowsley, a member of Coulter's Pocket, 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.
Tamara Pregl 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 of 1984; Exhibit F – Staff Report dated February 12, 2003; Exhibit G - Application; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated March 17, 2003; Exhibit I – Letter from Jeff Nelson, Assistant County Engineer, dated March 12, 2003; Exhibit J – Letter from David Blair, District Fire Chief, Grand Valley Fire Protection District dated February 5, 2003; Exhibit K – Letter from Steve Anthony, Garfield County Vegetation Director, dated March 24, 2003; Exhibit L – Photos of the access road off of County Road 308 taken march 7, 2003; Exhibit M – Soil survey maps and interpretation tables; and Exhibit N – Additional comments from Jake Mall, Garfield County Road and Bridge Department, dated March 25, 2003.
Chairman Martin entered Exhibits A – N into the record.
Tamara stated that the applicant's request is for an exemption from the rules of subdivision to subdivide approximately 70-acres of land into four (4) parcels. The property is located off East Battlement Parkway and County Road 308, adjacent to the Battlement Mesa PUD. The site consists of approximately 17.4 acres of land. Tamara reviewed the staff report and made comments as to her written material and submitted the following recommendation:
Staff recommends that the Board approve the request with the following conditions:

1. All representations made by 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 have **120 days** to present an Exemption Plat to the Commissioners for signature from the date of conditional approval of the exemption;
3. The Applicant shall comply with the 1978 Garfield County Zoning Resolution standards.
4. The Applicant shall comply with the Colorado Department of Health standards.
5. The Applicant shall comply with the recommendations of the Grand Valley Fire Protection District, which includes, but is not limited to, the following:
   A. A water supply shall be located within 150 feet of a residence and have a 4 1/2"

hydrant connection capable of providing 500 gallons per minute. The water supply capacity shall be determined by the square footage of the residence, however, a minimum size of 2,500 gallon tank shall be required per lot per residence under 3,500 square feet.

B. For residences over 3,500 square feet in size, a fire sprinkler system shall be installed. For residences up to 3,500 square feet, a fire sprinkler system shall be optional. Fire sprinklers systems shall be meet the requirements of NFPA 13D.

C. NFPA 299 standards shall be adhered to for access / egress requirements and defensible space.

D. Access to the subject lots shall be adequate to meet the requirements of the Fire District and shall meet all turning requirements of the Fire Districts equipment without taking access onto Battlement Parkway/County Road 308 directly.

E. An agreement shall be in place, prior to finalization of the Exemption Plat via a plat note or agreement, between the Fire District and the property owners that the use of water stored in a fire water cistern, in the event of emergency, is not limited to a specific residence where the cistern is located and that its use and need shall be at the discretion of the Fire District. This shall be included in the Protective Covenants.

6. The Applicant shall comply with the following recommendations of the Garfield County Road and Bridge Department and the Assistant County Engineer with respect to access:

A. The on-going drainage and erosion problems related to the access road onto County Road 308 shall be addressed prior to finalization of the Exemption Plat. A Drainage Plan, prepared by an engineer registered in the State of Colorado, shall be submitted for review and approval by the Battlement Mesa Development, Garfield County Road and Bridge Department and the County Engineer.

B. By reason of the dangerous intersection between the access road and Battlement Parkway, realignment of the intersection is required. A realignment design of this intersection shall be reviewed and approved by the Garfield County Road and Bridge Department, County Engineer and the Grand Valley Fire Protection District.

C. The Applicant shall obtain and receive approval of driveway access permit for the access road onto County Road 308 (Battlement Parkway).

7. Due to the potential for mineral exploration on the subject Parcels, the Applicant shall provide disclosure to all potential lot owners via the Protective Covenants, as a note on the Exemption Plat and at the time of closing. In addition, gas exploration is occurring within the area. The mineral estate will allow the drilling of a well within 160' of a house.

8. The Protective Covenants shall outline the right to use of the Shutt Ditch.

9. Prior to the finalization of the Exemption Plat, the Applicant shall:

A. Provide the following information for vegetation management on the subject lots:

1. Noxious Weeds: Map and inventory of any listed Garfield County Noxious Weeds on the project area. Provide a weed management plan for the inventoried noxious weeds for review and approval by the Vegetation Management Department. This plan shall state who will be responsible for weed management on the road in the project area.
2. Revegetation: Provide a plant material list and plating schedule for revegetation. A map or documentation shall be submitted that quantifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances.
3. Soil Plan: The revegetation guidelines required the Applicant to provide a Soil Management Plan that includes: i) provisions of salvaging on-site topsoil, ii) a timetable for eliminating topsoil and/or aggregate piles, and iii) a plan that provides for soil cover if any disturbances or stoke piles will site exposed for a period of 90 days or more.

B. Copies of the actual well permits issued by the Colorado Division of Water Resources for the two wells shall be submitted.

C. The Applicant shall submit the applicable School Site Acquisition Fees ($200.00 per parcel) for the creation of the exemption parcels.

D. All physical water supplies shall demonstrate the following:

1) That a four (4) hour pump test be performed on the well(s) to be used.
2) A well completion report demonstrating the depth of the well(s), the characteristics of

the aquifer and the static water level.

3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge.
4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots.
5) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day.
6) If the well is to be shared, a legal, well sharing declaration which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs.
7) The water quality shall be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
8) For water supplies based on the use of cistern, the tank shall be a minimum of 1000 gallons.

10. The following information shall be delineated on the Exemption Plat:

A. Existing and proposed easements for utilities, driveway, and irrigation. These easements shall be included on the deeds for the proposed lots, where appropriate. All new utilities shall be buried.

A. The location of the 32-foot access and utility easement granted by Tonder and Wasserman in accordance with the Easement Agreements recorded with the Garfield County Clerk and Recorders Office shall be accurately delineated.

11. That the following plat notes shall appear on the Exemption Plat:

A. All new structures or uses shall avoid areas of natural drainage to the maximum extent possible.
B. No further divisions by exemption from the rules of Subdivision will be allowed.
C. Individual Sewage Disposal Systems shall comply with the Garfield County requirements.
D. Slopes exceeding 40% shall be restricted from development. Areas of disturbance shall be revegetated with appropriate vegetation. Cut and fill areas shall be kept in balance and to a minimum. Disturbance of the existing vegetative cover shall be minimized.
E. Geologic Hazards on the Parcels shall be mitigated per County regulations.

F. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.

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. No open-hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.

I. 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.

J. 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.

K. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

Billie Birchfield for the applicant stated they have looked into the drainage issues and have a plan and no objections to doing whatever the engineer suggests. There are two item in Condition No. 7 – the applicant has no problem with due notice of the mineral exploration and the only question is that the final statement is that the "mineral estate will allow the drilling of a well within 160' of a house." The property is subject to a lease at this time for oil and gas and that lease does provide that they will want to utilize the surface – it is part of the pooling agreement and it permits them to drill angularly to access the minerals but it does not actually provide for any on-bid subject property drilling. She asked that they be permitted to give notice that there is the potential for mineral exploration and that they should be aware of that, however, requested that we not required to insert this statement concerning "drilling within 160-feet." The lease expires in 2007 with the oil and gas company. The lease provides that if there is any drilling anywhere within the pooled area that it will then continue. The other item Ms. Birchfield commented on was Condition No. 10 A – the final sentence "all new utilities shall be buried." This is not a problem with regard to gas and telephone, but brought to the attention of the Board a fax transmittal from Holy Cross Energy that there are overhead power poles on the property, as it exists today on the westerly lot. To put power underground is extremely costly in this area and she has looked into the cost at an average of $20,000 per lot. Since the power poles are on the westerly lot and there are power lines crossing the adjacent properties as well, she asked, regarding electrical utility only that they be permitted to continue that over ground which is consistent with the area development. Chairman Martin inquired the easement agreement under Article II, "any utility installed be contained within the easement and shall be installed underground at the sole expense." He didn't see how the Board could overrule that particular requirement. (Wasserman and Tonder). Billie stated with regard to the Tonder portion, if in fact they did bring electric up, it would be required to be underground pursuant to the easement agreement, however there is a separate electrical/utility easement and offered to submit copies. Chairman Martin noted it says "any utilities." Billie explained that actually they anticipated being able to pick up the electrical on the subject property and not be required to take it down that particular easement. This may be difficult, they wrote in the existing aligner and at the point of the arrow is on the north/south westerly corner of the western lot, so the request would be to designate a "power easement" on the plat coming from that power pole to the other three proposed lots. Chairman Martin entered the fax transmittal from Holy Cross as Exhibit O. In describing the situation, Mr. Birchfield stated her anticipation is that in order to provide uniformity to the four lots that it will go down the exclusive easement with the right of way. It will go back to the east. The applicant stated that all other conditions are acceptable. The well permits have been received back from the Division of Water Resources; copies were not available at this meeting. Contact was made with the Division of Wildlife and they recommended due to the area having wildlife movement is to have all new fences be wildlife friendly and added if the Board wanted to make it as a condition of approval. The applicant did not have a problem with this suggestion.

Public Comment

David Blair – District Fire Chief – the concern was not only the debris flow but also the S-curve to get from the property out onto the existing dirt CR 308 and then into Battlement Parkway. The fire trucks will not make those turns and this has not been addressed as to if it needs to have an additional curb cut to get straight into that property. When they start developing, it is important that the road and turn around be put in prior to any development.

Billie stated she had spoken with Jake Mall of the County Road and Bridge department and one of the conditions of approval is the realignment of the intersection at that location. Jake seemed to believe that they could adequately address it. It will involve a realignment of the intersection; the realignment discussed would permit an access onto 308 and it would require a curb cut. Working with Jake he could propose a realignment that would work and provide the access necessary for the fire truck as well. The applicant has

provided for the access required under the particular regulation to be available so there will be a full 24-foot of travelable road. Condition 6B addressed the concern. Commissioner McCown inquired about addressing the 24-foot cul-de-sac and 120-foot turnaround. Clarification was made that this is an exemption and it will be a dead-end road. Commissioner Houpt noted that Jeff Nelson suggested that documentation be supplied regarding the legal owner of the Shutt Ditch and shares. Billie wasn't positive she could tract down the owners of the Shutt Ditch saying there are a number of owners and referenced on the plat to include delineation of the Shutt Ditch prior to finalization as well, in Condition 8 reference to the protective covenants shall outline the right to use of the Shutt Ditch and Mr. Tonder has an interest in this, Ms. Bowsley, Coulter's Pocket and Wasserman have interests in the ditch. The Shutt Ditch comes in early in the season, most years this has been for a very short period. The Ditch is in disrepair at this time. The applicant will designate the ditch on the plat to the best that they can.

David Tonder – concerned that irrigation water be addressed and to know what we have. Eliminate fighting. The other is that there is an engineered road that goes in there taking into account the drainage of the property.

As to the road, the applicant clarified the discussion with Jake Mall is that the road to Coulter's Pocket property would come straight out onto 308 with a curb cut location there and then the dirt road that comes in and curves onto 308 used by David Tonder for a driveway would intersect with the Coulter's Pocket road.

David Tonder stated they have had a problem already with silt running down into Battlement's storm sewer, etc. and he doesn't want people knocking on his door and wants this taken care of.

Commissioner McCown – the mineral estates allowing well being drilled within 160-foot, clarified that this is a unitized area. Mark suggested is the State Regulation and the Board may want to say "may" versus "will" – it's not an automatic, if the lease is renewed, etc. and the County is supposed to notify people of that possibility.

Don suggested rather than having specifics, would be to refer to the fact that there is a mineral interest controlled by regulations of the Oil and Gas Commission, as those regulations may change. Commissioner Houpt added a paragraph that would mention the wildlife fences. Commissioner McCown asked if the power lines that were going to be built were solely to serve this subdivision or transmission lines that are going to be utilized by other users. Billie stated they will be transmission lines to the southerly of the subject property owned by two individuals and the electric companies position is that should they decide they want to hook into that line, they would be permitted to do so, if they do that within 10-years then a certain portion of construction money is supposedly routed back to the party who initially paid for the construction of the power line. Commissioner McCown – asked if the applicant would have a problem by saying all the utilities shall be buried with the exception of the transmission lines so from the transformer in they will be buried to the house. Billie would like it to keep it on the power poles, except the last 100-feet or so that would be buried. Commissioner McCown – there is truly a difference between the transmission and service lines and usually the service is from the transformer to the house. Billie – for clarification preferred it to be for both transmission and service lines permissible to be overhead. This would permit each of the potential lot parcel owners to make a determination according to their wishes. Other clarifications were made that the gas line is required to be underground and will not allow other utility lines in with it. If there were multiple utilities buried, it would require multiple line locations. Commissioner Houpt - does not like the overhead lines. Billie stated overhead service lines are common in the area.

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

A motion was made by Commissioner McCown to approve the Coulter's Pocket, LLC Exemption from the definition of a subdivision with the conditions 1 – 7 with the correction of No. 7 changing "The mineral estate will allow drilling regulated and controlled by the rules of the Colorado Oil and Gas Conservation Commission"; Condition No. 10 "all-new utilities will be buried with the exception of electrical"; adding paragraph L under Condition No. 11 "all fences must be of a type that is wildlife friendly." Commissioner Houpt – seconded. Motion carried.

CONSIDER REQUEST FROM CITY OF RIFLE TO WAIVE ANNEXATION REPORT FOR THE GOULD ANNEXATION

Mark Bean provided the Board a memorandum regarding the request. There are two issues affecting the County:

1. The proposed road to serve the various lots dead ends at a point south of Taughenbaugh Blvd., as it would extend to connect with CR 332. The City acknowledges that it will be necessary to extend Taughenbaugh Blvd., before that access, point can become viable. Staff would suggest that the City agree to annex all property associated with that extension and be responsible for making the necessary improvements.
2. The access point on the north end of the property, off Airport Road, includes a 40-foot wide strip of land that may be owned by the County. This piece of land may not have been annexed into the City with the annexation of airport road. AT this time, the City is researching whether it is County or City right of way.

Mark stated that at this time, staff would defer to making a recommendation to the Board regarding the necessity of an annexation report.
The Board decided there are no county roads involved and there are no grounds to oppose the annexation; therefore, staff was directed to notify Rifle it would not be required.

Commissioner McCown made a motion not to require the annexation report for the Gould annexation as submitted by the City of Rifle. Commissioner Houpt seconded; motion carried.

PLANNING CONSULTANT INTERVIEWS – REPORT – MARK BEAN
A discussion was held with respect to the selection of the Planning consultant. There was a consensus of the Board to select Sullivan Seavy/Norris Dullea as the Planning Consultant. Chairman Martin was not present for the interviews but had read through the submittals and this was his selection. Charlie with Division of Local Governments liked all four of the applicants and felt they would be able to do the job. He agreed to go along with the selection of the Board.
Commissioner McCown said he favored moving ahead to authorize the staff to enter into an agreement with negotiations with Sullivan Seavy/Norris Dullea adding the ability to transfer the information to an interactive CD and finding out the additional cost if any; both for our code and for the model code; for a not to exceed $90,000 as presented in the interview, plus get a price on the CD and have them make an offer on it; professional liability insurance required, contracted by 1st part of May and all of the terms that were in the RFP, except the CD. There is $10,000 and Mark has some funds in his budget that could be used for the CD if there is a cost. Direction – staff will bring back with an agreement.
Commissioner Houpt made a motion to enter into an agreement with Sullivan Seavy/Norris Dullea to work with us in developing our new code for Garfield County and State Model Code. Commissioner McCown seconded; motion carried. .
Barton Porter's Request for a Letter to the Corp of Engineers - Pipe
Mark requested direction for staff regarding Mr., Porter.
Commissioner McCown summarized that Mr. Porter is wanting the County, Road and Bridge, Engineering, or someone to sign off on a letter to the Corp of Engineers saying that the pipe in his ditch is adequately sized and any flows that may come down that ditch and in public testimony Barton stated that "no way it's going to hold a ground pour but it will handle irrigation water, so as a County we can't do that. Chairman Martin – plus we're not allowed to go off the County roadway onto his property. Don added on the pipe issue, one of the things discussed with the Road and Bridge Department excursion on the road is the difficulty with drainage and the potential for flash flooding and before the Board may any commitment on the drainage, the pipe should be discussed with the Engineering and Road and Bridge Departments. Clarification was made that all pictures taken were from the County road and not Mr. Porter's property. Further clarification was made that the Board, not Chairman Martin, directed staff to undertake an investigation concerning that access and any damage to the road. Commissioner McCown noted that he was there the Friday before with Marvin trying to evaluate if we could do part gravel and part chip seal on this road to appease the people how had signed off on the request. At that time, there was no encounter the Porters.
Nicola Conditional Use Permit
Mark informed the Board that Duff Nicola was in Vegas and his wife was in Grand Junction therefore the public hearing scheduled for today would be re-noticed.
Glenwood Tramway – The Grand Opening is scheduled for April 26, 2003. The Building and Planning is inspecting the building inspections up there and they will be inspected by the structural engineer other than the applicant. Mark advised them that he needed more than a 2-day notice for a CO because during previous times the inspectors had gone up there they had a number of issues and concerns. A letter was sent

last week requesting notification of the time an inspection was needed. Mildred informed the Board she will need to go up and do a liquor license inspection prior to issuing the license. Plans have been made for Tuesday, April 22 at 9:00 a.m.

ADJOURN

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adjourn until 7 a.m. Tuesday, April 8, 2003; motion carried.

Attest: Chairman of the Board

_____ _____

APRIL 14, 2003
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 14, 2003 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown. 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
Pat Tucker, Division of Wildlife Area Manager reported on the opportunity for public fishing on the Roaring Fork River. This is property currently under lease and set to expire in 2006. The landowner approached DOW and wanted to know if there was a desire and ability to convert to a perpetual fishing easement, it's just on the north side of Aspen Glen Subdivision. The "fishing is fun" program for local governments to cash in on some federal dollars and the funding cycle was at the same time that the landowner decided to approach DOW. So, the source of this will be federally funded from the "fishing is fun" program as well as some GoCo money that was available on an earlier project in the Roaring Fork Valley that changed and money became available. The access is from the Burry property between Aspen Glen and Cattle Creek with parking area off Highway 82, just across the old railroad bridge and he allows people to go through his yard or go back to the north for access on the northern portion of his property. There is about 1/14 mile with some on both sides of the river. They will use the Burry right of way across the railroad. Chairman Martin suggested that Pat contact the Holding Authority – RFTA folks and make sure the paperwork is in place. Mark Bean may have information on the land use of the Burry property as well. Pat will draft a letter, submit it to the Board and request the Board to sign it for documentation purposes that he did present this before them.

COUNTY MANAGER UPDATE – ED GREEN

a. Paint Striping County Roads – Marvin Stephens

Marvin Stephens and Tim Arnett were present to provide the Board with the recommended action. The budgeted amount was $60,000.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid to Strip-A-Lot for paint striping County roads for a not to exceed price of $45,604.00; motion carried.

b. Asphalting County Roads – Marvin Stephens

Marvin Stephens and Tim Arnett presented the recommended award to Grand River Construction. The budgeted amount is $180,000.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid to Grand River construction for paving county roads for a not to exceed price of $150,775.68; motion carried.

c. Request for Utility Permit on CR 309 – Marvin Stephens and Jake Mall

Bradley Moss from Williams Energy was present with Marvin and Jake. Williams is proposing to install a natural gas pipeline within the County Right of Way on County Road 109. The length of the pipeline is 3360-feet with one road crossing that will require an open road due to the lack of room to do a road bore within the County ROW.
There will be 1408-feet on the south side of CR 309 to the road crossing and 1952-feet on the north side of CR 309 after the road crossing. The pipeline is 6-inches at a depth of 6-foot.
Williams Energy has been unsuccessful in obtaining private ROW for the pipeline that was drilled over two years ago.
Garfield County Road and Bridge has no objections to the installation of this pipeline as long as the list of special provisions is adhered to and good construction practices are used. Provisions for the road cut will be stated in the road cut permit that will be issued as a separate permit.
The special provisions Jake mentioned were included in the request for the Board's review.
Don stated he would be expecting a separate construction bond for security for this permit. He also inquired as to the type of inspection services planned to ensure the pipeline is properly constructed and the depth is maintained. Bradley stated they will post the bond and will use their company inspector and usually the County Road and Bridge staff come by to check as well.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the issuance of the utility permit with the County Attorney's concerns noted on the bond; motion carried. Commissioner Houpt added to the conditions the notification of residents who are impacted so they can plan on any inconvenience and that Williams Energy work with them closely. Motion carried.

d. Yearly Parole Contracts Signed and Urine Analysis Testing – Guy Meyer

Guy explained that these contracts are the annual parole for ISP and the other is regular parole for the urine analysis testing in the amount of $2,000 and $15,000 and requested authorization for the Board to sign. Don DeFord has not had an opportunity to review, so he requested the motion be conditional upon Don's approval.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the yearly parole contracts and the urine analysis testing contract as explained by Guy Meyer and that signature be after the County Attorney's had time to review them; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update – Grant Brother vs. Garfield County Litigation, Colorado Mountain College vs. City of Glenwood Springs, and the American Soda Evaluation Litigation; also a brief discussion on some direction of acquisition of property

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

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

No direction or action was taken.

REPORT BY LIBRARY BOARD – JOHN STEELE

Director Jaci Sphuler and staff member Darlene Merritt; Pat Bush – President of the Library Board of Trustees, Board Members – Cheryl Courier, Bill Lamont, Chuck Dixon and John Steele were present. Darlene is completing 22 years with the library and she is retiring next month.

Three items of business were discussed:

1. Annual Report – submitted and reviewed. The system fact sheet noting the revenue and expenditures was explained. The revenues were above the expenditures. Circulation and number of visitors included 253,918 for 2002 and that was up 14,960 from the previous year.
2. Director's Report – regarding the full ¼ cent and again thanked the Board for this additional funding stream. It has allowed the Board to pay their staff according to the pay scales of the County and allowed them to keep the same medical coverage.

   Governor Owens cut funding to libraries and their system lost $12,200 last year.

   The Branch overviews for 2002 contained statistical information showing how popular the libraries are with the residents in the County.
3. Prepared statement pointed out the Colorado Library Law: establishment of a board of trustees and role; April 8, 2003 – Post Independent reported meeting with the Glenwood Springs City Council on April 7, 2002 and negotiated a potential arrangement between he County and the City to transfer ownership of the old Glenwood Police Station to be used by the Glenwood Springs library. The article noted that the County "has no plans to expand the library." Related to the points of Colorado Law, Pat stated the Board's concern and disappointment over the Commissioners seemingly unwillingness to include or defer to the Library Board the opportunity to run its own business. The Library Board has been in discussions with the City Manager Mike Copp since the first stages of the new City Hall and Police Station regarding the library acquiring the old police station and their interest was not secret. Since the full ¼ cent was granted, funds have been set aside for facilitate the expansion of the libraries. Had they been given the opportunity to negotiate for the old police station, they would have been able to discuss acquisition with the knowledge that funds for such a purpose might be possible. Therefore, the Library Board requested to be included in discussion regarding the operation of the Garfield County libraries. Now expansion would meet relocation.

Commissioner McCown addressed these remarks and stated it bears factual information. He made the comment that Garfield County was not going to expand the library because we're not in the business of doing that – the Library Board is. The City of Glenwood Springs has had every opportunity to bring the

Library Board into these negotiations; they came to the Board wanting to trade the property even up for the $600,000 property at the Road and Bridge Shop – the County was not going to trade buildings or property. Nothing prohibited the Library Board to enter into negotiations with the City over this property. Garfield County does not prohibit the Library from moving forward with negotiations to purchase property if you have the money to do so. That was the statement and cautioned the Library Board not to rely on the press their information to come before the Commissioners with this kind of a letter or reprimand; he suggested they do a little more research.
Pat counter proposed that the Board should have ended the discussion once the subject was brought up that they be included.
Commissioner McCown noted that since the planning stages of the new City Hall, this has been on the agenda for every Tuesday morning agenda every other month between the City and County. The County has told the City every time that we do not want your police station. It wasn't a new revelation on April 8th – nothing has changed.
Commissioner Houpt, understanding the Library Board's frustration when topics are brought forward for discussion it is not always predictable what course they will take. She did assure them that at every meeting, the Commissioners referred them to the Library Board. There were concerns about the building and the County owning this property and it was understood that it would be the Library who would negotiate. Specifically in that meeting, Chairman Martin stated for the City to please go back and talk to the Library Board about this – it's is their issue and responsibility to negotiate. At no time did the City inform the Commissioners they were ready to sell the building to a private investor. There was no intention of leaving the Library Board out of the meeting; there was nothing on the agenda for the April 8th meeting to indicate discussion of the police building.
Pat apologized for the letter and reiterated to just keep the Library informed of any discussion in the future.
John Steele noted the change in the Library Board and it's very positive. The single revenue source of the ¼ cent is a concern in the long-term but having that now has made a big difference as to annual budgeting. The Board tours every library in the summer with the next meeting in Parachute and invited the Commissioners to attend if possible.
Dale mentioned they were putting together a capital improvements program and will make a bigger effort to keep the Commissioners informed and as this is put together, they will make sure the Board has the information.
Chairman Martin noted that the funds from the sale of the Road and Bridge shop in Glenwood would have to stay in their budget to be used against the new facilities. They have rules and regulations, the same with Social Services and Human Services; Library Boards are in the same situation and co-mingling of funds if prohibited. The County did suggest the City donate the building to the Library but they wouldn't do it.

April 14, 2003

COMMISSIONER REPORT

Commissioner Houpt – last Tuesday evening he went with Doug Dennison to a meeting at the Elks Lodge regarding unitization of mineral rights owners for a very enlightening presentation on how units are formed and developed including how the circuits all fit together and the areas divided by the number of wells. Thursday, Associated Governments in Palisade. There was some funding cut in the Old Age Pension spread across the 5-county area, mostly in the CMC Transportation and the Meals on Wheels. The hit wasn't that bad. Oil and Gas Meeting – Grand Valley Citizens Alliance – Statewide Meeting – Saturday, April 12 from 1-4 PM
Commissioner McCown – Tuesday, met with the City and discussed items, moving ahead on parking issues and putting together a City/County Planning Committee to talk about we can have more long-term visionary discussions on what impacts us in planning. That meeting will take place Friday, April 18 at City Hall in the Planning Room. On the 10th, met with Dan Blankenship to talk about RFTA and potential County participation and what their visions include. They will get a survey they conducted to the Board and information on methods for funding and what they perceive as future needs. Attending the RFTA Board meeting, Community Corrections, and the Cornerstone Ceremony. The Cornerstone Ceremony was very interesting. The Sheriff's name is not on the Jail Plaque and noted she has seen the Sheriff's name on most plaques. It wouldn't take a lot of money to re-do it. 11th – She and Lynn Renick started a conference call with the CCI Human Service Commission and had a long conference about a new state computer system. The state wants to impose this system on counties around the state and it's already a reality about the amount of data that will have to be manually inputted. Instead of phasing this in by county, they want to do

the total switch with every county at the same time. If there is a glitch or an error, data will be messed up big time. Janice George was present and did not have a huge concern. She also expressed the need for all counties to do the switch at the same time – it will convert the data over. This is a great system – Colorado Benefit Management Systems. After a few years, it will become a paperless system. Lynn Renick stated this conversion started two years ago and it is going to be a major change. Any time a computer system can be converted statewide. Lynn's concern is that next year, the state is expected to run out of money in March, and this is a reason they decided to do a single roll out rather than do a multi-phase roll out. The potential for problems and clients not getting benefits grows when things get pushed back. It does require a lot of monitoring but for our County purposes, there have been two meeting and another next week to start looking at processes. It will change our application and all processes. April 12, 2003 – Oil and Gas Forum sponsored by the GVCA and Colorado Congress and what the paper didn't say was there was a qualifier at the beginning saying we don't want to put the industry out of business, we just want to find productive ways of working together. Delta, Mesa, LaPlata and Garfield County citizens were in attendance. Next week, Rural Resort Region and the City/County Planning Committee. Friday morning, 4/18/03 Wayne Allard – 8:00 a.m. Commissioner's room – public session.

Chairman Martin – CCI in Denver – items of legislative concerns: Parole violations that would be sent back to Community Corrections, the State taking priority and overriding the authority of the Community Corrections Board within the local jurisdictions – this has been opposed. Basically, they take up all available beds meaning DOC for paroles who cannot make it in their transitory period and they put our community corrections people sentenced out of local courts into jail and the jail must hold them due to a lack of space in the programs, driving up the cost of running the jail as well as taking up available beds. The other big one is the HUTF funds will take hit on the first tier, one of three tiers. There hasn't been clarification on the 3rd tier, but we're looking at $48,000 1st tier and do some planning on reduction of revenue; also in the last quarter, look at the 3rd tier, probably another $48,000. We receive money twice a year out of the three-tier approach. Ed asked for the pleasure of the Board to reduce the scope in Road and Bridge or to see how it shakes out. There are numerous reductions in payments from the Counties to the State and we may need to do a special workshop with Jesse in identifying reductions in revenue sources, making adjustments within our budget. The Road and Bridge fund balance is presently at $5 million. Another supplemental is the bill – DA's employees being able to go into PEERA – that is on the governor's desk to be signed. Another one that affects our retirement, Jefferson wants to come out of COHREA taking all assets and reinvesting them into PEERA, which will affect the entire 62 counties in COHREA; there is an IRS issue because everything is tied up in long term. If Jefferson County is successful in changing the legislation, it will affect the retirement for all counties. Lunch with the Sheriff and Jim Callaway in reference to CARE and animal enforcement – the Sheriff will explain his points of view. After 5.5 years, we have the PEIS on I-70 in reference to the mountain corridor study and will presented on 4/16 in Silverthorne from 9- 4. This is the one where I-70 stops at Glenwood Springs. It is going from Eagle to Glenwood Springs, but not beyond that point. Friday, Senate Tax Sub-committee meeting trying to repackage TABOR in order to be able to access those funds. The Bill Institute is assisting on that particular project.

Commissioner McCown – Letter from the Department of Local Affairs regarding the medium size county budget conference. He will not be able to attend due to a conference. He asked that Garfield County under the signature of the Chair please write a letter nominating him to the RAC as there has to be a nominating committee and asked that Garfield County be the entity to the Northwest RAC. There is a rancher out of Jackson going in under group one for ranching and the lady heading up the Dinosaur Welcome Center is applying at a citizen at large; those are the only ones that have contacted RAC. This is an organization made up of three groups: stakeholders that would be mineral interests, grazing, hikers, 4-wheelers; environmental made up of Sierra Club, bird watchers, and the third group is county and state elected officials, employees of government entities. It's a 15 member advisory board that meets as many as 5-times a year for a 2-day meeting to advise to discuss the management of resources within this northwest region – a 7-county area. There are 4 different regions in the State. Each county has a representative on the Board. Garfield County has 680,000 of BLM property.

A motion was made by Commissioner Houpt to nominate Larry McCown for the Northwest Resource Advisory Council (NWRAC) for Garfield County; Chairman Martin seconded; motion carried.

CONSENT AGENDA

a. Approve Bills

Lois Hybarger submitted a request to void warrants #029730 and #368037 due to the scheduled training class has been cancelled. Notification that two additional vouchers were submitted for payment because they needed to be mailed by Monday and did not make the April 7, 2003 warrant list: County Health Pool for $280,393.37 –April's payment; and Lina for $10,801.12 for long term disability.

b. Approval of Relocated Bus Stop at Bair Chase – Mark Bean

RFTA has worked with the Bair Chase (Sanders Ranch) developers to relocate the existing southbound Highway 82 Bair Chase bus top to the far side (south side) of the intersection. This request now comes before the Board for approval to move the bus stop.

a. Authorize the Chairman of the Board to sign the Dooley Exemption from the Definition of Subdivision Resolution and Plat
b. Authorize the Chairman of the Board to sign the Resolution for the Preliminary Plan for Aspen Glen Filing 4 aka Sundance at Aspen Glen
c. Sign a partial release of subdivision improvements agreement for Roaring Fork Preserve – Mark Bean

Item b. was removed from the Consent Agenda for a brief discussion.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda items a – e omitting item b; carried.

Discussion

b. Approval of Relocated Bus Stop at Bair Chase – Mark Bean

RFTA has worked with the Bair Chase (Sanders Ranch) developers to relocate the existing southbound Highway 82 Bair Chase bus top to the far side (south side) of the intersection.
This request now comes before the Board for approval to move the bus stop.

Don's concern is there is an approved PUD for Bair Chase and wanted to make sure the current request is consistent with the existing approved PUD. Secondly, there's an existing agreement adopted by Ordinance approving RFTA service in unincorporated Garfield County and he was not aware that this stop was included and wanted an opportunity to check that before approval.

A motion was made by Commissioner Houpt to continue this to allow Don DeFord time to review and determine if there is a conflict and to resent this for the April 21, 2003 consent agenda; Commissioner McCown seconded; motion carried

PUBLIC HEARINGS:

ASPEN GLEN GOLF CLUB MANAGEMENT CO. DBA ASPEN GLEN CLUB TRANSFER OF LIQUOR LICENSE – MILDRED ALSDORF

Mildred presented the liquor license and provided the Board with the particulars involved in the transfer. She requested approval from the Board to make the transfer. She added that she is waiting on a deed and will not issue the license until this is received.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the transfer of the liquor license to the Aspen Glen Club holding the issuance until the deed is received; motion carried.

AIRPORT MASTER PLAN UPDATE – BRIAN CONDIE

Airport Manager Update

Brian Condie, Carolyn Dahlgren, Scott and Dave Sparks, Jim Hybarger from Rifle Jet Center, and Todd Shelton from Corporate Aircraft were present.

Brian submitted his report stating that:

Some single event and seasonal groups are using the Airport facilities without written guidelines; a short term lease or Agreement under Standards approach is unfeasible; Airport Agreement for Use patterned after fairgrounds was suggested; and requested approval of the Airport's Agreement for Use (attached for the Board). This was deemed the responsible of the staff.

Airport Project Updates

Master Plan - Washington will complete the scope of work as agreed upon however, the time frame is unknown. **Environmental Assessment -** Proceeding, but missing needed information.

Ramp and Taxiway Project - Packets received April 9, 2003. **Engineering Study** - Study and analysis linking Master Plan scope of work to EA, pending approval. Additionally, Brian included in his report that Garfield County is moving towards the need to be a D-III class airport; at present, it is a B-III class airport. In order to become a D-III class airport, three main things need to happen. 1) widen the runway safety area; lower the longitudinal gradient of the runway, which means one end of the runway if 50-feet higher than

the other; and 3) by doing these two projects, we can't make the aircraft landing approach worse because it is at the upper limit of the D-class airport guidelines. Additional studies are needed to implement these changes. In order to move forward, further detail analysis must be done and Brian recommended a preliminary engineering study and should be in place after the Master Plan and before the Environmental Assessment. He expressed concern that this should have been placed on the Capital Improvement Plan in the year 2000 for completion after the Airport Master Plan. Due to the change in managers and the FAA overseer, this was overlooked. The preliminary engineering study is estimated to cost $100,000 plus. FAA, CDOT and Brian met on March 28 to discuss the situation and find the best solution. Garfield County Airport remains a top priority with both the FAA and CDOT and advised to remain on schedule as close as possible for the proposed airport improvement to a D-III airport.

The funds for the preliminary engineering study may be allocated from three different sources or there is a "do nothing" option. 1) Postpone the preliminary engineering study until next year and use the 2004 FAA entitlement funds. This may place the Airport 12-18 months behind the airport upgrade schedule and FAA funding; 2) Use Garfield County Capital funds this year; 3) Use the 2003 FAA entitlement funds this year for the preliminary engineering study and design of the Ramp and Taxiway project. This will move the construction of the Ramp and Taxiway back by about 6 months; 4) do nothing and cancel the D-III expansion project. Brian recommended

Option 3). He explained that one of the problems is the lack of an engineering study that tells us which option is best. This is the hold-up on the Master Plan and Environmental Assessment. The preliminary study will cost approximately $100,000 plus to do all the surveying, instrument approach procedure that's needed to give us the information that's necessary to make the correct choice for our airport. 90% comes from FAA. We could use our discretional funds this year or next year or come up with the $100,000 from the budget.

Commissioner Houpt favored getting the study done so we can move forward with the other steps. Chairman Martin said the study was the cheapest part of it; mitigating it is the biggest expense not only to do it but also the businesses in place that are affected by it. Brian said it will be beneficial to Garfield County to do it right the first time and not have to go back in 10-years and redo it. All the detailed information for each alternative analysis has new instrument approaches coming up in the next few years will be looked at for our airport. If we extent the runway, construction time frames are not known as to how long the runway would be down. One of the feasible options is to leave the runway the same size and the option to do nothing. Not knowing what is best is due to a lack of the engineering study. Brian recommending taking the entitlement, discretionary funds, divert them from the taxiway project this year, do the study along with our engineering study of the runway and taxiway projects and then put the ramp project off for six months to start in April of 2004 – this pushes the start date from September to April. The other thing generated from this meeting was the lack of continuity between Washington infrastructure, Barnard, the Airport Manager and the FA staff because of the turnover in staff. If there was one primary consultant group to see the entire project through they would hopefully have the foresight to know what product is coming up next and the concerns they would be dealing with specifically. The FAA will allow us to go on a 5-year renewal contract with one consulting firm. Brian's other request is to be authorized to put out an RFQ for one consulting firm to complete this engineering project for the next five years.

Commissioner McCown asked why this was left out and now coming in at the 23rd hour when we're running out of time. Ed said he thought Washington had an agreement with the FAA on an administrative solution, a waiver for clearing distance. Dale agreed this was the case because he was there but all the players since that time have changed except the County. This waiver allowed shorter distances to land or take off. Brian said if we leave the runway the way it is and don't do anything and scrape the entire project, the FAA will not deny those aircraft coming in but if we still have the incidents, under Part 91, the pilot in command is ultimately responsible for his aircraft and what they believe will happen is the companies will say you can't go into Rifle because it doesn't meet the criteria and they're not working towards meeting the C & D criteria which would be detrimental not only to the businesses but the County. The County derives a lot of revenue from operations of the airport.

Commissioner McCown referenced that he has heard this for several years about the airport not getting the diversions from Aspen and Eagle and now he is hearing the diversions are from these two airports and they are sending them on to Grand Junction due to the time for landing that we can't get cleared up with the FAA. Brian said that is the Special Traffic Management Program (STMP) program and that is another issue that can be addressed separately from this if we improve our minimums, we can improve the aircraft that come into Rifle safely. Carolyn added that 7-years ago they were talking waivers and didn't think this was

Washington's fault. Commissioner McCown – the problem is diversions and now Brian is saying we're not getting as many diversions as we could if we could straighten out this landing time. Brian reverted to the old picture. When he first came in, his direction was to make a professional business jet aircraft while protecting the local pilot. In order to make a professional business jet aircraft, we're looking at DOF VOR, Malzor Approach Lighting Systems, and Improved Instrument D3 Airport – a multitude of things to make our airport more attractive to these aircrafts. One of those was the SUMP's program trying to improve the availability of aircraft to come into Rifle during the bad weather. We're still getting diversions but we want more. We need to look at all options and the best one may be to do nothing, but until we have all the information before, he cautioned making a decision. Carolyn – the FAA has not said no we will not give you the waiver, they are just saying here's $100,000 go get the specific information. Brian noted it is our money and if we thing the taxiway or ramp improvements are more important than this study we can do that, or convert the money over this year for the study and do our capital improvement project next year. Commissioner Houpt summarized saying the runway large enough for the D3 plane if we do it properly and the Mesa is large enough to accommodate it. Commissioner McCown – yes, but at a price. Shutting down the airport runway for a year taking 15-foot cut out of the middle and putting 15-foot of fill at the west end is very costly. Brian said the engineering study would detail the time, presently he's heard 3 – 6 months. The Telluride Airport was completed in 41 days. If it a 6-month period, then we need to come up with the cost/benefit analysis. The study will give us options - maintenance schedule, best option, and the timeframe for completing it. This is the information we do not have right now. Last year at the airport user's group meeting, Brian informed them of the construction and asked if they were prepared to shut down the runway for 6-months. The request is for a consulting group and diversion of our funds this year to do the study. The engineering portion of the ramp project would be completed this year, but the construction would not begin until April 2004.

Commissioner Houpt made a motion that we use the 2003 FAA entitlement funds this year for the preliminary engineering study and design of the ramp and taxiway project, understanding that this would move the construction of the ramp and taxiway back by 6-months. Commissioner McCown seconded for discussion.

Jim Hybarger, Rifle Jet Center Manager, submitted a letter and explained the contents to the Board regarding the airport runway and potential solutions. He summarized the problem stating the runway slopes is 1.2% too steep a slope for Category C & D aircraft to utilize the ILS approach. To remedy the problem, one suggestion that would require millions of dollars as well as down time would be to increase the Runway 26 elevation by eight-feet at each end. However, in discussions with others, there is perhaps a better solution and that would be to add Approach lights on both runways, a Localizer Approach to Runway 8, or an more feasible Missed Approach Procedure for the ILS to Runway 26, all of which could possible reduce the minima for the ILS Runway 26 approach. He added that other high priorities that need to be addressed include: 1) taxiway fillets, 2) ramp lighting, 3) airport entrance lights and 4) administrative office for the airport manager. Jim submitted an attachment that explained the categories of aircraft as well as a letter addressed to Congressman Scott McInnis from Mark Schwab addressing aviation safety. Commissioner McCown – the users' recommendation is to go ahead with the ramp improvement and put off the study until next year when we can afford it and doing everything that Jim stated he was behind in the process. Jim reiterated the ramp area is the immediate concern among the users. Commissioner McCown asked Jim, given the options discussed here today, how he feels about high on both ends, low in the middle. Jim said he doesn't like it and explained from his comments in the letter.

Todd Shelton – Corporate Aircraft Services, agreed with a lot of Jim's assessment on the lighting and the runway planning, but disagrees with the requirement for ramp space. To date we have not run out or ramp space at the airport, Rifle Jet may be low on ramp space. As far as the weather and approaches go, they counted 14-days with below minimum weather at Rifle and 9 of those days were high traffic days where we could have received diversions from Aspen had we had approaches sufficient for arrivals. This is a possible 490 aircraft that missed Rifle due to weather – many airplanes. 5-days were low traffic days and with the reservation system as it is that would be another 100 airplanes. A total of over 600 planes missed this year due to weather. His opinion would be anything we can do to assist bringing those passenger aircraft, particularly diversions from Aspen, Eagle and inbound to Rifle, to the Rifle Airport would be an enhancement. Runway improvements – agrees there is no answer yet and there were 5 aircraft go off the runway. One reason United Express, prior to September 11, didn't come into Rifle because they kept running off the end of the runway. Having those options as an operator would be beneficial. In Rifle, we have the capability of increasing traffic dramatically with some effort and some planning.

Brian referenced his detailed information sheet handed out to the Board showing all the upgrades for a D3, which he only discussed the three main points. Every one of the points has different criteria that need to be looked at. Even though we only discussed the three, each one is intertwined and related. Everyone is in agreement that instrument approach is the number one process to see if we can safely improve that into our airport. The safety area is second, and the third would be the grade of the runway. Aircraft are running in there now and if we can make it safer, that would be great. Everyone at the airport will be included in the options and try to make them all happy and promised no blindsided. The engineering study will be looking at every one of these things. Motion carried.

Town of Silt - Petition to Annex First Street

Don referenced this as a non-agenda item saying that Mitch Randall called and asked to get the Board's approval to continue a petition to annex portions of what is First Street, CR 231 that is before the Town tonight. What's occurred is that between the primary development properties seeking annexation and the County Road, originally there were a number of areas of where the ownership was not clear, small pieces of ground between the road and the property and they are trying to annex the road. Most of those have been acquired by Quit Claim Deed by the developing property owner and there is now contiguous ownership, but there remains one small parcel that hasn't been clarified. Before the Town proceeds with the petition, two things are necessary: clarify that last piece of property and make sure that the appropriate party has ownership and need to add a petitioning party along with the Board of County Commissioners to the annexation. What they request from this Board is a motion approving continuance of the existing petition for no more than 30-days allowing Silt to obtain corrected descriptions both of the petitioner and property on Resolutions 19 through 22.

Commissioner McCown so moved. Commissioner Houpt seconded; motion carried.

TRANSFER OWNERSHIP ASPEN GLEN GOLD CLUB MANAGEMENT CO. TRANSFER OF LIQUOR LICENSE

Mildred Alsdorf requested this be continued.

PUBLIC MEETINGS:

CONSIDERATION OF ADOPTION OF URBAN/WILDLIFE INTERFACE REGULATIONS – MARK BEAN

Grand Valley Fire District Dave Blair, Glenwood Springs Fire District Ron Bigger and Gary Godell, Carbondale Fire District Ron Leach, Mark Bean and Don DeFord were present.

Gary Godell and Ron Leach developed the power point presentation that was given depicting some of the history of fires in Garfield County and surrounding areas: the Coal Seam Fire on June 6, 2002 destroying 12,209 acres, 29 homes and 14 outbuildings; Panorama Fire in Garfield and Eagle Counties destroying 2 homes and numerous outbuildings, Missionary Ridge/Valley Fires in LaPlata County June 9, 2002 destroying 70,485, 56 homes, and 25 outbuildings; Hyman Fire, June 6, 2002 destroyed 137,760 acres, 133 homes, 1 commercial/466 outbuildings and cost $39,100,000 to Park County. Since the mid-80's, 24 firefighters have died in Garfield County in wildfire-related incidents. Within Garfield County, there are varying jurisdictions, cities and towns, 5 Fire Protection Districts, 2,958 square miles, 60% federal lands. There are currently no tools available for reasonable and effective hazard mitigation on a countywide basis. These fires are something we can do something about. This was developed to demonstrate to the Commissioners what they have been talking about as a fire group. Ron said they are not asking anyone to adopt anything; it's more informational and a chance for the Board to ask questions, voice concerns and to see if the direction might be given to continue discussions in this area of Urban-Wildlife Interface. Other natural events such as tornados, earthquakes, and hurricanes but interface fires can be managed to lessen the loss possible of life and property. They view this as another toolbox for the County planning, developers, builders and the fire fighters. This all started back last March of 2002 when Mark Bean mentioned having a fire group working together to have a unified fire code so the County has a similar guide plan for all municipalities. After the Coal Seam Fire, Gary spoke to some other planners and they expressed the same interest. The County does not have a code to go by for an Urban-Wildland Interface. Therefore in January, the fire people met and reviewed some of the various documents: NFPA, Urban-Wildland Interface Code, the International Code, Eagle and Summit counties plans and this has brought them here today before the County Commissioners. There has been a good representation from various agencies present at these meetings.

A decision was made to go with the International Urban-Wildland Interface Code (IUWIC) because a lot of the groundwork has been done by other code officials around the country and presents a document that we can shape to our area. The fire chiefs met, went to their District Boards, discussed these issues, and

obtained input as to the focus to determine if we can address the issues in Garfield County. The model code gives some flexibility and choices; not
just restrictions.
Slides were shown addressing, Access and Signage: should be clearly marked with signs, minimum width, height clearance, and any road over 150-feet long should have a turn around; Defensible Spaces: an area around a structure where fuels and vegetation are treated, cleared or reduced to slow the spread of wildfire towards a structure; Fire wise Construction: helps with techniques - potential structure hazards and fire wise construction techniques; Roof Material – wood shake shingle vs. Class A. Material; Vents, Eaves, and Soffits: vents should be screened with metal wire that has ¼ inch or less openings, locate vents in the fascia vs. the soffit, and open eaves are a huge heat trap and should cover the eave with a soffit – best construction is flat; Windows: single pane vs. double pane vs. tempered glass; Exterior Siding: wood panels and boards, fiber cement panels and boards, synthetic stucco, metal, with gypsum sheeting, real stucco, heavy timber or logs, concrete, brick, stone, block; Decks: open wood decks are highly combustible, they trap hot air and have a high surface to volume ration, often on downhill side; Fire Wise Deck Construction: non-combustible material, or use thicker wood material, or fully enclose deck such as building over a garage and/or use enclosed area as a shed. Build a masonry or concrete wall with a stone or concrete patio below and in front of the deck to deflect heat and isolate the deck. Administration: an area to work on how the regulations, if put in, are managed because this is a sensitive area; and Mitigation and Development: review and developing plans. One way to address these issues is with building permits or guidelines people have to go through to have some management of the areas just addressed. Existing structures are there, and this fire group is not trying to change what people already have in place, except for additional road signage and better addresses. It's an education issue. The proposed code is for new PUD's and individuals beginning to build in interface areas.
Mark stated that this has been going on for some time with agencies in the county and Ron spoke to some of the planners regarding our difficulties and frustrations in reviewing some development proposals in that there are no real standards or criteria to go by and rely on responses from the fire districts. Sometimes the fire districts responds and sometimes not. As a department, Mark said they will be bringing to the Board during the latter part of the summer or early fall, the new International Building Codes to consider for adoption. The documents Ron presented are a part of that package should we chose to adopt them. One of the issues Ron mentioned is administration. Internal there are some limitations to do all inspections and certifications; the districts have their limitations as well. Further discussion will need to be held to determine whether these go with building permits or development review standards for subdivisions. In general, Mark said they support and acknowledge the need for some standards and criteria to address this Urban-Wildlife Interface and it is getting to be a bigger issue.
Ron mentioned there are some parts of Garfield County that are not in a fire district and therefore fall under the Sheriff's protection.
Gary was part of the Boulder Wildfire Mitigation Group several years ago and in looking at natural hazards, the key phase is informed choices of materials that may not cost any or much more to use and will not increase the cost of building.
After last years fire, people in the fringe areas not covered by a fire district, do not have sprinklers or defensible space, it's questionable whether they will be able to get insurance and if they have the money to pay for it. Dave Roman from Gypsum has been getting calls from a new subdivision on the fringe of his district and people are finding they have to pay up to 3 – 4 times the cost for fire insurance. Defensible space can be accomplished within the footprint of the structure. The Forest Service and fire districts have a minimal charge to be included consultants.
The ones who will get insurance are the ones who mitigate their properties versus those who do not.
The consensus of the Board was for the discussions to be continued and coming up with something in order for the building and planning department to rely on and make proper recommendations as well as information for the citizenry.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Director Joe Clugston and Vice President Alan of the Rifle Chamber of Commerce requested the Board to waive the dumping fees for the Rifle Clean Up Project for Rifle Creek consisting of washers, dryer, etc. to be held April 26, 2003. BFI is helping with containers. They expect 30 – 40 cubic yards of material to be picked up. Tires will be taken to Cruise Control.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to waive the clean up to allow for 30 cubic yards taken to the Rifle Landfill by BFI on April 26, 2003; motion carried.

PUBLIC HEARINGS
REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT TO ALLOW FOR A STRUCTURAL FABRICATION SHOP AND STORAGE YARD. APPLICANT: BRUCE AND BETTY COLLINS. LOCATION: 4941 COUNTY ROAD 346. SILT

Tamara Pregl, Carolyn Dahlgren, Bruce and Betty Collins and Ralph Fritzlan and Kathy Hangs 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. Chairman Martin swore in the speakers. Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000, as amended; Exhibit E – Staff Report dated April 14, 2003; Exhibit F – Application Materials; Exhibit G – Letter from Jake Mall, Garfield County Road and Bridge Department, dated March 21, 2003; and Exhibit H – Letter from City of Rifle, dated March 28, 2003. Chairman Martin entered Exhibits A - H into the record.

This is a request for approval of a Special Use Permit. The applicants are requesting a SUP to allow for a structural steel fabrication shop and storage yard at 4941 County Road 346, Silt, on approximately eleven acres of land just south of Interstate 70.

The applicants have operated a business (B&B Welding) out of Carbondale for the last 14-years. The present facility in Carbondale is in the center of the Town of Carbondale and is limited on parking and storage of materials. The applicants are in the process of acquiring the subject property in order to relocate the existing business for the purpose of additional storage of raw materials. The raw materials noted include: steel materials, such as beams, columns, and miscellaneous steel. The applicants have noted that they will use about 4.5 acres of the 11 acres for the steel fabrication business and future plans include either subdividing the property, or leasing a portion of the property for additional uses.

Recommendation:

Staff recommends approve with 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.
3. The Applicant shall comply with all State and Federal regulations and standards, such as Noise Abatement, Water and Air Quality.
4. The Applicant shall comply with the Garfield County Noxious Weed Management Plan.
5. Building permits are required for the new structures.
6. The area of the storage of raw materials shall be screened with appropriate fencing that complies with county regulations.
7. All lighting fixtures shall be designed and placed to prevent direct reflection on adjacent properties, Interstate 70 and County Road 346.
8. The Applicant shall comply with the following recommendations from the Garfield County Road and Bridge Department:
    a. No off-loading or parking shall take place on County Road 346.
    b. A stop sign shall be installed on the property to the entrance to County Road 346. The sign shall be installed in conformance with standards set forth in the Manual on Uniform Traffic Control Devices.
9. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State, and County laws, regulations and standards.
10. The Applicant shall comply with all Local, State and Federal Fire Codes that pertain to the storage of oxygen, acetylene and mineral spirits.
11. The Applicant shall obtain and provide the Planning Department a copy of an exempt commercial well permit. Shall water usage exceed 1/3 acres feet; the Applicant shall obtain

the additional contract water from West Divide Conservancy District.

12. Any uses in addition to the steel fabrication shop, office and storage yard shall obtain the appropriate special use or conditional use permit, if applicable.

13. Garfield County shall enforce appropriate noise regulations which may require the Applicant to meet the "Residential' zone noise level (55 db (A)) pursuant to Colorado State Statue 25-12-130.

Commissioner Houpt referenced the applicant's proposing to double in size from the start in terms of employees and wanted to set a time for a review. Her concern was that I-70 corridor was not developed with architectural reviews and would like businesses to make a greater effort to make their sites fit with the viewscape of the County. She alluded to the comments made by Commissioner McCown regarding the fencing that would not hide the scrap materials and favored having additional screening so that it doesn't create an unsightly industrial area. Commissioner McCown stated that the buildings she is referring to are in the Rifle Business Park and the only comment we received was from the Rifle planner that suggested the very screening they are using.

Bruce Collins noted for the record that their current operation is in Carbondale, have 20 employees on 20,000 square feet. The application proposed doubling in size but it depends upon the economy and how the business develops. He said he has plans for screening. They type of screening that Rifle wants them to use amounts to fencing and they are great as far as keeping people out and keeping things in, but he prefers berms, grass, wildflowers, and trees being along I-70. He hasn't completed his research on what he can do for berms, water, trees, shrubbery etc. but he has a vision of what he wants to do. It's wet in that area and doesn't see a problem with something growing. Even a pond or a ditch for irrigation, something to match the two properties to the east and the west of this property. A building will screen most of the operation and most of the work will be done inside.

Betty Collins stated that there was vegetation growing along the east and west side of the property and Cottonwoods on as well on the west side probably 20 to 30 feet already and on the east side there is Sage Brush, Tamarisk and Russian Olives 10 to 12 feet high. Landscaping would be an easier option than fencing. Trees and berms will block the view of their business much better than any fence as the land slants toward I-70. The code states either/or for screening.

Mark clarified that the Board would need to define what screening was going to be appropriate and not leave it up to his department.

Carolyn asked if the applicant has water that could keep plants and trees alive. Bruce said they have irrigation rights.

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

A motion was made by Commissioner McCown to approve the Special Use Permit for Ralph Fritzlen and Kathy Hangs property, the applicants Bruce and Betty Collins, for the fabrication shop and storage yard with the recommendations 1-13 as made by staff changing Condition Number 6 to read "the area of the storage of raw materials need to be screened with appropriate berms and trees on the north, trees or other vegetated slopes on the east and west. Commissioner Houpt seconded. Discussion: Commissioner Houpt said they may realize that at some point that fencing makes sense and wanted something such as appropriate fencing or berms and trees because they haven't created a design yet. They may find when they get into the planning portion that there may be a need for the other option. Commissioner McCown said the applicant would always have the capability of moving the berm and the trees closer to his work area is he wanted as long as there was no storage outside of that berm and vegetated area. Mark also requested a minimum height on the berm and recommended a minimum of 4 to 6-feet. It's cleaner if everyone agrees on this condition. Commissioner McCown noted in the current conditions, it says, the area of raw materials *shall be screened* and if it takes 1-foot or 10-feet to screen it, it's required. Chairman Martin noted enforcement and the staff would like clarification. Commissioner McCown amended his motion to say "minimum of 4-foot and to include fencing as an option." Commissioner Houpt asked Mark why there was a "may require" instead of a "shall require" in Condition No. 13 regarding sound. Tamara agreed this could be changed to shall. Carolyn advised the Board if they were going to change this, it would require a finding that this was in a residential zone district. This property is located in the A/I zone district and it cannot meet the noise regulations according to Case Law, therefore the reason for the "may" to remain in Condition No. 13. Regarding a wildlife study, Tamara said this is not required for this area; also clarified the commercial

well permit. Commissioner Houpt seconded the amendment; motion carried.

Oil and Gas Auditor Approach and Assignments – Doug Dennison

Doug Dennison was formerly introduced as the new Oil and Gas Auditor. He will monitor drilling and extraction activities by the various gas companies operating in Western Garfield County. He will review submittals by drilling companies and provide input regarding their proposed drilling, operation, and restoration activities. He will serve as the County's representative to the Colorado Oil and Gas Association and will act an ombudsman for residents as they bring forward concerns regarding surface use of their property.

Doug added that he was keeping a database on complaints and issues. One of his roles is to be the focal point for any issues related to oil and gas. This way he can report to the Commissioners, the industry and citizens group just how many complaints have been lodged against various operations. A suggestion was made to have Doug and the Road and Bridge share information regarding road issues and the same for Steve with weed problems.

Ed referenced a brief staff meeting tomorrow at 9:30 a.m. in order to go over specifics and requested Doug to bring this up. Don mentioned he had received a phone call from an attorney representing a number of individuals off County Road 326 – Chipperfield Lane and he was registering a complaint that Calpine had started work on a County Road without doing engineering and getting approvals. Don said he couldn't confirm that and indicated this had been discussed with Mark and had not received a response. Therefore, Don called Jake; but is the kind of thing that the Commissioners want referred to Doug. Chairman Martin favored doing this and then coordinating with the other departments and keeping administration in the loop on expenses or manpower and what's taking place. This would identify Doug as the coordinator and decipher what information goes to what department.

Another suggestion raised was to have periodic meetings where Doug would be available to whomever. The individual representing LaPlata County said they have monthly meetings where he meets with concerned citizens, citizen groups, and industry. Discussion was held. Commissioner McCown informed Doug of the quarterly meeting with the Oil and Gas Forum but didn't object to have another on a meeting on a monthly basis. The quarterly meeting brings in all the operators as well as concerned citizens. The next meeting will be held at the South Hall at the Fairgrounds. Commissioner Houpt felt that a monthly meeting could serve a different purpose and would create the on-going dialogue. Doug referenced his invitation to attend the Grass Mesa Homeowners Association Board of Director's meeting, he's met with Grand Valley Citizens Alliance, Western Colorado Congress for input and had a field tour with Williams, Thursday with EnCana going through all their operations and trying to get a similar field tour set up with Calpine; he has met with some of the smaller operations.

There is a lot of miss-information floating around and with word of mouth; Doug was advised by the Board to use the web site and the newspapers for advertising that this newly created office is open and ready for business. Regarding the monthly meetings, this will be determined in the future as to attendance, issues and direction from the Board in response to monthly reports and agenda items. Attending the various meetings, studying the rules, get information from Mark Bean, Rob Hykys the industry, and the oil and gas folks, get a game plan and start addressing the issues.

Doug said there is a perception from groups or individual citizens as to what he's supposed to be doing and he wasn't sure it matches with the direction from the Board. One person commented that Doug should be auditing the finances, the economics and the taxes. Clarification was made and cautioned that the Assessor is directly involved with property assessments and they handle the tax, and to meet with the elected officials – Treasurer and Clerk and Recorder for additional information. Sean McCourt has volunteered to work with Doug. In the near future, an action item that Doug listed was a process of rewriting the County Codes and discussing with Don and Mark how he may become involved from the oil and gas standpoint. Weld County has been dealing with the industry for a long time. In order to do permit and site reviews, Doug would need permission from the property owner. Ed asked for clarification on the interaction with the oil and gas companies, the surface owners are far as reviewing those wellhead sites. Chairman Martin referenced the guidelines with each permit on what he is able to do, he can review the permits and contact the surface owner to see if there are concerns and if they are addressed in the land use contract and if he sees a geological problem he can ask the company what is being done. The healthy safety and welfare of the County is what he is to look at and see if there's an impact of the air, land, water, etc. but as far as enforcing any rules he can't do that. He can also relay a problem to the Oil and Gas Commission staff and note there is an issue that needs to be addressed. The LGD receives as Mark did a number of applications with various information and that is available. A lot of the material in on-line and it depends upon how

much paper we want to keep around. Commissioner Houpt stated a lot of Doug's job is mediating. He was cautioned not to give any legal advice.
Ed summarized Doug's role is to gather information, share information, and mediate if appropriate, however clarification was made about getting involved with a surface owner and the oil and gas industry because this is clearly a civil matter on a personal contract. Advice could be interpreted as legal advice and they move forward with it. Mark referenced instances where people come back and state, the County said. Don referenced the rules the County got involved in for the area south of Rulison, we identified a number of areas of public health and welfare concerns that we don't regulate but can identify as concerns under the oil and gas commission regulations, i.e. reclamation, fuel plan issues, soil erosion etc., issues as a County we can raise in front of the oil and gas commission. Fuel leaks are a big concern. Each area has different rules. Try to pull the two parties together and facilitate discussions so they can work out the issues rather than trying to solve it.
Doug provided the Board a brief description of what took place at the Oil and Gas Forum held on Saturday. The top ten issues that need to be attacked were identified and the ultimate goal to come up with some new rules to propose to the Oil and Gas Commission. Issues such as water quality, spacing, use of the roads – dust, Mag chloride, etc., a perceived lack of respect by the industry for the surface owners. The entire group was broken in groups to address these various issues and came up with a first crack as to some proposed rules changes. The facilitator of the meeting will be distributing these to people for comments. Doug will forward these to the Board for information. Chairman Martin stated there were two very specific issues being discussed - noise and water at CCI. Jesse commented on the royalties coming in from oil and gas in the neighborhood of $40,000 and wanted direction from the Board if he should forward these to Doug. Chairman Martin felt as soon as Doug gets his feet on the ground, there is a need to determine where these royalties are coming from, roadways, property owned by the County, each one of those checks needs to be found on which well to satisfy the Treasurer and use those funds. Jesse said we don't know the difference from the checks as to if we are getting royalties on all the wells producing. The Assessor would possibly have a list of all the gas wells established in the County. Jesse has a map of all the wells in the files of the Assessor. Rob Hykys also has the oil wells located within the County on GIS and downloads them frequently. There are also legal descriptions.
Don explained that Georgia has two different types of interest: one is a fee-county interest or a sole county interest in which case we're entitled to the royalties and/or if it's property held by a tax deed, then all of the entities that levy taxes against that property that lead to the sale are entitled too a return. Jesse said that Georgia wouldn't do anything until we prove who owns the land. Jesse will forward copies of the checks as a start. Mildred suggested that Doug come into the Clerk's office and she would introduce him to those individuals who are searching oil and gas deeds.
The Board requested a monthly report including the number of complaints, what's pending, what issues were resolved, what issues are still out there, who's he's held meeting with, and various issues with updates.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to officially appoint Doug Dennison as the LGD for Garfield County;
Direction was given to submit the form changing Mark Bean to Doug Dennison as the official LGD, to be filed with the Oil and Gas Commission. Motion carried.

Town of Silt
Don asked the Board for direction regarding the Silt Attorney's request regarding direction and participation of a pedestrian bicycle trail from Silt to the new High School as discussed at the joint meeting. The question is if it's legally possible and Don said there are different issues using Road and Bridge staff for non road and bridge purposes. This will be discussed at the Town of Silt and School District meeting tonight. The Board does have authority to operate trails, open space under separate provisions other than road, and bridge levy but this is general fund issues. Commissioner McCown did not feel that Garfield County is in a position to take general fund money and build a trail for the school for the Town of Silt on CDOT's right of way when the Town and the School District are not willing to step up to the plate and build it. This is another situation of not having the willingness to accept responsibility. It is not our trail. Commissioner Houpt added this is in unimproved Garfield County and we can build trails. She understood this was to be in partnership. Commissioner McCown understands that we cannot use our employees in road and bridge for in-kind to install or build trails. Don clarified to build trails is not a road and bridge authorized activity by Statute. A separate statute authorizes construction and control of trails by counties.

There is a mechanism to do it, but it takes dedication of general fund revenues for the project. If you use the same people in road and bridge, you're using salaries paid through the mill levy for that purpose that is a potential for challenge and would have to use general fund to reimburse the Road and Bridge Fund. You could also use capital funds. The understanding is that they want to go down Highway 6 & 24 instead of the back roads. One issue is the acquisition of right of way, it's very narrow, and the Hines ditch is along most of the back road and several developments. What they want to do is put in the water and wastewater in the right of way and then build the trail over it. It has to cross at H Harper and at Davis Point. A difference of opinion, this is going all the way south and then cut off. Going by the school area under 6 & 24, under the Interstate and then it's going back west. Direction given to place this on the May 5th agenda at 10:15 a.m. and inform Silt to be present for a discussion.
Prioritization of the Energy Impact Grants will be held as well on May 5th.

Contract – Transportation Issues

Joe Krackum is under contract as the consultant for our transportation issues.

Discussion - Involving a Facilitator/Mediator and Determining Priorities and Functions of the Board

This involved whether or not to go to a remote location, engage a facilitator or mediator to obtain the direction this board is headed, what's best for Garfield County, and provide a system of what everyone's doing and to have better working relationship since the Board is charged with working together. The decision was to get the priorities dealing with the changes in the budget involving hard calls such as what's is coming from the Legislative Long Bill, have the Board sit down with Ed Green and Mildred Alsdorf and work out common goals. If this is deadlocked, then engage a facilitator.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

APRIL 21, 2003
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 21, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Barton Porter – Alkali Creek – Speed Limits
Barton stated that he feels Garfield County is intentionally setting speed limit signs in front of his property and he was asking why this was being done.
Additionally, Barton had requested correspondence from the Board on April 7th to the Corp of Engineering regarding a culvert that Barton wants to place on his property for drainage.
The Commissioners stated they would not sign off on this culvert because the size of the pipe will not handle the drainage. If Barton can obtain something from the Corp of Engineers that it is okay, the Board will sign off.

CR 132 – Mitchell Creek – Homeowner – Lost Home – Fire – Illegal Additional Dwelling Unit Mike Henry
Mike Henry's residence, before the Coal Seam fire in 2002, had an apartment in the lower level 2002. He was not aware at that time that the second residence was in violation of the zoning code in that area. He hired Brad Jordan who planned and started construction on a duplex for a two family dwelling. The Planning Department stopped construction citing the additional dwelling unit was a legal issue, it was not allowed as a use by right and that he needed to request a Special Use Permit. Mike maintained that he and the Building Department were equally at fault and quoted the predicament he was in by listing hardships. His request to the Board is to be able to continue with the construction of rebuilding his home into a duplex unit. The SUP takes up to 60-90 days to obtain and he plead with the Board for some assistance in the process.
Mark Bean stated this occurred in January; it was formerly represented that the second residence in the home that was destroyed was illegal, which was incorrect. It was not a non-conforming use. To remedy, it requires a Special Use Permit to go forward. Mark does not have the authority to proceed. The error was due to a lack of research of the Building and Planning and Mr. Henry. Miscommunication is the issue.
Don advised the Board that they do not have the authority to waive their building process. This is an authorized Special Use Permit or he must obtain a variance from the zoning regulation.
Mr. Henry was provided the paper work from the Building Department and was told he had to comply with the 30-day noticed public hearing. The Board agreed to hold a special meeting in order not to delay the process further because every effort was being made to assist the fire victims in restoring their homes.

COUNTY MANAGER UPDATE – ED GREEN

a. West Nile Virus Update – Steve Anthony
Steve Anthony, Patrick McCarty and Kate Lujan gave a Power Point Presentation.
Representatives from Garfield County (Cooperative Extension, Public Health, Vegetation Management, Battlement Mesa, Carbondale, Glenwood Springs, New Castle, Parachute and Rifle are members of the task force to address the WNV issue. Silt has not participated. West Nile is new to the United States. It started in Uganda in 1937 and is commonly found in humans and birds. It came to the United States in 1999. Steve handed out information on what it is, how it spreads, and what steps are being taken to address the issue. The public information piece is most important. Brochures on how to deal with the virus will be available. The telephone number to obtain information is 1-800-877-7290.

b. ***Out-of-State travel for Donna Hale – Judy Osman and Lou Vallario***
Ed Green and Judy Osman were present. Donna was transferred to the Sheriff's Office as the Human Resource for Law Enforcement. Lou and Judy submitted a request for Donna Hale to attend a special training to be held in Washington, D.C. and the two departments would split the costs of the travel from their training budgets. The travel training will take place June 8 through June 12, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out-of-state travel for Donna Hale in the amount of $2335.00; motion carried.

c. Contract with Lois Hybarger – Jesse Smith

Jesse submitted the Interim Contract for services associated with the Controller position. This will make Lois available to the new person. A scope of services was included. Jesse assured the Board that Lois would not be authorized except by Jesse to have contact with the new individual and only after the person hired to fill the job has a need.

Commissioner Houpt voiced her concern on a six-month contract and for setting this precedent. The Board decided that a 90-day contract would suffice and if not, it could be amended.

Don formulated the motion for the Board to authorize the Chair to sign an agreement with Lois Hybarger for services set forth in the purchase of consulting services agreement and also waives all insurance requirements except for automobile liability insurance. Commissioner Houpt so moved; Commissioner McCown seconded. Chairman Martin noted the Board amended it to read 90-days and added the comment that it is subject to renewal with approval of the Board. Motion carried.

Correspondence – Carbondale and Pitkin County – Joint Meeting

Ed submitted correspondence from Carbondale and Pitkin County requesting joint meetings. *Carbondale* suggested June 17 in the evening. Commissioner McCown will out of the country; the June 17th date was selected and the two commissioners will attend.

Pitkin County – Joint Meeting – Tuesday, May 20 in Pitkin County at a regular Commissioner Meeting will be suggested.

BOARD OF EQUALIZATION – PUBLIC HEARING DATES SET

Shannon Hurst was present and stated even with the economy down, property values are up and she anticipates commercial property may have some protests. The Board of Equalization hearing dates were scheduled for July 15 through 25 omitting the 24th due to Commissioner meeting conflicts and August 5 for a back-up date.

COUNTY ATTORNEY UPDATE – DON DEFORD

Consider Drawing on a Letter of Credit for the Powerline Subdivision, based on non-compliance with a Subdivision Improvements Agreement

John Barbee, Sherry Caloia, Don DeFord and Mark Bean were present. Don presented the timing and legal issues stating the Letter of Credit expires May 1, 2003 and they do not have the certification from the engineer. Jeff Nelson has looked at the property; the as-builds have been completed. Mark suggested that the Board authorize the Chair to sign a letter allowing the Board to draw from the letter of credit.

Don stated the exact terms of the letter of credit for the record; the letter of credit requires that the County Administrator or the County Administrator's designee execute an affidavit stating that Western Slope Development, developers of Powerline Park is in default of its obligations as set forth in certain final plat and subdivision improvements agreement for the Powerline Professional Park accepted by Garfield County on September 17, 2001 and that the County Commissioner authorize the County Administrator to execute that affidavit, draw on the letter of credit and record the affidavit.

Sherry Caloia for the applicant, the certification of improvements has been submitted, the as-built drawings are prepared but she hasn't had a chance to review them to make sure they are accurate and that we don't need any changes. They anticipate having these to building and planning by Wednesday. At that point, Mark and his staff and the County Engineer will have enough time to review them. If not, they have already gone to the bank and the bank has authorized us to extend the letter of credit for a couple of weeks if necessary. What they requested is for the Board to authorize either acceptance or if not that we provide an extended letter of credit and if neither of those happens, obviously they understand the consequences.

Commissioner McCown suggested a 30-day extension. Sherry Caloia agreed that would be fine.

Don stated if the board is contemplating an extension what is needed is a motion authorizing the chair to sign an extension both of the subdivision improvements agreement and accepting an extension on the letter of credit for whatever time the Board feels is appropriate.

Commissioner McCown made that motion and extended the time until June 1, 2003. Commissioner Houpt seconded; motion carried.

Executive Session – Litigation Update – Assessor – Contract Negotiation Current Administration Litigation, Property Acquisition, Deliberative Process; Potential Legal Issues at the Airport; Land Use Potential Litigation

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

Shannon Hurst, the Board, Ed Green, Jesse Smith, Carolyn Dahlgren, Don DeFord and Mildred Alsdorf were requested to be present.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.

CONSENT AGENDA

a. Approve Bills and Modification of Warrants
b. Authorize the Chairman of the Board to sign the Roberts/Fender Amended Plat
c. Authorize the Chairman of the Board to sign the Hendricks Amended Plat

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the consent agenda items a - c; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Roan Cliffs Joint meeting; quorum will be present of the Board – Thursday, April 24th, 1:30 p.m. to 4:00 p.m. in Rifle at the City Hall. As a County, met with Glenwood Springs last week on regional planning and the staff of both City and County are going to put a white paper together to present to the Planning Commissions and everyone seems ready and willing to move in a direction together that would be productive to both parties. Continue to receive letters supporting the emphasis outlined in Alternate F for the Roan Plateau and an overwhelming support for the conservation emphasis.
Commissioner McCown – Forest Service Access Committee – Tuesday, 10 a.m.; 8:00 a.m. meeting on Thursday at the Henry Building; Mock DUI at the Rifle High School with the Fire Department starts at 11:00 a.m. on Friday.
Chairman Martin – Grand Opening, Friday, April 25th for the Caverns at 5:30 p.m. to meet at the base. Working with the Special Tax Subcommittee and a representative of the Governor's Office as well as some Senate members in reference to TABOR.
Mildred informed the Board that she would be doing the liquor license inspection on Tuesday, April 22 at 9:00 a.m.
Ed notified the Board there will be an Effective Teams Training April 24 and 25th – a low ropes class and there will be activity in the Courtyard.

COMPENSATION CASH-OUT FOR SHERIFF'S OFFICE EMPLOYEES – LOU VALLARIO

Sheriff Lou Vallario submitted a letter to the Board stating he had discovered a number of employees who had accrued comp time over the previous year. Additionally, he determined that the Sheriff's personnel policy previously in effect did not limit the accrual of comp time, nor does it address a deadline in which to use the time. It does restrict the ability to "cash out" comp time based on certain emergency criteria only. Lou found that comp time can create a hardship on an organization and has eliminated the ability to accrue comp time as soon as he took office. However, this issue still lingers. Several employees hit the limit on accrual of PDO time, and to allow employees to take this additional time off would be next to impossible. Therefore, he could be carrying this liability for years. He proposed to pay out all of these employees accrued comp time as soon as possible. By cleaning this up now, he said he could better manage the Sheriff's Office without having to balance things left over from the previous administration. A list of employees and the amount owned to them was submitted. The total is $59,949.52.
Jesse indicated there is enough in the Sheriff's budget from vacancy savings to handle this pay out. The negative numbers owed the County time; they were allowed to take it when they didn't have it and pre-dates the new sheriff.
Don provided the legal authority because of the Board's fiscal responsibility to control the administration of overtime in accounting; there is actual case law from the Sheriff's department on this issue. The second thing, in the future, the Sheriff will not allow the accumulation of compensatory time but will pay overtime and the employees will not work extra.
Commissioner McCown made a motion to proceed with the pay out and end this. Commissioner Houpt seconded; motion carried.

CONSIDER APPLICATION FOR A SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION FOR NORMAN CARPENTER/TEEPEE PARK PUBLIC HEARING HELD ON APRIL 21, 2003.

PUBLIC HEARING:

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 – Mail Return Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; Exhibit F – Teepee Park Timber Harvest Project SUP Application; Exhibit G – Report from David Hoefer dated April 14, 2003; Exhibit H – Fax from Bill Sappington, Public Works Director, City of Rifle, dated 4/15/03 and Exhibit I – E-Mail from Jake Mall, Garfield County Road and Bridge, dated April 14, 2003; and Exhibit J – Proof of Posting.

Chairman Martin entered Exhibits A – J into the record.

This is a Special Use Permit for Natural Resource Extraction for a Commercial Logging Operation on a 4,464-acre tract of land located approximately eight (8) miles south of Rifle, off Beaver Creek Road (CR 317).

The site has four drainages within the project, the Beaver Creek drainage runs through the middle of the property and the headwaters for Porcupine Creek, Spruce Creek and West Mamm Creek are located on the property. The site contains topography that slopes generally to the north that varies from gentle slopes to vertical cliffs and elevation ranges from 8,700 to approximately 10,270 feet. The property contains a number of Engelemann Spruce Sub-Alpine Fir, Aspen and Gamble Oak stands mixed in with riparian and high mountain meadows.

The applicant is requesting a SUP to harvest timber in TeePee Park area of Beaver Creek. In 1997, the previous owners of the property requested a SUP to allow the logging on 1,454 acres.

The present application notes approximately 25% of the anticipated harvest has been completed under the existing SUP and that the harvest will continue for an estimated three (3) additional years.

David Hoefer, Consulting Forester for Garfield County, submitted his report and summarized that there have been blow downs and bark beetle increases to the epidermis stage in other areas of the state. Natural stand replacement via fir may occur at any time or it may not occur for 200 years. He concurs with the applicant's assertion that the timber stands are in a condition for the prescribed management. He also noted that the amount of time removed was "on the high side", but he did not feel that there may have been reasons for the removal level that he was not aware. The methods proposed to harvest the timber "are the appropriate Silva cultural systems to use." He acknowledged that the newer rubber tracked equipment is quite efficient on steeper slopes and Norman Carpenter, property owner is committed to make sure that the skidding equipment will not damage or destroy the residual stand. His observations of the property did not indicate the applicant's loggers were going into areas with slopes over 35%.

Recommendation:

Staff recommends the approval of the natural resource extraction operation on the property described, with the following conditions:

1. That all representations of the applicant, within the application, including the forestry plan, and stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval, unless specifically changed by this resolution.
2. That all timber hauling on County Roads be on Monday through Saturday, between the hours of 6 a.m. to 6:00 p.m. Not included in the hauling hours are the trips in and out of the property by loggers and unloaded trucks accessing the property before 6 a.m. Any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday. Haul trucks will not travel in a convoy, but that they be spaced at least 10 minutes apart, before leaving the property.
3. That the forest management practices and revegetation will be monitored for compliance with the conditions of approval contained in the resolution of approval, by a consultant agreed upon by the Board of County Commissioners and the applicant, and paid for by the applicant.
4. A road bond will remain in place with the County to overlay 1.6 miles of CR 320 with asphalt at the completion of the timber harvest.
5. The Special Use Permit, when issued, is subject to review for compliance or noncompliance with performance requirements associated with the issuance of the permit. The applicant shall submit a report one year from the date of issuance of the permit, 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 within 30-days of receipt of the report and may determine that a public hearing is necessary to consider suspension or revocation of the permit or those conditions of approval must be met before additional activities can occur on the property.

6. All vehicles used in conjunction with logging operation must be properly licensed in the State of Colorado and the appropriate documentation provided to the Garfield County Clerk and Recorders Office verifying the licensing.
7. The hauling of logs will be discontinued during normal seasonal times for local ranchers to move cattle up or down County Road 317, when requested by a local rancher with grazing rights of property in the Beaver Creek drainage.
8. All revegetation of the site will be done with certified weed free seed mix. All seed mixtures will have 50 pounds of available nitrogen added to the seed mixture for grass seeding.
9. The haul route will only be along CR 320 from the intersection of CR 320/317 to Taughenbaugh Avenue in Rifle. Additionally, an overweight vehicle permit will be acquired for each vehicle needing such permit.
10. Upon transfer of ownership of the property subject to the SUP issued in accordance with this resolution, the new owner(s) shall meet with the Board at a regularly scheduled meeting of the Board and published as an agenda item of the Board.
11. That prior to the issuance of the Special Use Permit, the applicant or operator shall enter into an agreement with the Rifle Emergency Services to provide emergency services to the site.
12. Prior to the issuance of the SUP, the Fire Management Plan shall be filed with the Garfield County Sheriff's Office.
13. Compliance with all terms and conditions of approval contained in any permit issued to the applicant, its successors or assigns, by any local government, state or federal agency, shall be deemed to be conditions of this Special Use Permit. A violation of any of the terms, conditions or provisions of such permit(s) shall be deemed to constitute of violation of the terms of approval of the SUP. The applicants, their successors and assigns, shall notify the Garfield County Board of Commissioners of notice of violation or violations regarding the subject mining and processing operations, equipment and associated permits issued by any local government or state or federal agency. The Garfield County Board of Commissioners shall be notified within ten (10) calendar days of any violation or notice of possible violation.

Jim Beckwith gave an in-depth presentation of the project, application, and commitment of Mr. Carpenter to the preservation of the Creek and his property. He noted the three structures on the property: noting the Squires Cabins in the TeePee Park area build by Ton Vondette, a one-story structure less than the 1200 square feet and was built in the 1950's. The second structure is in the northwest corner of the private property. Consulting with local people, it was built in the 1950's to 1960's by Dale Trahern. It is smaller than 1200 square feet and pre-dates any land use regulation the County may have had. There is a third structure, and a 16 x 20, a temporary weathering hut and is used by crews in the TeePee Park near Squires Cabin and meets the definition of a recreational cabin. These did not require building permits when they were built.

A correction was made to Mr. Hoefer's report noting that it indicates that they have been conducting tractor yarding on slopes generally 35% or less. That is not correct. They have been doing tractor yarding on slopes generally 50% or less. Some of the problem that Mr. Hoefer had was in doing a field inspection, as it was the worst time of the year with 3-4 feet of snow. Mr. Gherardi has used a small hand-held instrument to determine the percentage of slope when there is no snow. The seed mixture was not with the nitrogen because they seed in the fall and early winter, allow the winter snow and rain help the germination process. In the snowmelt, the first thing to leach out is all of the nitrogen.

He submitted two Exhibits: Exhibit K – A copy requested from Mildred Alsdorf, of the Minutes of the County Commissioners Meetings for each of those hearings or meetings involving the TeePee Park application, February 10, 1997, June 9, 1997, July 28, 1997, July 1, 2002, and August 5, 2002. Exhibit L – January 31, 2003 Jim contacted Mark Bean and requested to review all prior application for timber harvest permits in Garfield County. Two notebooks containing 842 pages of research on timbering special use permits. Since 1987 there have been 14 permits excluding this application itself but including the original application. These are selected excerpts from the County permits that have been granted for timber harvesting. The reason he asked for these were because he wondered why this application was so unique, has it been treated the same as every other timber harvest permit. He discovered it has not been and in fact the first page of Volume 1 gives a comparison of all 14 application with the current application as to when the Commissioners have required consultants or not; required a Forest Service Plan or not; required a consultant in the application process or not; and what he found is this application is very unique. The Commissioners have treated this unlike any other application and he wondered why. All 14 permits used

the same science and methodology. It was not the actual harvest; to their credit, the Board has had them reviewed three times. The City of Rifle has also had them reviewed three times and in every inspection, they have come off with a very good bill of health from everybody – no permittee problems even with the 50% where they are doing the tractor yarding. They have improved County Roads, have given bonds for the other amounts; and what he assumes is because this is virgin area of harvest in all records it has never been harvested in nearly 300 years. There has not been a catastrophic fire in 300 years and this could be a model for many counties as to how this application was postured, presented, researched, and how it has been performed. The interesting thing he noted and complimented Mark Bean, there have been times when he thought Mark was overbearing relative to his clients and the review process and that was the other reason he went through the file. The application was originally filed in 1995 and then later amended in 1996 before it came to Mark and then presented to the Board in 1997. It was very simple, direct, very well researched and it was reviewed and given recommendations that were straight forward, generic enough that they were flexible, specific enough that they protected the County regulations and public generally. Then they were changed. In the review received from Mark Bean, the recommendations that he made and imposed on this permit are flexible, specific and handle changes no matter what you're doing on the land. The reason the compliment was made to Mark is that their position is that the Board grant this permit with the conditions that have been recommended by Mr. Bean – make no changes because they did get changed in 1997 and that is where Jim Beckwith came in and there should never have been a need for him to be involved in this process. Mr. Carpenter, individually wrote Mr. Martin so that the Board would know him and his attitude toward this land and what he is trying to do. Chairman Martin asked how many were issued prior to 1996. Mr. Beckwith – six, not including Tucker and Frase that didn't come before the Board in 1997. Mr. Beckwith stated in 1993 – Louisiana Pacific No. 1; in 1994 Virgil Lee Wellman; in 1994 you had Joan Savage and in 1998 that was amended very similar to this one due to a change in access to the property. Prior to 1993, no information was given to Mr. Beckwith.

The minutes that Mr. Beckwith requested noted that one prior hearing there was a comment that helicopter yarding was an important factor for approval for the TeePee Park project. The minutes do not reflect that at all and felt confusion was with the Colorado Timber and Land Company application for Kimball Mountain No. 1 which was exclusively helicopter yarding and was heard in September of 1997 whereas TeePee Park went to hearing in July of 1997.

Mr. Norm Carpenter testified that he had overseen and observed the timber harvesting project on his private land in TeePee Park saying before he allowed the first tree to be cut he was sure that he hired the best professionals to give him advice. Consultants were hired, contractors that were conscientious and oversees all activities making the final decisions. He has approved of all activities done in the harvest project particularly to the tractor yarding on slopes 50% or less.

Mr. Bill Gherardi with Woodland Management Consultants testified that he a consultant and continually monitors, observes, supervises, directs and controls activities that occur on site. When there is no snow on the ground, he has measured, with a calumniator, the percentage slopes where the tractor yarding has been performed and stated it was 50% or less slope. He also supervises the revegetation process and does not use nitrogen, nor recommend it added to the seed mixture. If there is any kind of fertilizer mixed with the grass seed when applied before the snow falls, the snow melts and the first thing to leach out is the fertilizer. He also testified to the traffic on CR 320 stating the percentage of use by commercial vehicles he's observed are logging traffic 50%. Chris Meyers of Intermountain Resources LLC. based in Montrose, Colorado testified that he was the operator and timber purchaser from Mr. Norman Carpenter under a timber/stump sale agreement and in his time with this project has observed the logging traffic on Garfield County Road 320 has been consistent with Wildhorse Energy feasibility study based on 8 – 10 loads per day and have occupied about 20% at maximum and 80% oil and gas rigs specifically between the intersection of 317 and Taughenbaugh in Rifle.

Commissioner Houpt inquired as to the necessity of trucks coming in before 6:00 a.m. in the mornings. Clarification was made that the trucks come from Montrose and by the trucks coming in before 6:00 a.m. they can do three loads per day and still avoid the school bus times and with commuter traffic occurring from Rifle and Taughenbaugh Mesa. Coming back in around 10:30 to 11:00 a.m. they are still ahead of the school bus. It was discussed in having a nighttime load in order to be ahead of school buses and commuter traffic and concluded it wasn't feasible. If there's a third haul, they would be coming back in sometime unloaded around 3:00 – 3:30 p.m. then pulling out before 4:00 and 6:00 p.m. Weather factors slow these times.

Public Input

Rancher Terry Broughton, 8789 CR 320 and resident Marlis Sturmer, CR 321 spoke against the application addressing concerns over the water quantity and quality in Beaver Creek and the leaking of transmission fluid that could potentially flow into the Creek.

Jim Beckwith answered concerns saying the City of Rifle and the Savage family has the two primary water rights on Beaver Creek but there are a number of other private landowners who have water rights. They do not acquire those. Regarding the Ute Trail, it is the wrong term. Historically, there was a trail and discussed in the Haney Litigation by Mr. Vondette and it was known as the Caton Ranger Trail that came up Beaver Creek crossed Mr. Vendetta's property and led down into the West Mamm Creek area. The Ute Trail itself historically is a trail up along the crest of the Colorado Rockies, which is not down in this area. There is not a historical trail and this has been discussed between himself and the Commissioners and there is not a prescriptive right to any trail across Beaver Creek coming across TeePee Park and have rejected as well as Tucker and Frase all public use and public access. We have given a corridor for hiking trail to the U. S. Forest Service conveyed in conjunction with the road easement that is one of the appendixes to the application. Earlier this year, Mr. Beckwith was informed that there was a question and problem relative to the corridor route that had been given and the Forest Service would identify where it was and they would re-do the easement to portray the trail. There was a problem and another was suggested along the eastern side of the property and that is still pending with the Forest Service. This is not an issue before these Commissioners. Mr. Beckwith added that Mr. Broughton was cited for trespass and ultimately dismissed by the District Attorney. These were criminal filings and not civil charges filed by the landowner.

Mr. Carpenter addressed the ecology issues addressed by Mr. Sturmer saying he owns the land, cares about the land, and has given strict instructions to consultants and contractors with respect to machinery, leaking equipment, damage to the riparian area or damage to areas of ecology interest and concerned about habitat for wildlife and for the pure strain of Colorado River Cut Throat Trout which is a tremendous resource that he's been entrusted with. There were meetings with the Colorado Division of Wildlife, the U. S. Forest Service on ways to improve the habitat for these pure strain fish and convinced he was not going to degrade the water for any of the neighbors, nor reduce the volume of water rather increase it through very careful Silva cultural techniques on this property.

Commissioner Comments

Commissioner McCown – the remaining 1467 acres, 20% of the remaining acres are 60% slope and that it would be timbered if there was an available market for it; the 60% is very site specific and the applicant estimated that 5 acres would be helicopter and 25 acres by cable. Until there are established values on the ground and it would be incorrect to guess at this time.

Commissioner McCown - It is not cost effective with the timber market as it is currently. We'll take everything basically under 60% with the hydro-bunchier and leave the tough stuff till the price goes up and then if we see it financially viable we'll come back and figure out something to do with it. However, it will not be skidded on the ground. Jim Beckwith – it would be skidded on the ground, that skidding is just pulling it out where you felled it. Commissioner McCown – With rubber-tired skidders, I'm talking cable or helicopter. Jim Beckwith – With cable. Mr. Gherardi – some other method besides ground skidding.

Commissioner McCown – all right. In the application and perhaps justifiable so, you were quite specific in not determining how many roads or where they would be placed, how are these roads going to be surfaced – dirt roads, 14-foot wide the way they are described. What are the plans to reclamation on those roads and when will they be reclaimed. Jim Beckwith – answered generally, it is the same as stated in the original Forest Management Plan, if after the conclusion of the harvest project, we determine that a particular road will no longer be used, we will reclaim through the use of water bars, other debris that is across it, much like we did with realigning Forest Service Road 824 on National Forest Property and we would close off the road through the reclamation process. Certain roads will remain because there haven't been roads and we don't know when a fire will occur and it's obvious to everyone's best interest to have a road. Those will be un-surfaced as well. They will have rock of them, but not paved. Commissioner McCown was under the impression the ones that you alluded to in your application would not even have rock on them, they would be dirt surface. Jim Beckwith – it will all depend upon the particular road like Porcupine – we do put rock on that road. This decision is made in conjunction between the operator, the consultant, and the landowner. Don asked what the concern was. Commissioner McCown stated the applicant could go in there and put in unlimited roads and they talk about a reclamation plan but not address any roads because the number of roads is not given that they will put in, it's an arbitrary decision on getting to areas to put out fires or getting to areas to get timber out, yet there's no discussion as to are you going to reclaim these roads after this 3-year harvest is over or will they leave them in case they need them when you come back for this 15-

year harvest that going to happen in the future. Will we see a network of roads on the hillside? Or, will they be reclaimed and revegetated in areas that are built specifically for access to yarding and getting timber out and then no longer used? Chris Meyers – this is ultimately Mr. Carpenter's decision but from a logging standpoint, what road is withdrawn from use after the yarding is done is seeded and mulched with soil stabilizing agents like slash and everything put on the cut banks, and hill slopes so they're stable. The profile is still there but it's Mr. Carpenter's decision as to what he wants to close out at the end. Mr. Carpenter - The roads are built according to specified standards and Bill Gherardi oversees that, we use culverts where needed and ditch them where necessary, they are well-built roads. If I put a lot of money into a road, he wasn't going to be in a big hurry to rip it up. It gives him access to areas that he couldn't access otherwise. Commissioner Houpt had a concern and made a statement about the time of hauling logs out because of the school bus traffic and if the applicant is truly committed to that schedule of getting the first truck out before the school bus arrives that she would expect them to hold themselves to that so there aren't kids put into jeopardy. Mr. Beckwith commented he understands this and they are committed. If they could have a starting time of 5:00 a.m. in the morning, they would do that so they can keep the timing away from when the school buses will be there. Commissioner Houpt suggested that the applicant discuss route times with the school district and to make the last trip out as late as possible. Mr. Beckwith stated he would be happy to do that since the best way is to take the first load out as early as possible in order to be out of that area making the last load out as late as possible so that the school buses have dropped off the kids and not on the street. Jim Beckwith - The 6:00 a.m. to 6:00 p.m. is reasonable, if the school district stated they would rather have the trucks out by 5:00 a.m. unfortunately they would have to come back here for another application, but they are willing to accommodate it. A third trip is not feasible; the trucks only make two trips.

Condition No. 11 – Jim Beckwith stated the project is outside of the Rifle Fire District but he sent them the plan anyway. It was made clear that the Garfield County is the responsible party and through his agreement with the various fire districts, Rifle would be the one to respond. The Sheriff will need this plan and they would response as well.

Commissioner McCown made a motion to close the public hearing; Commissioner Houpt seconded; motion carried.

Commissioner McCown made a motion to approve the natural resource extraction special use permit with Conditions 1-7 striking the first sentence in number 8, striking number 11, modifying number 12 to read "shall be filed with the Garfield County Sheriff's Office and the Rifle Fire Protection District", number 2 correcting the statement Monday through Saturday to Monday through Friday and the same hours will apply; the ten minutes spacing as written will stay in there; given the changing in numbering of the conditions, ending with 12 conditions, adding Condition 13 that this operation will be evaluated one year from today's date, actually changing that to be able to get our contractor up there when there is not 4-foot of snow, I would ask Mr. Hoefer to go back and look at this property no later than October 1st and the operation that is taking place and report back to the Board. Commissioner Houpt seconded. Commissioner Houpt – a lot of discussions with neighbor with traffic concerns and hope the applicant will work well with everyone that's impacted by this. Mark requested clarification on the new condition number 13. Commissioner McCown stated that by October 1st the consultant would be requested to have a report back to this Board on the operations of this special use permit meeting on the conditions that have been set forth today, and wants to see something back on how things are going. One year was previously mentioned but it would make the report due in March when there is 4-foot of snow and therefore would like the consultant to be able to see the ground. The report to be submitted within 15 days however, allowing the flexibility Mr. Hoefer needs. Motion carried.

Citizens Appearing Before the Board Not on the Agenda

Eric Porter, owner of a 910-acre ranch, requested consideration by the Board for an exemption to the rule in order to split his property once again. There have been three exemptions thus far. The property of 3600 acres was split after the 1973 regulation went into effect. However, in January of this year, Tom Stuver was successful in obtaining a similar additional split for the Freearks and he was requesting to do the same type of split without the expense of hiring Tom Stuver to obtain it for him.

Commissioner McCown and the Board concurred that before they could consider the request, Eric would need to supply them with information on the property, including the size of the parcel in 1973, the property divisions and dates and deed researches. Eric comments that the original parcel included 3600 acres and was divided into 4-parcels.

A commitment was made by the Board that they will research this issue as well and asked for a phone number to correspond with Eric Porter. Eric agreed to supply the Board with tracking of the time lines and the deeds. The property is located off Mamm Creek. This information will be provided to the Board through Mark Bean in Building and Planning.

Letter of Support for a Grant for StEPP funds - Project Fairground Efficiency - FRED

Scott Ely, Sunsense Inc. In late 2002, the American Soda Company of Parachute, Colorado was levied fines exceeding $1 million dollars for various air pollution violations. A portion of these fines, approximately $500,000 has been set aside to fund renewable energy, energy efficiency and pollution prevention projects in the three Colorado counties most affected by the violations; Garfield, Mesa and Rio Blanco.

Scott presented a request to the Board for a letter of support to the StEPP grant to design and install a "package" of resource efficient systems including solar hot water and energy efficiency. These systems will be integrated into the designated County Fairgrounds for the purpose of providing long-range energy savings, measurable environmental benefits and public education. The County Fairgrounds is interested. The letter needs to be submitted by May 8, 2003.

Commissioner Houpt noted that there were quite a few agencies applying for these funds.

Fairgrounds Manager Bob Compton and Dale Hancock have been working with him on this project.

Human Services – Colorado West Mental Health – Outpatient Services

Sue Horn with Colorado West Mental Health reiterated the extreme funding cuts at the State level and the efforts within the community being made to compensate. They are identifying gaps and services that exist as well as any overlapping of services, such as White River Counseling and Colorado West Mental Health in drug counseling. There will be a Community Forum in August with schools, agencies and community members talking about the issues and how to problem solve for meeting the needs of the community. She stated there are a great deal of community fundraisers with foot races every weekend for an agency attempting to make up the deficit in funding.

Colorado West serves a 10-county area and has approximately 1800 clients. The impact of cutting beds at the State Hospital resulted in having only 7-beds for Western Colorado. This reduction has begun the process of Colorado West expanding their services to serve people in the community to avoid hospitalization. It's a joint effort to save a program. The reality to face is that it will impact everyone in every agency including law enforcement. The Long Bill from the Legislature later this month will be inclusive as to the cuts and to whom.

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

Public Health

Mary Meisner and Wanda Berryman were present. There has been an increase in WIC funding and they may have another cut in community health that pays for nursing salaries. Mary yielded her time to Wanda's Power Point Presentation

Healthy Beginnings

Wanda Berryman, Director of Health Beginnings presented a Power Point highlighting the program. An astonishing number of 50% of all babies born at Valley View Hospital come from the Health Beginnings program. Last year they had 382 enrollments; 400 are projected for 2003. The presentation provided the database enabled by the Schuss Charitable Trust in a grant they received in December of 2002. Wanda included in her overview how this can impact the population they serve. The Goals of Evaluation is to build a usable database for data collection and facilitating report generation; describe the population served including their risk factors and outcomes to help; focus resources and demonstrate efforts to stakeholders and potential funders and to improve efficiency in meeting State/Prenatal Plus reporting.

program.

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

SFY 03-04 Core Services Plan

Lynn stated this plan is due to the State by April 30, 2003. She submitted a detailed report and stated the plan is available for the Board's review. She requested signature on the plan. It is the same as last year with an adjustment in funds. A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Core Services Plan; motion carried.

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

Social Services

Lynn Renick, Wendy Leary, and Michelle McMullen were present.

Michele submitted the disbursement for $101,171 for March 2003 in electronic transfers for old age pension and TANF, expenditures.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the disbursements in the amount of $101,722.85 for March 2003. Motion carried.

Update on Single Entry Point Program Changes

This is a nine (9) county program and anticipating 20% of current clients will not be eligible due to the new assessment tool. There is a validation test and Lynn said they have to pay up to $100 per test; someone other than the case manager within the Single Entry Point Agency will be required to handle the validation. Nancy McStay in Craig could handle the 5 county areas – the state will determine when they will allow the Single Point Entry program to get out of the validation testing. A person will have to be very needy to continue with the program.

Lynn needs some type of approval for staff time to have the valid tests completed. The test will require 2 to 3 face-to-face contacts with the client as well as phone contracts. Specifics are not known at this time. May 1 is the date to have this completed.

Update on Assistance Services

TANF allocation has been increased in 2004 by approximately $34,000. This plan did not require the Board's signature – it was a narrative plan.

Legal Immigrant Medicaid Eligibility – Thursday the Judge reversed the decision and the termination process is in effect.

Benefit Changes – Aid to Needy Disabled Individual monetary benefit reduced by 64%

Financial Projection Summary Page – Projection of a $269,465 total deficit projection as of 4/21/03 - Child Welfare is over by $224,016.

Core Services – anticipates $7,516 over and Lynn feels they can work on expenses and wipe out that deficit.

Out of Home – one child placed in an out of State facility will be moved very soon to the Emily Griffith program in Colorado Springs; one will be moved back into in-home therapy services. TANF Mitigation: Lynn said rumor has it that the department cannot hope for more than $106,104; this comes from the 4% of the total allocation of the State welfare allocation to be redistributed.

Program Reports were submitted for the Board's review with a particular note made to the Child Support Division in achieving a Paternity establishment of 93%; for establishing order in 86.4% of their caseload, and collecting 71.9% of the cases with arrears due. An award will be made on June 9, in Vail.

Handouts - Wendy O'Leary: *Out-of-home placements* – not very many situations where they could have prevented the placements, some could have been shorter stays and reunification quicker but these were not done due to the lack of local services. Foster Homes: Consistency in placing the kids for the team; they will evaluate every out-of-home placement to ensure each child is screening in a consistent manner.

Alan Christie – Family Therapy is doing a great job and Lynn stated they have doubled the Life-Skills Therapists. A checklist for each child has been implemented and will be reviewed by the team of staff. The team will work with the case managers to work with the families – this is the biggest problem. Coping skills for parents will be addressed. A review of the out-of-home placements will be in 6 months.

Lynn commented on some of the factors that have been addressed and solutions found to deal with them.

- Reorganization – November 2001 and November 2002 – caused a major shift in the Child Welfare staff.
- 12 – 18 months – surge in permanency planning cases
- TRAILS – Alternative programs - In the last 5 months the department has doubled the number of foster homes. Steve Aurand and his team have done an excellent job.

Lynn stated the department is $269,465 in over expenditures to date. Discussion regarding taking some of the Landfill Funds to General Fund and using them for the shortages in Social Services was held. Ed mentioned as the shortages are known and the amounts, this could be applied to solve the problem. The logical conclusion is that in previous years TANF funds provided the general fund with dollars when the general fund was lower than desired.

Lynn summarized that cuts from the State change regularly and the department is still looking into situations. Adjustment of numbers has to be made after June 30, 2003. Mid-July will reveal the true

numbers. Regular Administration Numbers are projected to be over as well as Child Welfare due to salary distributions and consultant contract. TANF participation funds that can be used, it is not tied to things. In the Childcare TANF transfer monies, we have $600,000 sitting there, but there is not way to adjust the criteria to help with these shortages. The primary manager group is looking at options.
A motion was made by Commissioner McCown and seconded to come out of the Board of Social Services; Commissioner Houpt seconded; carried.

Senior Housing Options (MESA Assisted Living) in Battlement Mesa/Grant Funds

Betty Drain, Administrator and Terry Whalen, Executive Director, submitted the final report on the distribution of grant funds. They sustained occupancy in September 2002 and reached 40 residents at that time. As of today they have 37 residents currently, 50% in Medicaid reimbursement, which is higher than expected. They are very pleased with the program, have an excellent reputation, and are proud of the facility. She thanked the Board for their support. In the last three years, they have had 102 admissions and 67 discharges.

Noel Richardson – Monument Ridge Subdivision in Battlement Mesa – Knoll presented some potential changes he wanted to make in the subdivision. He requested to set an appointment to discuss the plans with the Board and stated he had purchased the subdivision in December 2002. His desire is to create a great project.

Don DeFord informed Mr. Richardson that this is a subdivision process and if he is seeking to make changes, he has to go through the public hearing process. He directed Mr. Richardson to speak with Mark Bean to get this in motion.

STEP Foundation – Passive Solar Project – County Fairgrounds Facility

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the letter of support for the grant application for the SsTEP Foundation as previously discussed in the meeting today. Motion carried.

Executive Session – Continued - Administrative Tax Appeal – Building Issue in reference to the Coal Seam Fire – Zoning Issue – Health Safety and Welfare Issue

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

Direction

Cancel the meeting Thursday morning at 8:00 scheduled in Rifle for the Board of County Commissioners to discuss pre-budget items; also would ask the County Manager to write a letter to his staff and administration delineating any policy or decision changes needs to be done by a minimum of two commissioner prior to any action being taken by those members of staff. Commissioner Houpt – and that's in a public session, correct. Commissioner McCown – it can be. Commissioner Houpt – it shouldn't be outside of a public session. Commissioner McCown – I would agree with that, but oftentimes when one is in New York and one is in Washington, D.C. and you can only get a hold of one commissioner, sometimes two commissioners create a quorum and you move on it but it may not be in this room in a public session. Mildred added, they generally call her. Commissioner Houpt clarified this was not to push things between her and – Commissioner McCown – No and he made this in the form of a motion; Commissioner Houpt seconded; Chairman Martin requested to do this as soon as possible and start our new policy. Motion carried.

Second Rally – Support the Troops and Their Families

Mildred stated that she has had numerous requests for a second Rally for "Supporting the Troops and their Families, our Country and Freedom", and tentative plans have been made for Monday, Memorial Day, May 26th from 1:00 p.m. – 3:00 p.m. in Sayre Park. This is strictly a volunteer event and the Clerk's staff has agreed to work on the event. KMTS will work with us and get information out. There will be speakers and music. Suggestions will be made for picnics, mingling with friends, recreation, etc. City of Glenwood, Mike Copp manager, needs a letter in order to obtain a park permit and waive the park fee. Statewide and local officials will be invited to participate if available.

Adjourn

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

Meeting Re-Opened – Chairman Martin called the meeting to order

Lee Green Mobile Home Building Permit

Don DeFord requested that the Board re-open the meeting. The Board had given some direction to the building department to consider execution of documents relevant to a building permit. Mr. Green appeared in Don's office and told him to talk to Mark. This issue is more complicated than first thought.
Mark explained that the Building and Planning Department has never issued building permits for mobile homes in mobile home parks. In the Storm King Mobile Home Park where research was first competed, Mark reviewed it with Don and there is no clear language in the County regulation that states Garfield County does not issue building permits for a mobile home in a mobile home park; it is a policy that has been in existence for more than 20-years per Mark Bean. Rather the policy has been to defer to the mobile home park for the homeowner to follow their policies. Mark explained that the reasons the Building and Planning had never issued permits was due to a lack of adequate staff and the complications involved with the various parks and their concerns. The State of Colorado issues the inspections. Mark explained the situation where a mobile home permit would be issued, on land privately owned that was replacing an existing mobile home at least 20-feet wide x 20-feet long. Mark stated the permits and inspections were in place in the regulations for a manufactured house.
Commissioner McCown questioned if we don't require building permits in these circumstances, why can't we put it in the regulation that we don't require a building permit and why can't we sign the letter being requested. Don stated in this case, Mark was being asked to sign the certification for the SBA that's not supported by the County Regulations, it is supported by practice. Mark added they were not asking him to only sign these types of letters but they are also asking him to certify compliance with certain regulations in certain situations and in conservation with Don, he advised that he should not sign this type of a document. Don said, given the state of the County regulations, it would be fair to ask the Board to direct Mark to continue to enforce practice where there is no regulation and that protects Mark and he can go ahead and sign off and state pursuant to the direction of the Board, no permits will be required.
Mark requested when we get into the revision of the building code issues, this needs to be resolved formally – this is a short-term fix based on a long-term practice. This hasn't been an issue for a long time. Commissioner McCown suggested moving cautiously on what we're going to adopt because we have always deferred to the mobile home parks rules and regulations.
Don stated if this is the direction the Board wants to take, then this should be made in the form of a motion to direct Mark Bean, Director of Building and Planning, to sign the SBA form indicating that no building permits will be required for the two mobile home parks referred to. Commissioner McCown so moved. Commissioner Houpt seconded the motion. Chairman Martin noted that this is an extreme situation where these were being replaced from a catastrophic incident; motion carried.

Adjourn

Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

Attest: Chairman of the Board

_____ _____

APRIL 24, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 11:00 A.M. on Thursday, April 24, 2003 with Chairman John Martin and Larry McCown via telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.
Others present: Joy Davis, Janice George and Lynn Renick via telephone.

CALL TO ORDER
Chairman Martin called the meeting to order at 11:00 A.M. held in the County Attorney's Conference Room at Courthouse Plaza.

Executive Session – Attorney Advice – Conflict of Interest – Issue in Administrative Litigation – Personnel Issue
Don DeFord requested the Executive Session to discuss attorney advice on a conflict of interest issue. The record should also reflect that he discussed this issue briefly with Commissioner Houpt and after that discussion she indicated that Commissioner Tresi Houpt recluses herself from further participation in this matter and asked that she indicate this would be her position.
A motion was made by Commissioner McCown and seconded by Chairman Martin to go into an Executive Session to obtain advice from County Attorney Don DeFord on a conflict of interest and litigation; motion carried.
All present and the two via telephone were asked to be included in the Executive Session.

A motion was made by Commissioner McCown and seconded by Chairman Martin to come out of Executive Session; motion carried.
Action
Don requested the Board authorize the Chair to sign a letter to Sherry Caloia concerning her representation of private clients in both child support matters and any other matters in which she's previously represented Garfield County.
Commissioner McCown made a motion to that affect; Chairman Martin seconded; motion carried.
Heads-Up on next week – some meeting of the Board may be necessary to approve a settlement in the American Soda and secondly Chairman Martin needs to be available for signature tomorrow on the Valley View Closing Documents. The chairman has previously been authorized to sign the documents.
Commissioner McCown moved to adjourn; Chairman Martin seconded; motion carried.
Adjourn

Attest: Chairman of the Board

_____ _____

APRIL 24, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Workshop joint meeting of the Board of County Commissioners began at 1:30 A.M. on Thursday, April 24, 2003 with Chairman John Martin and Commissioner Houpt and Larry McCown present Also present were County Manager Ed Green, Building and Planning Randy Russell, Engineering Jeff Nelson, Weed Management Steve Anthony, Oil and Gas Auditor Doug Dennison, Jeff from Road and Bridge and Mildred Alsdorf Clerk & Recorder.
Also present were: Forest Nelson - Rio Blanco County Commissioner, Don Davis - Rio Blanco County Commissioner, Jeff Devere – RBC Development Department, Lochen Wood – City of Rifle, Clare Bastable – Colorado Mountain Club, Matt Sturgeon – Rifle Planning Department and Mike McKibbin from the Sentinel.

Roan Creek Plateau - Greg Goodenow, Planning and Environmental Coordinator for the Bureau of Land Management, Glenwood Springs Field Office

The review of the Regional Management Plan Environmental Assessment for "Clarification and Information Session" was held with the other partners in the Memorandum of Understanding (MOU) (Rifle, Rio Blanco County, Parachute and the State Division of Natural Resources as well as staff from the Bureau of Land Management. This was formerly known as the Naval Oil Shale Reserve, it was transferred from the Department of Energy to the Department of Interior in 1997. BLM has been developing a management plan for the area since November 2001.

Garfield County Commissioner and each municipalities adopted resolutions in 2002 opposed to drilling on top of the plateau and more than 10,000 public comments were received.

Randy Russell provided the Board a preliminary staff review of the Roan Plateau Planning Area – Draft RMP-EIS. Between 853 and 2,813 natural-gas wells may be allowed to be drilled within the Roan Plateau planning area under four alternatives developed by the BLM. As an MOU Partner, the County was invited into this internal staff review process by BLM prior to public release, and the formal 90-day comment period. The County only has 15-working days to assemble comments, clarify, work with other partners on joint concerns and establish a consensus.
The BLM is not looking for a fine-tuning of environmental management issues rather they are interested in areas of concern that fall directly within our area of jurisdiction and purview; things like roads, enforcement, economic opportunity, and sense of the public participation and decision-making framework.

Presently, there are four alternatives. The County did not specify a specific alternative; however, the overwhelming responses favored Alternative F. The internal process by BLM eliminated Alternative F and asserts that all of the NOSR area must be managed for energy production as a value that trumps other values. Despite the fact that much of the area has been leased, the assumption is that all remaining areas need to be leased as well, or weighted heavily against leasing as a preferred option because of the Transfer Act that shifted control of the NOSR to BLM.

Highlights of the memorandum submitted by Randy include the discussion of impact to county roads being very inadequate. The access points into RPMA are county roads belonging to both Rio Blanco and Garfield County. Overweight trucks would have a tremendous impact on Cow Creek Road, and pressure on the JQS Trail. Should leasing be allowed on top of the Roan Creek area, there is no assertion that the BLM would take and continue responsibility for the County Roads and the JQS Trail they now maintain. Randy suggested the County ask for a much more detailed traffic analysis of impacts to county roads by traffic type that would be reviewed by Road and Bridge before release of a final EIS for public review. The realities of gas exploration and drilling require numerous roads, increased traffic and increased access to fragile landscapes.

Regarding the Socio-Economic portion of the draft, which Mesa County presently is a beneficiary of oil and gas development in the far western portions of Garfield County, and some secondary employment from activity on the Roan Plateau would certainly spin-off into the Mesa County economy. Rio Blanco County has been consistently ignored in this document for impacts, job generation and other concerns.

Due to the concerns, Randy summarized in his report that he suggests that no visual alteration of the cliffs be allowed in any circumstance and that high visual standards be maintained along the entirety of the Rim Road on top of the Plateau.

MAY 5, 2003
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, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 – Linda Twidwell, Clerk and Recorder's Office

Mildred Alsdorf, Jennifer Stately, Amanda Garrison, Pat Davidson, Marian Clayton, and Marsha Tadus were present for the award.

Mildred presented Linda to the Commissioners and stated that Linda came to work in the County Clerk's Office in October 2000. She is a Recorder of Documents in the Recording Department and works well in that department. She is an outstanding employee. Linda also became outstanding in the County when she brought forth the idea of the "Support Rally for the Troops" and worked very hard on organizing volunteers, publishing and making it an event to remember." Mildred said she is very proud to have Linda as employee of the month; she is very deserving. Linda said she appreciates the vote and credit goes to all of the employees because without them, she wouldn't be able to do her job.

Possessory Interest Tax – Shannon Hurst

Shannon alerted the Board that a taxpayer will be before the Board next week regarding the Possessory Interest Tax and since she has never been over this with the Board, she submitted a handout explaining it. Vail Associates operates the Vail Ski area under a special use permit from the U. S. Forest Service. They challenged Eagle County's taxation of its interest in the federal property. They argued that it could not be taxed because legislation (SB 96-218) passed prohibited taxation of possessory interests in property that is itself exempt from taxation. Because the US ownership interest could not be taxed, Vail contended that its possessory ownership interest could not be taxed.

The Colorado Court of Appeals upheld the constitutionality of the 1996 legislation and ordered Eagle County to remove the assessment. Eagle County appealed, and the Colorado Supreme Court reversed the decision of Court of Appeals. The State Board of Equalization ordered all Colorado counties to value all possessory interests beginning with the year 2001. By definition, possessory interests is a private property interest in an otherwise tax-exempt property or the right to the occupancy and use of any benefit in tax-exempt property that has been granted under lease, permit, license, concession, contract, or other agreement. She continued to explain to the Board the criteria, valuation, problems and statistics stating for the year 2002, Garfield County has the following stats on possessory interests: 258 parcels, actual valuation - $578,790; Assessed valuation - $167,850; and taxes calculated using an average mill level of 60.0 - $10,070. She submitted a draft letter that was mailed to those certain possessory interests that are subject to ad-valorum taxation. She also included the names of our three state legislators: Senator Jack Taylor, Representative Gregg Rippy and Representative Al White as legislative members for contact regarding concerns about the Supreme Court case and legislation regarding the taxation of possessory interest.

Project Agreement with White River National Forest – John Martin

The Project Agreement to Road Agreement No. CA-15-00-96-005 for repair and restoration of the New Castle Buford Road and the Clinetop road from the Forest Services were submitted for the Board's approval and the Chair's signature.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman's signature on the Project Agreement for repair and restoration of the New Castle Buford Road and the Clinetop Road from the Forest Services; motion carried.

Alan Chapman – New Coverage – Additional Rider

A time was set for Tuesday, May 27, 2003 for a Special Meeting – 10:00 A.M.

Mike Henry

Mike Henry's residence, before the Coal Seam fire in 2002, had an apartment in the lower level 2002. He was not aware at that time that the second residence was in violation of the zoning code in that area. He hired Brad Jordan who planned and started construction on a duplex for a two family dwelling. The

Planning Department stopped construction citing the additional dwelling unit was a legal issue, it was not allowed as a use by right and that he needed to request a Special Use Permit. Mike maintained that he and the Building Department were equally at fault and quoted the predicament he was in by listing hardships. His request to the Board is to be able to continue with the construction of rebuilding his home into a duplex unit. The SUP takes up to 60-90 days to obtain and he plead with the Board for some assistance in the process.

Mark Bean stated this occurred in January; it was formerly represented that the second residence in the home that was destroyed was illegal, which was incorrect. It was not a non-conforming use. To remedy, it requires a Special Use Permit to go forward. Mark does not have the authority to proceed. The error was due to a lack of research of the Building and Planning and Mr. Henry. Miscommunication is the issue.

Don advised the Board that they do not have the authority to waive their building process. This is an authorized Special Use Permit or he must obtain a variance from the zoning regulation.

Mr. Henry was provided the paper work from the Building Department and was told he had to comply with the 30-day noticed public hearing. The Board agreed to hold a special meeting in order not to delay the process further because every effort was being made to assist the fire victims in restoring their homes.

Discussion with Carbondale Police Department Re: Communication Site – Dale Hancock and Gene Shilling

Dale said this has been previously discussed with the Board and Dale shared the concern with Gene Shilling. Gene explained that the Carbondale Police Department has leased the TR translator site above CRMS on Tick Ridge for the past several years. This site is currently not used by Garfield County and the Carbondale Police and Fire Departments would like to take over the operation of this site and purchase the assets for $600. They have contacted CRMS and CRMS has agreed to lease the property to them where the assets are located. The purpose for this site is to place a fire repeater and other equipment for use by the Carbondale Police and Fire Department. He added that, if in the future the County needs this site for public safety equipment, they would be happy to work out an agreement for use of this site as long as space and equipment did not interfere with their current use.

Dale informed the Board that this is a 1970 lease agreement with CRMS specifically for public broadcasting. Commissioner McCown is not in favor of losing our ability at this site. Dale clarified that CRMS wants to renew their lease and spoke to Gene. Gene is the one that suggested taking over the lease. When we had the original agreement with the County it was for just a repeater. Now they want to add Fire and Police. Gene stated it doesn't matter – a lease is a lease. If Carbondale has most of the equipment and if the County wants something from the Town, then he is willing to pay.

Commissioner McCown insisted that it is the protection he is wanting. The Communication Board may need this site for later. He suggested a contract in writing that the County can use it at no cost should there become a need.

Dale clarified that the existing lease on the property is in the County. Carbondale wants us to relinquish the County's lease and let Carbondale. There is a monetary value of assets for the building. There is no license for a TV or communication site at the present.

Don DeFord added that in order to accomplish this, the Board has to agree to relinquish for the $600.000. The options are to terminate lease with CRMS and allow Carbondale to hold the lease; agreement with Carbondale on future use of the site by the County and accept the $600.

A decision was made by the Board to require a letter from CRMS stating they will be in a lease with Carbondale Town and Fire District and then also at the same time an agreement or MOU to allow the County use of the site and then at that point terminate the County's lease. This can be accomplished between Bob Emerson and Don DeFord. This will be brought back before the Board once the paperwork is in place.

Correspondence – Extension Office – Dale Hancock (handout)

Patrick McCarthy, Agricultural and Natural Resource Agent through Extension and Dale Hancock were present. Pat indicated that the program for Cooperative Extension will be subject to some budget cuts. The potential is a loss from 15-20 field staff. He asked the Board to provide input as to direction in what functions they wish to continue, where to cut, etc.

Dale and Pat did some investigation and of the 57 counties, each one is experiencing about $23,700 in cuts. We will know more by May 15, 2003.

Commissioner McCown stated he wants to protect 4H and support for the program.

Pat - Master Garden will continue as much as we can, provide as much small acreage information and some information to Ag producers and keep doing these the best we can. The things that we hear we need to improve upon are to expand and diversify opportunities in 4H and there have been some changes. There used to be 6 – 8 in shooting sports and now we have 100 now. We need to continue to have some continued opportunities for Master Gardeners both educationally and volunteer wise. If there's a cut, it will end up being a program cut as well. Extension agents were encouraged to go after grant dollars and now some will go through State offered programs offered from the State of Colorado University. Nutrition Education Program has no cuts, these are federally funded program and a position was discussed a few years ago. Some of the Extension Agents will end up being part time nutrition education people just to save them and because there is a need for this as well. The program focuses on low income people to help with general nutrition. Dale said they had a discussion a few years ago concerning melting that nutrition position into public health. He asked the BOCC to consider making this a grant out of Human Service Commissioner Grant to serve the County. This would free having the Commissioners tied to a County budget but yet able to make a single appropriation to the Colorado State University for that service.
Master Gardener - Commissioner McCown suggested the possibility of enrolling them in a program to Grand Junction. The County does not have enough numbers to have our own. At present, we are working with Eagle County. When it wasn't offered, we had 15 – 20 but now there aren't enough interested parties. In Pitkin County – those who enrolled have to pay the entire cost of the program. Garfield attempts to cover the cost of the programming. Commissioner McCown felt the people ought to pay for the program. They can go out and make money after they complete the program.
Pat will summarize these comments and pass them on to Nathan.

ROAD AND BRIDGE – EARTH DAY – This year the County took in 177 tons into the Landfill: 377 customers and 819 tires, 49 appliances; 39 mattresses; and were over last year by 236 customers. In the previous year, we too in 91 appliances and 23 mattresses taken in; 1,049 tires last year. This year the cost saved the citizens of Garfield County was $11,896.00 if they had charged this year.

Access Committee Concern – Canyon Creek Parking onto BLM Property – Brian Hopkins
Commissioner McCown requested to be able to give Marvin the Authority to work on the Canyon Creek Road – dead ends at BLM – no place to p[ark or turn around. This is encroaching private property. Marvin was directed to speak with Brian.

COUNTY SHERIFF UPDATE – LOU VALLARIO
Dale Hancock – Received a phone call at 4:30 A.M. to inform him that the Sheriff has water in his basement and will not be able to make the meeting – not only is his basement flooded but his septic is backed up as well.

COUNTY ATTORNEY UPDATE – DON DEFORD

Discussion of Pitkin Street Properties – Dale Hancock
Dale was contacted by Deb Stuerwald, one of the two owners of properties south of parking lot on the west side of Pitkin Avenue. Dale received another proposal from her. This was distributed and held over for an Executive Session since it is a negotiation on property acquisition.

Scheduling Hearing Dates for BOE
Previous dates were scheduled for July 15 through 25 omitting the 24th due to Commissioner meeting conflicts and August 5 for a back-up date. July 22, 23, & 25, 28 - 29 – 30 – 31 – August 1 and the morning of August 5
Shannon was anticipating a number of commercial appeals as well.

Powerline Park – Don introduced the item and stated the Board had authorized him to call on a letter of credit if the improvements had not been accomplished. Mark had contact with John Barbee with the development, as well as the bank and our engineering department, Jeff Nelson.
Mark updated the Board stating that he and Jeff Nelson were out on site along with Jay Rickstrew, the banker. The project is not completed at this point. Jeff has asked for revised as-built drawings to be submitted in order for him to review what progress has been made. The bank has extended the letter of credit so we do have a letter of credit in place. This is expected to come back before the Board on May 19th and the possibility of another continuance or possibility of having to draw on the letter of credit. At the present, Mark said they are waiting on the as built drawing to review. This was continued until June 2, 2003.

Executive Session: Litigation Update - Property acquisition matters

Carolyn, Catalina, Ed, Jesse, Board and Mildred were requested to be present; and Dale for the Pitkin Street properties; Mark Bean for the Mike Davis and RFTA relocation of site consideration.

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

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

COMMISSIONER REPORT

Commissioner Houpt - Tuesday evening, EnCana presentation at the Elks at 7:00 p.m. involving the Divide Creek and Mamm Creek Homeowners. Doug Dennison will be attending and Commissioner McCown and Commissioner Houpt as well. Rec'd letter from the Monument Gulch Wildfire Restoration Committee formed by the Battlement Mesa Service Association to execute a project to restore the natural vegetation that was destroyed several years ago. They partnershiped with several other entities and they are looking for a letter of support from this Board on a grant that they are submitting to the StEPP Foundation. This is due today; Ed said he will take care of it. Mountain Regional Housing Corporation (CHADO) send another request for the $10,000 grant in matching funds they presented to the Board several weeks ago. Discussion was held and Commissioner McCown voiced not being in favor of supporting this and did favor trying to keep the current programs going. Chairman Martin agreed that we are at a point now of cutting services trying to find revenue such as today for the Extension Office, Social Services, etc. and felt the County was not in a position to support the request.

Commissioner McCown – meeting with Rifle City Council on the 7th - 5:30 – 7:00 p.m. Donna Mall's funeral (Jake Mall's wife) Thursday, May 8; and 2:00 pm Sat., 5-10-03 - Claggett Hospital grand opening.

Chairman Martin – Transportation meeting with the City of Glenwood Springs on Wed. 5 P.M. and Joint Meeting with Rifle in Rifle at 5:30; 11 on Wed – 2-6800

Question on the ballot – can we create a transportation taking in Glenwood Canyon – to take care of the fixed – could lead to a ballot questions. 11am on Wed.

Denver Thurs – I-70 pre-draft form. MS walk –p Sat 10th; Tuesday noon – Locks for Love will cut at downtown hair –

Jesse – gone this weekend. Daughter and wife to Spain.

Rife – pre-annexation and talk about water and sewer credits – 5-7-03 for County Attorney.

Relocating Taughenbaugh building to Lift-up, Road, and Bridge Facility.

CONSENT AGENDA

a. Approve Bills
b. RFTA Bus Stop – Mike Davis
c. Authorize Chairman to sign the Final Plat and Subdivision Improvement Agreement for Sundance/Filing 4 of Aspen Glen. Applicant: Aspen Glen Golf Company – Mark Bean
d. Authorize the Chairman to sign the Resolution for the Preliminary Plan for Colorado River Oaks Subdivision – Tamara Pregl
e. Authorize the Chairman to sign the Fritzlan and Hangs (Collins) Special Use Permit Resolution – Tamara Pregl
f. Authorize the Chairman to sign the Subdivision Improvement Agreement for the Cottages at Eagles Nest 2, LLP – Mark Bean
g. Wire Transfers – 1-5400 - Georgia

b. Bair Chase (RFTA) – Mike Davis

Item b was removed from the Consent Agenda for Clarification.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to remove Item b from the Consent Agenda; motion carried.

Mark Bean and Mike Davis were present. The request is to move the bus stop across the street, some 200 feet difference, from the north to the south. This was approved as part of Sanders Ranch PUD.

Don informed the Board of an existing Ordinance requested by RFTA and it requires amending when there is a change to a bus stop. In addition, transportation issues were added to the 1041 Regulations. Action is needed to amend the Ordinance to offer service.

Don sent Renee Black, Attorney for RFTA the Ordinance several months ago but has not heard anything. A number of places were approved for service. Previously advised Noone when they are asking for service, the Ordinance needs amended since there is a proposed alteration of this stop and usage. The Ordinance

still needs to account for this. The BOCC can repeal the Ordinance and just generally allow service if this is what the BOCC wants. This specific location is moving up the street by 200-feet.
The Board asked Mike to look into the Ordinance and report back to the Board. RFTA needs to look at it, they requested the Ordinance and they are the ones requesting the service. There is a time line; the developers are moving forward and want to make sure they do everything correctly, including building a bus stop. Renee told Mike anytime they move a bus stop; it needs to be approved by this Board.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g, absent item b.; carried.

PRIORITIZE ENERGY IMPACT GRANTS – ED GREEN
The following grant applications were submitted.

- Town of New Castle – Colorado River Raw Water Transmission System – Bill Wentzel, Mayor; Steve Rippy, Town Administrator and Jim Stevens
  This project is to pursue the development of an alternate source of water in order to alleviate the pressures of drought, water rights administration, and the potential for poor water quality from the East Elk Creek watershed due to the 2002 Spring Creek Fire. Construction of an alternate water supply facility from the Colorado River would provide eth Town with a reliable secondary water source. The amount requested - $300,000.
- Town of Parachute – Water System Improvements Grant Application – John Losche, Mayor; Juanita Satterfield, Town Administrator
  This project identifies the needs for prioritized water system improvements. The amount requested – $514,520
- City of Rifle – Whiteriver Avenue Bridge – Keith Lambert, Mayor; Selby N. Myers, City Manager
  This project is to construct a bridge on Whitewater Avenue at Rifle Creek to replace an undersized culvert. Grant amount requested - $250,000. The remaining portion of the funds will be obtained by $100,000 from the County and the balance from the City of Rifle
- Town of Silt Water Conservancy District – Norman H. Hunt, President; Scott Dodero/Pearl Knight, Manager/Secretary
  To allow the Silt Water Conservancy District to continue to supply irrigation water to its customers, the District must purchase and install a transformer and related equipment that is compatible with the changes Excel Energy is making in their transmission line. Grant amount requested - $879,610
- Garfield County Airport Road Improvements, Phase I County Road 319 - John Martin, Chairman of the Board of Commissioners; Jeff T. Nelson, Assistant County Engineer and Ed Green, County Manager
  This project is for roadway improvement for 5,280 linear feet of existing asphalt roadway to include but not limited to widening, realignment, and structural section changes. Grant amount requested - $600,000
- Garfield School District No. RE-2 – Vicki VanEngelenburg, President RE-2 School Board; Theresa Hamilton, Director of District wide Services. Selby Myers presented.
  After 20-years of discussion, this project will provide safe, paved access to Wamsley Elementary School, Deerfield Park and Deerfield Park P.U.D. along 30th Street in Rifle. Grant requested - $299,754
- Grand River Hospital District – Bruce Mills, President, Board of Directors; Cindy George, Grants Coordinator
  This project is to re-roof, remodel kitchen, install new call bell system, install automatic apparatus on front doors and make some interior repairs at E. Dene Moore Care Center. Grant requested - $157,667

Due to a mix-up in the letter and the agenda time posted, the final decision will be at 1:15 p.m. in case others show up to provide input.
At the 10:15 a.m. agenda, no one was present for the Grand River Hospital District and the Town of Silt. Commissioner McCown noted that the grants are on hold from the Energy Impact Assistance Grants.
The votes were as follows:

Number one – Town of New Castle – Colorado River Raw Water Transmission System
Number two – Town of Parachute – Water System Improvement Project – Alpine Meadows
Number three – Garfield County Engineering Department – Airport Road Improvements-Phase I
Number four –Silt Water Conservancy District – Silt Pumping Facility Transformer Replacement
Number five – Valley Senior Center – Replacement of heating and cooling units (3)
Number six – City of Rifle – Whiteriver Avenue Bridge
Number seven – Garfield School District RE-2 – 30th Street – Wamsley School
Number eight – Grand River Hospital District – E. Dene Moore Care Center Remodel/Repairs

PUBLIC MEETINGS

FORMAL GARCO RESPONSE TO BLM ROAN CLIFF'S DRAFT EIS – RANDY RUSSELL

April 24th a meeting was held in Rifle where the comments were summarized.

Randy submitted the draft version and the amended version of the Road Cliffs internal review of the working document. He explained the comments and summarized saying, "Garfield County recognizes the need to institute an overall management framework for the NOSR area and does not recognize any compelling need or rationale to lease any further areas on the Plateau top for oil and gas exploration at this time. Current BLM Leasing Policy does not imply timely development, economic activity, or any requirement that national energy needs to be met by a specific date, not does it influence an already prolific and increasing production level from this region. On the other hand, given the potential for future energy production needs, leasing strategies and future allocations of leases should be explored now as a part of this process as prudent management and to the extent that they are, folded into the overall management plan as "phased" future potential activity, and constrained tightly to areas that allow other values to be managed and monitored on the Plateau top. Garfield County is open to the concept of Triggers that would allow such phased development when the need is clearly identified, conditioned on those decisions being subject to open public review prior to those decisions being made. Current values, management, and the findings of previous research should also be folded into the plan as ongoing management strategies and be present in any alternative, much less a Preferred Alternative. Garfield County is in partnership with the BLM and surrounding counties including City of Rifle, Rio Blanco County.

The revised draft dated 5/4/03 included paragraph 15 where Oil Shale and Coal development need to be included and an amended paragraph 23.

A Power Point was presented by Randy. (Copy on File in the County Clerk's Office).

Public Input included comments from: Mule Deer Foundation – Denny C. Behrens; Magnum Outfitters – Keith Goddard; and Bob Elderkin.

Bob Elderkin – asked the County to request that the BLM change how thy manage gas exploration on their own Plateau. It can be done without sacrificing other resources. The draft plan discusses impact by 40 acre and 20 acre. One company has approval for 10-acre spacing on private land. Down hole spacing, pads, and the number of wells needs to be addressed. The benefits of his proposal were to reduce the impacts to resources, wildlife, and traffic. Urged BLM to adopt a much more proactive stance.

Keith Goddard – Magnum Outfitters – all the maps he has seen have not identified fawning areas. The impacts will be terrific, public access will be increased. He runs all commercial outfitting including fishing on Roan Plateau. He would like to see the County suggested times for wildlife and set the bar as an example for other Counties.

Chairman Martin noted there was a representative from the Division of Wildlife where this information can be relayed.

Denny Brhrens – Executive Director – Mule Deer Foundation – Provided an overhead (handout). A number of sportsman's organizations have been working with the DOW to identify the wildlife habitat in the state, including migration. One of the things found was when it discusses fishing habitat but no assessment on big game. The lost of winter habitat and the effect on deer and elk was undermined. They hope the Division and Sportsman Groups can come back as to the effects on the winter range. Gas exploration is viable for the County and the entire State. With more exploration, directional drilling is the way to go. This has less impact on the environment, calving and fawning area.

Claire B. - Carbondale – Colorado Mountain Club – 10,000 memberships. Regional impacts. Reminded the Commissioners when they consider the regional aspects, 80% is open to oil and gas and in that there are 94% recoverable gas resources. A lot of land is already open to oil and gas and now looking at the Roan Plateau – almost ½ of the Roan is open to gas. The public wants to protect this area due to the wildlife diversity. This is a small percentage and they are looking for protection.

Joe Klugston – Rifle is impacted; this is a playground. BLM asked everyone to look at the alternatives. Alternative F was selected as the least impactive and obstructive. If we must do gas exploration, directional drilling would be the best method to go. Transportation in and out for a pipeline is a major disruption to wildlife; it is very threatening to deer and elk.
Lisa Bracken – The impacts to wildlife are very extensive to wildlife. The impacts to tourism dollars are great. Directional drilling is a good thing. The traffic impacts are still as great but they have organic means for dust control and they need to be forced to use these types of mitigation.
Randy thanked everyone. The County used experts to comment and count on participation when the final draft is submitted for comment.
Matt Cera – Director of Western Colorado Congress - Unable to find DOW comments – caught in the system. A memo of understanding with DOW would be beneficial.
Randy informed Matt that they were individually submitted.
The Board needs to submit any changes.
Discussion – Chairman Martin conveyed that in the original draft it was for setting aside the potential for oil shale development to allow us to find it and if it is left out, then we could be go back in and change it. Commissioner McCown agreed the need for the right technology – define the place, the system, and the mitigation for the future. He is not advocating the need to develop it. Greater emphasis and acknowledge that it was there and wants some strict guidelines set by BLM the same as for other mineral extraction. There was talk with Greg on some experimental Shale and they are doing an experiment but not in this particular area. He made note for the record that before this was transferred, it was the Naval Oil Shale Reserve. This needs to be protected for our children and grandchildren. Oil shale may be a viable source of energy and this is the world's largest deposit.
Lisa Bracken – commented on the good ideas the oil and gas industry are looking into, especially on the 640-acre block spacing. They will be doing an analysis.
Commissioner McCown – there is a 3,000-foot variation from the downhole spacing horizontal for drilling. Smaller pads are easier to hide and recommended the smaller pad because they can be tucked away with fewer impacts.
Randy will add 640-acre to paragraph 14 and add in paragraph 17, the wildlife issues and ask them to reexamine in research.
Lisa Bracken – in research she suggested adding to fund and assist in the study as BLM and DOW have a lack of funding and do not have up-to-date information on migration studies. Without adequate baseline studies, we stand to lose many natural resources.
Commissioner McCown – noted in the initial conservation easement it would restrict industry traffic with all traffic coming off the Rim Road.
Randy suggested for those who have specialized comments that they should give them to BLM – they are the ones who need to hear these detailed comments. He will change and resubmit the draft for signature of the Board later today.

AIRPORT UPDATE – BRIAN CONDIE

Brian Condie and Carolyn Dahlgren were present.
Land Lease Proposals
Brian gave the Board a report on the status of projects at the airport stating he received two of the land lease proposals. - Rifle Jet and Corporate Air Service on the same parcel of land, which was his office space. The County Manager, Dale Hancock and Brian are evaluating the proposals. There are a lot of people talking but there are not very many who have the funds to start a project at this time. From that we can now go to a first come, first serve on all those properties for those who can comply with the Airport Master Plan. This might lead to future changes in the taxiway and ramp project. Instead of developing new lands for our hanger space, we could extend the runway or the infrastructure in the current flight line to make it more acceptable to the local pilots. It would also make it more economical for the local pilot. When that is filled up, continue with the taxiway project in a couple of year when the demand is there, we can fill it in.
VOR – Brian heard from the FAA on the situation and it was again denied to put a building in there. The company could resubmit if they put a fiberglass face up with limited steel structure up front. It reflects off into the missed approach area, which could cause problems for our airport. This leases us with several alternatives for that building site, which is 1) we can put smaller Hangars in there, another option is we can leave it as an access to a cul-de-sac for Hangars in the back and then another company use the land if they meet specific requirements from the FAA. Because it is unbuildable, we need to find an acceptable

replacement alternative for the Rifle Jet Center to meet their minimum criteria of 100,000 sq. ft. They are working on this with Carolyn and will be before the Board next week to request a relocation site. With the existing area we have, we'll do our best to find another area that is acceptable for them.
Brian commented on the best use for the VOR void. One was in getting an upgrade to a Doppler and the FAA regional represent told him we have one of the two brand new VOR's in the area and we're 50 on the list for getting it replaced. The likelihood of us getting that replaced is basically zero. We can put this area out for smaller Hangars along the side of either Corporate Air Services or Av-Teck and leave a taxiway for our smaller aircraft.
Chairman Martin suggested bringing this to the attention of our Senators and attempting to place us in the top 5 spots for a new VOR. Brian can add some viable information on why it's important for our Airport.
Commissioner McCown wants to let the elected know of the continued type of use that it would allow on that flight line rather than going with small private Hangars and then back up to the large commercial units.
The FAA is not saying we can't build a large hanger; they're saying do a fiberglass front with minimal exposure because the beam goes right through the fiberglass and could reflect off the structure and again cause a phantom signal so they would have to run that through their computer monitor. As our flight line becomes more valuable, there may be a lessee would incur that cost just to be able to get on the flight line.
Brian reiterated the problem with the steel is a reflective issue and that's why fiberglass would be necessary. This would require an additional $10,000 engineering fee and they would be at risk in case the FAA said no on that proposal. Ed agreed with Commissioner McCown that it would be best to wait until we find a suitable customer that will want to invest. Brian was just giving an update and more information would be needed. This is an option they can look into.
RFQ – these are for our primary consultant and are due back on May 15th; thus far we have 10 requests for those. We have approved that agreement for use and we have two companies, BLM and Buffalo Motorcycle that are coming into compliance with that. The BLM wants to use our airport for their C-Planes, single engine fire tankers and working out a deal with them.
The primary guiding documents are still being worked on but they are just about completed.
AUTHORIZATION TO SIGN CDOT GRANT APPLICATION for the fog-seal. The project has been approved but now we have to do the grant. Carolyn explained the grant and the dollar amount of $54,400 of which the County match is $10,880.00.
Commissioner McCown so moved to authorize the Chair to sign the grant application; Commissioner Houpt seconded; motion carried.
OUT OF STATE TRIP AUTHORIZATION – BRAIN CONDIE
This is for a Fire Training School that will be held in Salt Lake and in the fall, he can do an actual burn and not get in trouble or hurt himself. He will stay with relatives. The request is for a not to exceed $1,000 with $620.00 for the cost of the training. Commissioner McCown made a motion to approve the out of state travel for Brian Condie for a total not to exceed $1000. Commissioner Houpt seconded; motion carried.
Changes in Aviation Industry – Brian submitted the information on a Commissioner's Conference to update on status of the airports and industry standards for their consideration.
Today is Brian's one-year anniversary as the Airport Manager.
Executive Session: *Direction to Staff – Lease Enforcement*
Carolyn requested the Board give directions to staff regarding the letter on lease enforcement at the Airport.
Commissioner McCown made a motion that the Chair be authorized to sign that letter as discussed, amended and corrected; Commissioner Houpt seconded; motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Alkali Creek
Barton Porter – Letter Corp of Engineers. Reiterated his former request for a letter from this Board regarding the pipeline for drainage he placed on his property. Chairman Martin informed Barton that Bill Porter had also been before the Board about the same pipeline. The result of that discussion was left with Bill going to call Chairman Martin as to what the Corp of Engineers is wanting from this Board. This pipeline was put on private property. Barton also accused the Board of trespassing; Chairman Martin informed Barton they were only checking on Barton's request for chip seal versus gravel and how far up the road, they would be able to go with that application.
Jake wants to do that road but he will need to turn around and not encroach. Barton informed the Board that the Road and Bridge could turn at either entranceway – the upper way, or turn around at Marlow's.
Chairman Martin needed clarification – This came up because of that deal of Corp of Engineers.

Bill had an encounter with Don and Marvin to see if we could go forward and Bill ran them off the road and stopped him. Bill told them not to come up that road. Commissioner McCown clarified the passage on the County Road. If there are any problems come to him. Plans are to chip seal but will not be able to go all the way – try to budget it to get as far as possible.

Statement for Payment

Gerald W. McKeef of 1312 R 129, Glenwood Springs, presented a statement and demand for payment related to a Social Services issue. He stated the total owed him was $620,345,912.01 as of March 15, 2003.

Roan Plateau Draft – Incorporating the Discussions previously in the meeting

A motion was made by Commissioner McCown and seconded by Commissioner to authorize the Chair to sign the letter to Greg Goodenow on the Review of the Garfield County Internal Draft, Roan Plateau RMP-EIS; motion carried.

PUBLIC HEARINGS:

REQUEST TO CONSIDER A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. APPLICANT: FRANK AND MARIANNE CHAPMAN. LOCATION - 3409 COUNTY ROAD 315, SILT – TAMARA PREGL

Tamara Pregl, Marianne and Frank Chapman and Carolyn Dahlgren 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.

Chairman Martin swore in the speakers. Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000, as amended; Exhibit E – Staff Report dated April 14, 2003; Exhibit F – Application Materials; Exhibit G – Letter from Jake Mall, Garfield County Road and Bridge Department, dated February 19, 2003; Exhibit H – Staff Report dated February 10, 1999; Exhibit I – Resolution No. 99-063; Exhibit J – Special Use Permit recorded in the Garfield County Clerk and Recorder's Office on August 10, 1999; and Exhibit K – Floor plan of existing residence to be converted to an ADU from building permit file. Chairman Martin entered Exhibits A - K into the record. This is a request for approval of a SUP for an Accessory Dwelling Unit for the conversion of an existing residential unit to an ADU in order to allow for the construction of a new residence on the upper bench of the property. Tamara added that the property has two very distinct benches, which are separated by a well-defined ravine that traverse the property from west to east. The subject property contains approximately 35 acres. The property is located at 3409 County Road 315, Silt. Exhibit L – new Access agreement with Road and Bridge.

Chairman Martin entered Exhibit L into the record.

Recommendation:

Staff recommends approval with the following conditions:

A. 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.
B. Prior to the issuance of the actual Special Use Permit, the Applicant shall:
    1) Provide a four (4) hour pump test on the existing well. The well shall at a minimum provide 100 gallons of water per person, per day assuming an average of no less than 3.5 people per dwelling.
    2) Provide a water quality test for the existing well.
C. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
D. Any changes to the Special Use Permit [under the name Gleason] granted by the Board of County Commissioners to the property in 1999, for the storage area to allow recreational vehicle storage, will require a new Special Use Permit.
E. The Applicant shall obtain an updated driveway permit from the Garfield County Road and Bridge Department.

Marianne stated they were trying to improve the property and feels this would be a great addition to the County. They will be the only leaseholder in the ADU; they are working on the pump test.

Motions

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a Special Use Permit for the Chapman's, with the five conditions submitted by staff; motion carried.

CONTINUED PUBLIC HEARING FOR SPRINGRIDGE II PLANNED UNIT DEVELOPMENT LOCATED ON THE GREENWALD PROPERTY ON DRY PARK ROAD. THE APPLICANTS/OWNERS ARE S & S RANCH, LLC; SBJ RANCH, LLC; FREEMAN RANCH, LCC; GSB RANCH, LLC; AND WILD MOUNTAIN RANCH, LLC, REPRESENTED BY PATRICK FITZGERALD

Fred Jarman, Carolyn Dahlgren and Pat Fitzgerald were present.

Pat Fitzgerald – Asked the Board to continue this until a later date because the arrangement to dedicate the conservation easement to Aspen Valley Land Trust was still not completed. The latest situation is one with the water. The AVLT requires that the water stay with the land. The City staff has agreed to the water staying with the land but it has to go to the City of Glenwood Council for a vote and Pat was unable to get on the agenda at the City. That has been scheduled for May 15, 2003. The desire is to sign the contract with AVLT before having this before the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to re-schedule this to the May 19th at the 10:15 a.m. agenda; motion carried.

CONSIDER A REQUEST FOR AN APPLICATION FOR A SPECIAL USE PERMIT FOR "NATURAL RESOURCE PROCESSING" FOR THE WHISKEY PARK CABINS OPERATION IN THE A/R/RD ZONE DISTRICT. THE PROPERTY IS LOCATED APPROXIMATELY FOUR (4) MILES NORTHWEST OF THE CITY OF RIFLE ON STATE HIGHWAY 13. APPLICANTS: STEVE AND KAREN WILSON

Fred Jarman, Carolyn Dahlgren, Karen and Steve Wilson 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. Chairman Martin swore in the speakers.

Fred the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000, as amended; Exhibit E – Application; Exhibit F – Staff Memorandum; Exhibit G – Letter from County Vegetation Manager to Building and Planning Department dated 4-25-03; Exhibit H – Estimate from Alpine Gardens Landscaping dated 4-14-00; and Exhibit I – Letter from Leavenworth and Karp dated 4/29/03 [included is a letter from Alaine and John Seastrom who are not adjacent property owners objecting to this SUP.] Chairman Martin entered Exhibits A – I into the record.

Fred presented a Power Point for Natural Resource Processing to walk though some of the issues. This is a request for approval of a Special Use Permit to allow the owner of the property to conduct natural resource processing in order to operate the Whisky Park Log Cabin business, which basically consists of importing raw logs to the property to be used in the fabrication of log cabin homes to be dismantled then delivered to the destination site for reassembly. The site is on 5 acres adjacent to State Hwy 13 in Rifle. The property owners, Steve and Karen Wilson have owned and operated the Whiskey Park Cabins business in Silverthorne, Colorado for the last 20 years. General Issues outlined were noise, berm and ISDS. George Strong is the adjacent landowner with a log business.

Recommendation:

1. That all representations made by the applicant in the application, and at the public hearing before the Board of county Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. This permit granted is for this specific use only as presently described. In the event any representations made in the application for which this permit is granted change and are no longer consistent with the representations in this application, the applicant shall be required to submit a new permit application to the county addressing the changes.
3. The Applicant shall obtain all necessary building permits and ISDS permits in order to construct a 30,000 gallon water tank as fire protection water for the area pursuant to the recommendation by the Rifle Fire protection District and to construct the office with a bathroom to include a sink for potable water and to serve the wastewater/sanitation needs of the operation. No Special Use Permit shall be issued by the Board until these improvements has been constructed and approved.
4. The applicant shall erect an eight-foot tall sight obscuring fence as depicted on the site plan to be located along the southeast property line obscuring view into the work and storage area from the

neighboring property (065 on Assessor's map) as well as from State Highway 13. No Special Use Permit shall be issued until this fence has been installed.

5. The Applicant shall construct roadways through the project site that can support the weight of heavy emergency apparatus as well as the required turning radius for these types of vehicles.
6. The Applicant shall post the address of the facility where the driveway intersects the highway so that the site can be easily identified. Numbers need to be a minimum of 4-inches in height, ½ an inch in width, and contract in color from their background.
7. The applicant shall clear open spaces around the area of operation as defensible space in the event of a wildfire.
8. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes at the time any new application is made.
9. Emissions of smoke and particulate matter: every use shall be so as to comply with all Federal, State and County air quality laws, regulations, and standards.
10. Emission of heat, glare and fumes: every use shall be so operated that it does not emit 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.
11. Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate odes.
12. No materials or wastes shall be deposited upon a property in such form or matter that they may be transferred off the property by any reasonably foreseeable natural causes or forces.
13. Any repair or maintenance activity requiring the use of equipment that will generate noise, odors, or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Monday through Friday.
14. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right of way.
15. Any lighting of storage area shall be pointed downward, inward to the property center, and shaded to prevent direct reflection on adjacent property.
16. The Applicant shall post a vegetation security with Garfield County in the amount of $2,300.00 for the revegetation plan. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the County Weed Management Plan. No Special Use Permit shall be issued until this security has been provided to the County.

Additional Exhibits were entered: Exhibit J – a letter from Joyce McKee – no objections to the SUP; Exhibit K – Letter from Bruce Nauroth – no problems; and Exhibit L – (3) Photos of the property.
Commissioner Houpt voiced a concern and question of incompatibility allowing the processing of logs that were not grown in this region to be allowed as a natural resource under a Special Use Permit. She is concerned that we will start setting some type of precedent, affecting the quality of life with additional traffic on County Roads in the agricultural community.
Steve Wilson commented that the traffic impacts generated from State Highway 13 that is adjacent to his and the neighbor that is mainly complaining, Ms. Seastrom.
Fred noted that the Commissioners have discretion in this type of a review. The precedent has already been set by other similar operations.
Steve explained the berm, the plans for revegetation, dust control, and future plans to build a home on the adjacent property of 10-acres, a parcel that is even taxed separately. soil is very dusty and silty. It is growing grass on its own. The plan is to take this topsoil and grow some grass with the least amount of water. Seed it and water it to keep it started and plans to let the average rainfall to keep it going. They will put some rocks and Sage Brush. They plan to build a house on the 10-acre property above the operation. The future proposed office would have shop lights – one security night-light. They would like to have a sign permit to be applied for later that would also be lighted. Commissioner Houpt explained the concerns of the Seastrom letter. Steve Wilson illustrated the noise from a pick-up truck on State Highway 13. A noise study was not an issue and demanded an 8-foot fence and Steve has added a 12-foot berm.
Commissioner McCown asked about their operation and if the noise factors are intermittent. Steve said he

is very seasonable and this is in 100-degree property in July and August. He is flexible on the time the chain saw would be running. He requested to have this flexibility since there will be many months that this would not be in operation. If a neighbor complained, he would work with them. The trucks coming down with jake breaks are the worst noise factor. Steve – his intention is not to be here working here in August in the extreme heat. January – April is when they will cut and form the logs and work in this area. They work with the construction phases and foundations in the summers. Fir logs cannot even be purchased until September and import logs in November. Most of the trucking in and out is done in those months. George Strong is to the south – he already has an operation going.
Elaine Seastrom – photos passed around. Since the Strong's came in it has been an issue. The back-up noise on the Strong's property. The zoning was checked but they didn't know that A/A/RD would allow industrial use. Several geographic issues that the Wilson's did not bring up. This is 12-hours a day of construction. The Strong property was bad and now to have two similar uses is unbearable. She submitted photos. Issue – will the pieces of property be affected by this industrial use? 3-5200 – Fire issues were reiterated. She asked the Board to keep industrial uses were it should be and not in a residential area in rural development.
Fred Jarman verified no other letters beside the Bruce Nauroth and Joyce McKee who favored the Special Use Permit.
David McConnenhay – on Seastroms behalf - slide of the Assessor's map was presented showing Property 66. The Berm is on 64 and 67. He argued the noise statute and the threshold issue is even if this is a permitted use in this zoning.
George Strong – property owner to the south has held a SUP since 1984 and this was before the Seastroms moved to the area. The fire that was referred to was not put out by the fire department. It burned saw dust. He will be providing 60,000 gallons of water for more fire protection and mitigation against fire. He did not see any problem allowing Mr. Wilson a SUP.
Steve Wilson – has a use by right to process natural resources; the only time need SUP is bringing wood from another place and shipping it. The berm is located on both pieces of property; however, he is working on one lot and it is contained on the lot 64. He put a fence line to separate the 5-acres and 10-acres. Access will be for lot 66 and a shared driveway. Adequate egress and ingress will be allowed from lot 66. He pointed out the common driveway on lot 66. There are seven driveways along the property line between lots 66 and 67. The Seastroms sealed them off. His proposal is a State approved driveway from the State and he can access his property from lot 64. The berm is another access to his property.
Fred clarified the use is irrespective of logs from Oregon, it does require a special use. Lots 064 and 067 are two separate pieces of property, taxed differently, etc. Fred did a research on the properties.
Commissioner Houpt is concerned that planning for natural resources is done properly; it's been done in the past and wondered what discussions had been held. The actual business is to construct homes from wood that is not grown in this area. Commissioner McCown – logs are harvested in this area; the origin of the log is not the point. A process has to take place before being constructed into a home. Same for Mr. Strong. Commissioner Houpt – it is fabrication – we're talking about what is allowed in different zones. Processing logs in allowed in another zone. Commissioner McCown our regulations define it as processing.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a Special Use Permit for a natural resource processing raw logs for pre-assembly of log homes for Steve and Karen Wilson of the Whiskey Park Cabins with the conditions listed by staff 1 – 16, add No. 17 – "that no motorized equipment be used prior to the hours of 8 o'clock and after the hours of 6 p.m., 8:00 a.m. and 6:00 p.m.
Commissioner Houpt stated she was having a difficult time making the leap from natural resource processing and be careful as we grow as a county and make sure we are placing right businesses in right places because everyone has a right to sit on front porches instead of inside all the time.
Chairman Martin – it is difficult to diversity our economy and try to circulate as many dollars as possible. Yet we do impact each other, there is a review process and a right to review a site. We cannot dictate how good they will be as neighbors in reality.
Those in favor to approve – McCown, Martin. Opposed – Houpt

PUBLIC MEETINGS:
DISCUSSION – COLE RIDGE HIGH SCHOOL BIKE/PEDESTRIAN TRAIL – DON DEFORD

Don stated the school has discussed and there was very little interest and have not discussed the issue with C-DOT and will bring it back when they have more information.

AUTHORIZE THE CHAIRMAN TO SIGN A LETTER OF SUPPORT FOR THE SsTEP (Strategic Environmental Project Pipeline) FOUNDATION GRANT PROPOSAL FOR "NEXGEN" ZERO ENERGY AFFORDABLE HOMES FOR COLORADO MOUNTAIN COMMUNITIES – MARK BEAN

Fred Jarman submitted a report stating staff attended a meeting sponsored by the StEPP foundation in January of 2003. This particular project before the Board is innovative and includes design, build, showcase, and monitor and publish high performance Zero Energy Homes in Garfield County near Carbondale.

The staff recommends the Board sign a letter of support for this project because it will benefit Garfield County. [Previous discussions related to the Affordable Housing issue were held in conjunction with the Blue Lake Deed Restricted issue]. A draft letter was included in the recommendations. Steve Novey – project will total $450,000 to buy a couple lots and build a home to show how affordable housing can be affected by low energy construction. These will be deed-restricted homes and will go through the lottery.

A motion made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the letter to Ellen Drew, Executive Director of StEPP Foundation regarding the grant for the energy efficient homes. Motion carried.

CONSIDER SIGNING THE DECLARATION OF MASTER DEED RESTRICTION FOR THE SUNLIGHT VIEW II SUBDIVISION AFFORDABLE HOUSING – MARK BEAN

Mark Bean submitted a letter from Balcomb and Green with respect to the condition of approval for the Sunlight View II obligation to acquire, deed restrict and make available for sale under the auspices of the Garfield County Housing Authority, three affordable housing units. Two of those units were acquired, deed restricted and appropriately sold shortly after final plat approval. Several months ago, the developer acquired the third affordable housing unit and the Garfield County Housing Authority implemented the appropriate lottery. This is the Master Deed Restriction with a request to record as an encumbrance upon the third and final affordable housing unit required of the developer and GCHA. It requires the signature of the Board before it can be recorded.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Declaration of Master Deed Restriction for the Sunlight View II Subdivision Affordable Housing; motion carried.

REGULAR AGENDA
CODE VIOLATIONS – STEVE HACKETT

ROBERT N. MAYO

Steve Hackett and Robert N. Mayo were present.

Steve Hackett explained that on April 1, 2002, he observed construction of what appeared to be a residential type building on Mr. Mayo's property. Mr. Mayo advised Steve that unless he had a warrant or by invitation, was not allowed onto his property. Mr. Mayo claimed the building was for agricultural use. Steve sent Mr. Mayo the agricultural building and agricultural land definitions by mail.

On March 5, 2003, Steve observed at 2095 CR 245 that the building and stated it was built without a permit. Mr. Mayo had stated he was using it for agricultural purposes; however, it is being used for an American Legion Post.

On March 14, 2003, a letter was received from Mr. Mayo responded claiming the land and building was a gift for American Legion and he would have our zoning declared unconstitutional.

March 17, 2003, compliance is due 4/10/03 or it goes to the Board of County Commissioners for instructions. No compliance. Mr. Mayo was advised of the meeting scheduled for today by letter.

Mr. Mayo acknowledged that the facts are evident, but he was coming today to rave and rant at the Commissioners and telling them how they were doing everything backsackwards but decided against it. We had a million dollar rain last night; things are looking up and just face it, Number one this is what's going to happen: the Board will advise the County Attorney to file his papers and we're going to go to court. Hear the whole planning and zoning, building and everything will come under your property, be no stipulations, no acceptance of any authority whatsoever; he firmly believes, and is his constitutional rights that he has any right to do anything and anything he wants with his property as long as he doesn't violate his neighbors integrity. His neighbors have all indicated they are in favor of it 100%, so he's not worried. The only thing

he needs to worry about it whether he has enough money to fight the County in court. He's fighting the County with his money, and the County is using his money to find him and this isn't a good situation. This will probably end up in the State Supreme Court. Feels the County employees are getting a lot of bad advice from your planners and zoners, they are taking away rights of every American to do as they please with their property. Under the guise of well, "we've got to take care of this or do that," but some place at sometime, somebody's going to draw the line in the sand. He had this opportunity the same opportunity in Pitkin County in 1978, Sandy Stoller, who was the County Attorney up there, admitted that they didn't have a leg to stand on up there on their planning and zoning and they knew it; they accepted the fact that they keep him in court so long, they'd break him. At that time he was a lot younger and had a lot more considerations, now he doesn't have those considerations and is ready to fight. The individual property owner to do what they want with their property. He's ready to fight. Chairman Martin asked Bob if he was not looking for a compromise. Bob Mayo said no compromise, no inclination whatsoever to spend money needlessly but as an example in all the what ifs and where as – he set through this one meeting here today, all the little things begging brought up all the time, that's bad advice. Someone comes in for a special use permit, and the Board puts 17 conditions on it, you've just violated the 5th Amendment to the Constitution because you denied them equal protection of the law that everybody is entitled to and you have to treat everybody the same. You cannot and the County Attorney will tell you that you cannot make special conditions, if they want to go along with them, you're home free, and you can't collect impact fees as you well know for school districts, for roads, for things like that – the State of Colorado's already declared those unconstitutional. But, your attorney's advice was – well, as long as nobody sues you, you're okay, you're home free. And, not the worm has squirmed enough and I am sorry it has to be me, sorry he has to take this position; somebody has to. He gave eight years of his life to the military and believes in the American Legion, that is a statement of his political beliefs, his philological beliefs, and he wants them to use his property for a meeting hall, there's not a person in this room that has a right to say no to me. Not one person and he won't accept it any other way.

Chairman Martin – you're going under the right to assemble. Bob Mayo- assembly, declaration of my political beliefs, anything – there's a hundred of them, all sorts of things we could bring up.

Bob summarized what the Board was going to say – well, we have subdivision rules, that's fine; we require a 60-foot roadways to be County right of ways, deeded to the County; has the County to prove this, the County has to show that they have a definite need, to be a legal ordinance there has to be several conditions to be met. One of the conditions is you have to prove a need; that means that every other County Road in Garfield County had better have a program to get a 60-foot right of way deeded to the County along that road to back your position – these are the only facts the Courts are going to look at and if we get a judge that's half-way not afraid of his job, somebody that really believes in the law, you'll find that the county will lose on that position because they are not, at this time, taking a 60-foot right of way along every road, buying it from the landowners. He still owns half of County Road 245. He pays taxes on it every year, someday this is going to be used against you and that's what's going to happen and he can show the Board other things. You have a building code that will be up when we start on the building permit aspect of it, you adopted a building code made up by architects and engineers and this alone should make you suspicious. The people who are writing it up are only interested in feathering their own nest. Show me one gallon of water you've saved with these one-gallon flush toilets. If you don't use it, it goes on down the river and somebody else uses it. If this Board takes him to court, you will have to prove that in enacting that building code and accepting that fact as gospel puts you in a position where you have to back it and you have to prove it. Bob doesn't have to prove anything. When he was in Pitkin County he would have had to prove it, but now he's not in a position to fight. Has made this position known several times before. He has lots of support from the community, particularly the building industry, he was in the building industry since the 1960 and is well aware that we go along with of a lot of stuff that we don't think is right, but it's cheaper than fighting. This building started out a chicken coop and if you look at it you can tell it was a chicken coop but his neighbors would scream and yell if he put 10,000 broilers in there. The ranch will not be there too much longer, there's no chance other than development up that valley, a ranch can't make it, he still has cows on the place and it will all be developed soon.

Direction from staff.

Commissioner McCown – the County has no other option but take him to court, this is clearly a violation.

Commissioner Houpt – it was built as an agricultural use and asked what would have to happen to allow this current use.

Steve Hackett – several things: Mr. Mayo would first have to submit an application for a commercial use permit for a community building in the A/AR/R zone district and he was not sure if an American Legion Post fits into the description of a community building. If we receive the application, then Mr. Mayo would then be eligible to apply for a building permit and since it is already built, we would require him to submit engineering documentation to us that the building was built in accordance with the 1997 uniform building codes, which the County has adopted. Then, having received both building permit and engineering certification that the building is safe for human occupancy, then the County could issue a permit and authorize the use as a community building, all of that being contingent on the beginning which would be a conditional use permit for the community building; or it could be turned into a chicken house.
Commissioner Houpt favored a more desirable approach to send him another letter simply outlining the steps and offering to help him through that process. A letter was sent and Mr. Mayo stated he wasn't interested in a compromise. She still favored one more opportunity to negotiate.
Don asked if any inspections were done on this building at all. Steve – no sir, Mr. Mayo advised that he could get back on his property either by invitation of with a warrant. Steve's understanding is there are weekly meetings with 15 to 20 people that attend. The community has held several different outings there in reference to seminars and training sessions. It is a community building. Need to find some remedy to the code violation and the building needs to be determined safe. Steve suggested if we don't make the offer of more compliance, we need to consider mitigation for occupancy of the building. We don't know if inspections have been done, and we don't know if it's safe for occupancy. Don advised the Board that normally on building violations where there is a safety issue involved, the Board's position has been to take immediate action, red tag the building and proceed for a temporary restraining order.
Commissioner Houpt suggested a letter to give him a few days or it will be red-tagged and we will move forward. Commissioner McCown stated we have been moving through this cycle for a year. We're the final entity on this whole issue.
Chairman Martin – would like to see a letter sent out saying we would like to see compliance and we seek a compromise other than to just go ahead and red-tag him, but if we have no other compromise in a 30-day period, then we will have to move ahead with prosecution.
Steve suggested 10 days from the date of receipt of the letter and make it clear that it won't just be about illegal use of the building or illegal use of the land, it will also be a restraining order to prevent any further use immediately, so that Mr. Mayo understands that. Commissioner McCown recommended May 31st. **This was scheduled for consideration of the Board review on June 2, 2003.**

SOUTH OF SILT LAND OWNERS – GAS DRAWING – SUE DALEY

Sue Daley and a host of residents from ranches south of Silt had invited Doug Dennison to come and meet with them. The results of that meeting were summarized in a printed statement she submitted urging the County Commissioners to add gas and oil rules and regulations to their development codes immediately, using LaPlata County's as a guideline. They want responsible development of this natural resource. The following citizens addressed their concerns and requests for the Board to assist them in the protection necessary to enforce regulations on the industry.
Herman Stauffer, CR 311 – The oil and gas comes in and they tell you what they are going to do. We need to find a way to pass legislation where we control it as to when and where they can drill for their gas.
Jerry Fazzi, CR 331 - big concern is about agricultural. He receives $1.25 per foot for a pipeline running across his property. Cost to reclaim the ground is more than $1.25 per foot. Have to find a Water Attorney and do something.
Pam Barger – the industry has lied to the property owners. This Board needs to get involved, help protect the landowner.
Dave and Jean Howell – CR 324 deep aquifers and wanted the right to pump it out to Denver and sell it. How do these same people have the right to pump this water out to Hunter Mesa. A big concern.
James Knight – CR 316 - Could the industry place pipelines along the transportation corridors, it's good for the company, provides access to their pipeline, helps locate it doesn't devalue their property. If the BOCC doesn't help, then some governmental entity will bring this forward as a ballot issue. When the State Constitution was formed, the mineral interests were set up and it has changed since 1976. Now there are many other industries – tourism as an example. County or State has to stand up for the landowner. The land and surface owners has to have some voice in how these minerals are going to be developed. He owns the mineral rights and receives royalties from property his parents owned in Parachute.

Raymond and Judy Schoonmaker – CR 311- no mineral rights; did investigation on the drilling and found the industry has drilled two wells on different properties and all they hit was water. What parts of the minerals are they are going after; water is not one they are allowed to mine. The industry assures it is in a separate aquifer – pumping out thousands of gallons and state this will not affect the drinking water. The noise and the light makes the environment like little cities – used to hear the Elk at night; now only constant backgrounds roar. Looks like fire over Mamm Creek. Ruined the land aesthetically.
Virgil Howard – CR 311 - referenced the front page of today's paper – "taxes going up"– the industry disturbs up to 10-acres of land and wonders how can his property values go up.
Chairman Martin informed the public that the Assessor follows the guidelines and there is a specific formula used in property taxation.
Beth Dardynski – 331 Road – understands this natural resource has to be taken out; why do they have to scalp 10-acres of her property. You do it, you reclaim it and be responsible and follow the rules and regulations. These people are not doing it right. Wants respect for her and the property. Make them do it right.
Don Fulton – CR 311 - 3rd generation rancher; referenced over 3,000 head of cattle in this ranching area and a million dollar operation just in this area. Ranchers on Divide Creek feel the County has left them in the dust and are not protecting the agricultural industry. They want laws to protect their industry – Colorado is still an agricultural state.
Peppi Langegger – Ranch on 311 Road since 1985 – question about property rights – if he wants to sell 40 acres he deals with someone and negotiate a price – with the Oil companies, they just come and say they are coming in and that's what they are going to pay for it.
Duffy Light – CR 311 - They have a standard price. The Oil and Gas Company states if you don't sign we are coming in anyway. Need help to preserve rights.
Rosemary Bilchak – CR 331 - owns mineral rights – leases were negotiated for 5 years – we've been unitized – rules to no rules – free for all. A lot of us invested in the land – we want to see the Milky Way at night, see the cows in the morning and hear the Meadowlarks. 80% of these people have criminal records – employee of oil and gas was going 70 mph in a 20 mpr and killed a young lady. She's lived on this property for 20 years doesn't feel safe anymore.
Matt Surer – Western Colorado Congress like the Grand Valley Citizens alliance. Helped the LaPlata County citizens alliance – they are 15 years ahead of us. GVC formed when the spacing when from 160 to 80 acres; to 84 – 40 acres and now 40 – 20 acres near Rifle and Parachute – was working as an organizer – saw some dramatic impacts – wildfires included. He did a study and well pads not reclaimed after 10 years. Reckless weeds control. Property values have been destroyed – gas wells have been dug – people unable to live in their homes – some have to leave and then come back in a month in order to deal with the impacts to their health. Now that we have a full-time Local Governmental Designee (LGD) we need to have the authority to require plans, reclamation, noise limits, and allow the surface owners to have a say in which areas they can drill.
Chairman Martin – addressed the claim that the industry has set off wildfires stating this was untrue. One of the community members referenced knowledge of two fires started last spring from oil and gas rigs. As to spacing, the County spent a lot of money to protest the 20-acre spacing and lost; however now the industry is doing a lot of directional drilling. Each property owner has to deal with the oil and gas industry in negotiating drilling and many times you may need an attorney to be involved to review and make requests. The state says they regulate the noise – we have been shut out of the water – in reference to all things you say we can regulate – we cannot supercede them – three rules have been successful. Because the County took these concerns and worked out solutions. Extended period of times if location, destruction of property – can ask for more days – we cannot say they can't do so. The County does not have all the rights that you are saying we have.
Matt Sierra reminded the landowners they can ask for mitigations. We want the oil and gas to live lightly on the land.
Chairman Martin – we have good information including the location of pipelines, what happens to the water and we are trying to help you.
Rosemary Patterson – why not follow LaPlata County's guidelines.
Commissioner Houpt – we have had the opportunity to review the LaPlata regulations. What was blatantly apparent with LaPlata is they are dealing with the local land uses – we do it for every other business, and every other landowner that builds a home – we are limited, but the way it is set out is tremendous and for a County we should go thru these and see what we can adopt and what will work – put teeth into this, which

is the cultural in this county. It's not shutting down an industry; it's establishing criteria and allowing the surface owner to take control over their lives.
Chairman Martin - Oil and Gas adopted in several new rules in 2002; there are some lawsuits pending in LaPlata County. Garfield County is trying to take on the process but it takes 90 days and requires two public hearings.
Commissioner McCown – we're in the process of rewriting the codes. LaPlata County has rules than are non-enforceable. What good will it do to have regulations that we cannot enforce.
Commissioner Houpt – we need to test them.
Commissioner McCown – we spent $4,000 of taxpayers money testing them in the Rulison over the 20-acre spacing. We picked our fight and felt we would win, we didn't.
Chairman Martin – 63 different points that we raised regarding rule changing. We won 3 of the 60.
Peggy Uteush – CR 311 – wells drilled that are only producing water and if it's not gas, this is an issue.
Chairman Martin – 9th Circuit of Appeals – water is not a waste product – Colorado is trying to fight it – overturned Montana – it's not a pollutant; it's a by-product.
Commissioner McCown – public hearing heard regarding the operation on the Hunter Mesa and there's a treatment and evaporation pond where they will reprocessing water and reusing it in their system. They hope to recover 90% and put it into their well operation. Recycling versus using new water.
Matt Sierra – the County and the Grand Valley Citizens Group lost the case however, a very significant issue came from the act that the County got involved, we now have directionally drilling – Barrett said no, but we won that – Williams proclaims this is saving them a lot of money. LaPlata – its' about being a good neighbor.
Herman Stauffer – this group wants some assurance that the County is on their side and he would like to see negotiations, unity and work together on these issues.
Chairman Martin – assured the citizens that the process hasn't stopped and this Board is in the citizen's corner.
Lisa Bracken – informed the citizens of a few issues that are in the process. out. EnCana largest – this company is coming to an unusual extent. One well in 640 acres – it's true at this point, we are the diversity of the kindness of this industry. Industry has no concerns. As a broker and long term resident, she sees the devastation. Natural Geological Resources – affects all for the water loss. Liability for the county as to impacts on County Roads – CR 331 – this road was built a long time ago and we can't afford to deal with these industrial uses on these roads. Storing of flammable materials – what happens if something happens; it's a huge issues to lose insurance. In a federal unit, there is nothing to protect the people. The landowner has no protection. 700 new wells proposed – makes a stronger argument. This group is requesting the Board's assistance and hope they are listening. The Commissioners have a much stronger voice than landowners do – if we can convince the Board to hear their concerns, then we can take it to a greater level for them.
Ray Enright – referenced an article by Gail Norton regarding water issues that appeared on the front page of the Rocky Mountain News. This water issue is a time bomb. He fears they are putting in pipelines to deliver water. Heard it said that there is some underground water in an aquifer. If they start sucking all this water out, will it affect our wells – will the water will go down to fill these lower wells. Why can't the County have a study done? Almost a constitutional issue as we are guaranteed health, safety and welfare – doesn't believe this is happening in this situation. He favors more research on this water concern. Would like to see a hydrologist involved.
Judy Schoonmaker - Dry Hollow Road – they moved out from the east and purchased a few hundred acres. It is beautiful, it is what the Roaring Fork was at one time, and this beautiful area is going away. When the ranchers have to go, it is going to be subdivision. When it goes and people can't afford to live the way they do now, this is one of few places left – came to see how they can help.
Chairman Martin – We are going to find some type of compromise. If you are entering into a contract of surface use, each one needs legal advice to protect you – the County cannot negotiate leases. The landowner has rights to say what they want and negotiate; you just can't deny the oil and gas industry to take the mineral rights.
Jerry Fazzi wants more information from the Commissioners on the possibility of putting these pipelines in the road.
Commissioner Houpt summarized there were three things that need to be done. 1) Investigate the possibility of putting the pipelines in the roads with EnCana and not cutting through everyone's property. 2) Find out about the ownership of the water if it's being used to produce gas.

And, 3) the water quality and that's affecting; and because we have this updating process, we need to talk about a high priority on creating codes to help surface owners and keeping the industry out. A resource on board and need to

Jamie Connell from BLM – it is good to let the people come up here and relay their concerns with the Commissioners; it's good for her to hear these concerns as well. This is a complicated issue and BLM is trying not to trample on landowners rights; they have been working with the County on some things they can do; agrees that there is a need to work with the companies and come together to resolve some of the issues. Jamie stated that she wrote down many comments and will take these back to her office and hold discussions with the BLM. It would be good to bring everyone together. Appreciates comments and will take back to BLM.

Chairman Martin reiterated they have held round table discussions with CCI and the major oil and gas companies. This is how they came up with rules changes; they take concerns to the quarterly meetings and work out solutions. He announced the Oil and Gas Meeting that was scheduled at the Elks Club in Rifle – 7 pm Tuesday night, May 6, 2003.

Discussion Item to be before the Board Springridge II Subdivision

Discussion was held noting there is a conflict with the Assistant County Attorney Carolyn Dahlgren and Don DeFord has a conflict with the issue and Catalina is available but the problem we are running into with the schedule is that there are some agenda items already scheduled and will take some time, one being Coulter Creek. Mark suggested to Pat Fitzgerald to postpone this until the May 27th special meeting.

The Board was advised that since this was scheduled by a motion, and the issue was continued already, the Board would need to deal with the question on notice to the public. Mark stated there was only one person present because Pat. Chairman Martin recommended advising the people there would be a special meeting on Springridge II.

Don stated the notice will not comply with our regulations, so the Board will have to make some kind of finding on the 19th. Don suggested on the 19th to go ahead and let it go on the 19th but continue it to the 27th – that way you mention notice. Mark said this is what he suggested.

Model Code - Discussion

Commissioner Houpt would like to see progress with Barbara Green to move forward expeditiously within the new codes and provide her this direction to see something within the next 30-days. Mark will advise Barbara that we want feedback on the 15th of this month with feedback to the Commissioner on the 19th. This would be a special project along with the model code but this would have to be quicker.

The Board requested Mark to advise Barbara Green they would be requesting additional information on this issue.

Executive Session- Continued - Litigation – administrative appeal – property acquisition of the Road and Bridge and property acquisition.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into a continued Executive Session; motion carried.

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

Direction to Staff

American Soda – Don requested authorization for the County Attorney to execute a stipulation of settlement for the Board of Assessment Appeals for Docket No. 40430 resolving actual value of American Soda properties in Garfield County at $77,550,000.00.

Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Purchase of the Former Glenwood Springs Road and Bridge Maintenance Facility by the City of Glenwood Springs, Don requested authority of the Chair to execute a purchase of agreement of the last form provided by the City Attorney's office and present it to the Board of County Commissioners, the only alternation to that document being on the signature page to account for FS Station. Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

In conjunction with that purchase agreement, Don requested authority to release the *Walsh Environmental Report* to the City of Glenwood Springs concerning the Glenwood Springs Road and Bridge Facility. Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

Invitation by Scott McInnis Office – Federal Resource and Grant Seminar

Ed presented the invitation to attend Federal Resource and Grant Seminar, a three-hour seminar, in Eagle. Dale and Ed will plan to attend. Chairman Martin will attend.

IRON BRIDGE LIQUOR LICENSE

Mildred informed the Board of the liquor license for the Ironbridge Club and what they are asking for in the application is an optional premise liquor license as a private club; the optional premise option would encompass the entire golf course. It can be done, however we have never done this before in Garfield County. They do this in Eagle and some in Denver. What we need to do today, because this is set on the Board's agenda for May 19, 2003 at 10:15 a.m. is to set the Needs of the Neighborhood. The applicant will have to petition the people for a "yes they want it" or "no, they do not want it" and on the petition we need to make sure that the fact is noted that it is private. We have to be sure that everything we give out states "private" so that people will be aware of this.
Commissioner Houpt – is this in Westbank or is this in the new area?
Mildred – it's in both, Rose Ranch and Westbank, but they can't use the old Westbank Club House.
Chairman Martin – it does take in the land, the five different holes that are in Westbank. But it will be a new Club House. And, this will be part of the Club that the liquor license would cover so they could go over to Westbank, which would affect all the Westbank folks as the neighborhood
Commissioner McCown – Why are they doing this? What is the advantage of doing this?
Mildred – they just want everything private. But they can still restrict that with a Hotel & Restaurant License if that's what they want.
Mildred – no, they cannot.
Commissioner McCown – I thought you had the right to refuse service to anyone.
Mildred – no you don't, not if you have a Hotel and Restaurant License, it's open to the public. The only thing they have otherwise is, they first came in and wanted a Tavern License with Optional Premise, a private Tavern. Well, they can't get an optional premise with a Tavern License. So the other thing they could do is go with optional premises completely which encompasses the entire golf course. That's what they want to do.
Commissioner Houpt – So, they don't have that right now.
Mildred – there's no liquor license out there right now.
Commissioner Houpt – trying to figure out your statement.
Chairman Martin – well, the ownership of those holes and property belong to Iron Bridge Golf Course. Westbank sold that to them. The Homeowners in Westbank do not have that in the Homeownership at all anymore. It's not part of their development. So, they are a neighborhood surrounding that property, so then the needs of the neighborhood have to be met and Westbank has the right to comment and their adjoining property to the Club. So, they have the right to comment.
Commissioner Houpt – So, they have to petition everybody in Westbank, is that right?
Chairman Martin – yes.
Mildred – It depends on where you make your neighborhood, what you north, south, east and west boundaries.
Chairman Martin – Now, they could sever those holes and not have to take in the Westbank neighborhood.
Mildred – but they could still make that as their neighborhood.
Commissioner McCown – if they want to be able to serve on them, they would have to include them as their neighborhood.
Chairman Martin – another technically is across the river to the neighborhood that goes along the river opposite or to the north, do they need to go across there, that's a question I've never had to answer, across a waterway.
Mildred – whatever you want to do, we've done it, like we did for Unique Faces, we used west with Highway 82, north and east was CMC Road 115, south was County Road 110. We've done a lot of different ones, where the south sound of the Colorado River from Rulison reclamation to Mesa County line is what we did on Battlement Mesa. It's wherever this Board wants to set your boundaries.
Commissioner McCown – we set or they set the boundaries.
Mildred – the Board identifies the need of the neighborhood and sets the boundaries.
Chairman Martin – it affects all of those neighborhoods, especially down through Westbank – that needs to be attached, it also, if you look at real estate ownership half way into the river on both sides, that's includes properties of everybody that's in Coryell all the way around to old CR 154, which includes all the way almost up there to Hardwick Bridge, which is the State Fishing Game leased property because they're affected, they're an adjoining property.
Don – they're adjoining.
Mildred – showed the Board her precinct maps that give the Board fairly good ideas.

Commissioner McCown made a motion to include the Needs of the Neighborhood to include Highway 82 on the east, 154 Road on the north, Teller Springs on the west and Cattle Creek on the south. Commissioner Houpt seconded; motion carried.

Eric Porter Matter – Possible Split

The Commissioners held a discussion regarding the potential of a split for Eric Porter. Previously, Eric had been before the Board with a request and the Board committed to researching and getting back to Eric. Commissioner McCown noted for the record that he informed Eric to come in before the Board and give it his best.

Don DeFord – I've asked Carolyn talk to the Planning Department during our staff meeting on Tuesday and suggested coming back to the Board next week with some information.

Commissioner McCown – the Planning Department is telling him it doesn't qualify because at one time it was a 3600-acre ranch that was put together, broken up into four 900-acre ranches and the Planning Department goes yet, there's your four splits, you can't have any.

Don – if that's all that occurred, that's correct. That's what your Regulations say. But, there's another caveat that he put in there about a 1973 consolidation of the property that really.

Commissioner McCown – that's in the deeds, it shows it.

Don – so we need to look at that with the Planning Department.

ADJOURN

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

Attest: Chairman of the Board

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MAY 12, 2003
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 12**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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
Bill Porter brought forth a number of concerns: 1) if the Board claims they have no authority on pipes on private property with reference to his driveway and the drainage, then why doesn't the Board write a letter to the Corp of Engineers stating so. Chairman Martin informed Bill that Barton was supposed to have given the County a number to call and a follow-up would be made and information given back to the Porters. 2) Alkali Creek is a rural road and asked why all of the road was posted at 25 mpr. Commissioner McCown stated they could check with the Sheriff; he supposed it was due to the development in the area and committed to getting back to Bill.
3) Drainage in the Road on Alkali Creek and some road maintenance. Commissioner McCown stated this road was scheduled for some chip seal this and gravel in this year's budget. The rain has held back the completion of that service. 4) Violation for parking on the road – the road is wider where he parks his car. Sheriff tagged his truck. Bill maintained that a Road and Bridge worker called the Sheriff and reported the truck. The Board clarified that he did not order the Sheriff to go up. Commissioner Houpt clarified that her County Road was being enforced as well with parked cars. 5) Weight Limits on CR 335 were enforced but not on all road with similar conditions, why.
Commissioner McCown – there are some new regulations coming out and all roads will be posted similarly next year during the weight restrictions when the frost is coming out of the ground.
COUNTY MANAGER UPDATE – ED GREEN

- Veteran's Service Contract/Veteran's Matters – Dale Hancock/Joe Carpenter

Dale submitted the contract for the Chair's signature for the Veteran's Service Contract. During the military build-up before the conflict in Iraq, Dale and Joe discussed some policies that would be covered next. Dale requested that the Chair be authorized to sign the contract for continuation of Veterans' Services for $16,200 per year. Joe provided some updates on Veteran's Affairs saying the good news if that over 400 contacts with veterans were made in the valley in 2002. The problem is there are 700,000 on waiting lists for services; the system has run out of money to supply medical care, older veterans for nursing care, etc that is creating a lot of very unhappy veterans. A few years ago, the qualifications were lessened and this opened it up for everyone to apply for services. Joe has to deal with people who have failed to enroll sooner and need services desperately now that age is creating problems for them. The VA in Grand Junction has a waiting list of 400. Service connected disability is the key to going ahead of the rest. Joe suggested the possibility of connecting with Senators and telling them of the urgency to handle this problem. The government is aware of this shortfall. Joe inquired if he should proceed with some displeasure and inquiries to the elected officials. Chairman Martin contacted Senator Allard after Joe spoke to him and started the ball rolling. We need to let the elected know of the need and instead of building up Iraq and spending billions of dollars over there; we need to put that money into our own national crisis with the military. Suggested a letter to all of the elected. Joe stated this was a movement being supported by all of the Veterans Officers in the Counties.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the contract for the Veterans Services and draft a letter of concern to Senator Allard and Representatives Scott McInnis and Greg Rippy informing them of the situation; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the Contract for the Veteran's Service for $16,200 for the year 2003 and to sign a letter to the elected officials stating the problems occurring with the lack of funds for the veterans; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

- Executive Session: Litigation Update – Pending Claim; Land Use Activity; and Purchase of Land

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

- Consideration of Purchase of Services Agreement – Garfield County and State Model Land Use Codes with Sullivan Green Seavy, LLC, and the Norris Dullea Company

Don submitted the contract and reviewed the contents with the Board. It is a contract for drafting the Model Code and the Landfill Code. The $59,000 in the contract is only until the end of the year. A schedule of events and outline of the duties were included.
Don formulated the motion requesting the Chair's signature on the Purchase of Services Agreement to draft the new Garfield County and State Model Land Use Codes with Sullivan Green Seavy, LLC, and the Norris Dullea Company for $59,000 for the year 2003. Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Meeting with Staff and Barbara Green – May 15, 2003

- Consideration of Resolution Amending Resolution No. 02-122 Establishing the Lease Purchase Payment Fund

Don submitted the resolution amending Resolution No. 02-112 establishing the lease purchase payment fund and explained this was enacted last year. One problem with the current wording of the Resolution was requiring a new Resolution be signed every time a lease payment was made and this new amended Resolution only requires mention of the Resolution. Clarification: This resolution modifies the language so that if it had been previously adopted by Resolution and as part of the budget, all that is needed is direction from the County Manager or Assistant County Manager but it still does require some type of a written order if a wire transfer involved and that's only because the statute in the regulations requires that. Georgia is aware of this and approves the language in the amendment.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the new Resolution amending Resolution No. 02-112 establishing the lease purchase payment fund; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Tuesday – Oil and Gas Forum – very informative; joint planning with City of Glenwood Springs, going over a white paper on planning cooperatively on May 28; Rifle City Council Meeting – May 8 – Ed, Lynn and she met with the Child Care Team for background on what they have been doing; Mayor's Meeting on Tuesday; and Human Services Commission on Thursday and the 10-County Budget Conference by DOLA.
Commissioner McCown – Leaving Thurs and will be in meetings until Saturday – Annual Coal Conference Associated Governments.
Chairman Martin – Mayor's Meeting Tuesday at 7:00 a.m. in New Castle, City of Glenwood Springs - Grand Avenue at 6:30 p.m. on Thursday; Fire Tour in Meeker, including Big Fish and Trappers Lake and visit the new lodge; on May 16th – TPR meeting; and on Saturday, Silt Bicycle Rodeo on giving out free helmets.

CONSENT AGENDA

a. Approve Bills and (2) checks to be voided: 1) Overpayment to Citizen Telegram; and 2) Pepperball Technologies due to cancellation of training class
b. Inter-fund Transfers – This is to clear due to/for from accounts – April 9, 2003 for $175,364.24 and April 22, 2003 for $169,645.82
c. Wire Transfers – due date – May 14, 2003 - $334,485.00 and May 30, 2003 for $218,125.63
d. Authorize the Chairman to sign the Resolution of approval for the Chapman Special Use Permit for an Accessory Dwelling Unit – Tamara Pregl
e. Authorize the Chairman to Sign the Exemption Plat, Resolution of Approval, and the Right of Way Deed for the McKee Exemption – Applicant: Paul and Pamela McKee – Tamara Pregl
f. Authorize the Chairman to sign the amended Final Plat of Tract B of the Amended Bowles Exemption Plat – Applicant: Mr. Allan Bowles

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

PUBLIC HEARINGS:

CONSIDER APPROVAL OF FIRST AMENDMENT TO THE 2003 BUDGET

Jesse submitted the Resolution referencing it was before the Board on March 24 and it included a repeal and re-submittal. This includes all the personnel costs and includes some errors and omissions.
Exhibit A - Proof of Publication was entered into the record.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the First Amendment to the 2003 Budget; motion carried.

CONSIDER APPROVAL OF THE 12TH SUPPLEMENT TO THE 2002 APPROVED BUDGET

Jesse submitted the Resolution and explained this was the 12th supplemental to the 2002 Budget Previously approved on March 24, 2003 repeal the Resolution 2003. Exhibit A - Proof of Publication was entered into the record.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the repeal of Resolution 2003-21 and approving the 12th amendment to the appropriation of funds; motion carried.

PUBLIC MEETINGS:

TAXABLE POSSESSORY INTERESTS Q & A – MARY DENOMY – JOAN SAVAGE

Shannon Hurst, Georgia Chamberlain, JoAnn Savage and Mary Denomy were present to inform the Board on the Taxable Possessory Interests. A handout was submitted that explained the synopsis of the Colorado Supreme Courts ruling: "In addition, the court stated on page 1279 of the reported decision, "For taxation to occur, the Possessory interest in tax exempt property must exhibit significant incidents of private ownership that distinguish it from the underlying tax-exempt ownership." They also listed three factors for determining whether significant incidents of private ownership exist: 1) an interest that provides a revenue-generating capability to the private owner independent of the government property owner; 2) the ability of the Possessory interest owner to exclude others from making the same use of the interest; and 3) sufficient duration of the Possessory interest to realize a private benefit there from. "After reviewing the facts of both cases, the Colorado Supreme Court declared that the portions of the 1996 legislation that exempted Possessory interests were unconstitutional because they created an exemption that did not fall within any of the exemption categories specified in the Colorado Constitution. In support of its ruling, the Colorado Supreme Court also held that exemption of Possessory interests to be unconstitutional because the legislature selected some Possessory interests for exemption, while continuing taxation for other Possessory interests, such as mineral leases, in federal land." Senate Bill 124 attempted to change this – it is currently imposed on airports,
Surface of government – oil and gas industry. The State has split the surface and sub-surface into two separate property ownership categories. For this reason, our State allows taxation both the surface ownership and the sub-surface ownership separately. As an example of that, she showed a graft showing the real property tax that is assessed on the surface, and we have ad-valorem tax assessed on the underground minerals. Currently, in Garfield County, the oil and gas industry is paying the ad valorem tax on minerals from privately held lease property and property they personally own and the surface is also being assessed a real property tax for the acres that the industry is using for the oil and gas well pads, roads and equipment. Each of the three factors that the Supreme Court applies to the oil and gas industry - 1) revenue generating; 2) exclusion of others from making the same use; and 3) sufficient duration to realize personal benefit. Currently, there are wells that are producing and have been producing for almost 50-years in our area and several of the companies in Garfield County have even sold their interest in the sites as well as the minerals such as Barrett to Williams, and in the case of the Divide Creek Snyder to Ballard to Alberta to EnCana so they have had a duration for it long enough to get a personal benefit from these surfaces uses. By taxing agricultural permits, outfitters, skiing companies and various other businesses for their surface use of public lands, and not the oil and gas industry for their use of the surface on public lands, this has created a potential arbitrary and cupreous situation. According to the BLM supplemental environmental impact statement of January 1999, and the current Glenwood Springs BLM oil and gas

supervisor, Jim Byers, the oil and gas industry is currently using on a long term basis about 1500-acres of public lands for their own exclusive use for their long term basis. With the number of wells that have been permitted, allowed for, applied for, the future holds for both public and private lands: we have 2629 wells per the COGCC today in Garfield County. Williams was just approved for an additional 550 and 250 for EnCana in the Mamm Creek and then as discussed last week on the Roan Creek Plateau, it could be anywhere from 853 to 2800 wells allowed on the BLM property in the Roan Plateau area. She asked the Commissioners to evaluate through the County Attorney and Shannon Hurst the inequity created by taxing surface in exclusive use by oil and gas industry on private lands and not on public lands, while taxing other possessory surface users on public lands and would appreciate if some research was done, if she could obtain a written copy of it.

Commissioner McCown asked for clarification on the numbers for the 2629, the wells in Garfield County, what was the number on public lands. Mary Ellen – 700 at 1.9 acres, which is 1500-acres currently, being used on BLM land. Taking into account both directional drilling and the multi-use of size of pads, but it does not include transmission line areas that are also being used and right of ways – that's just the pads. Grazing Permits: there are some concerns and historically the government has stated them that you don't own those permits, that you really don't have a possessory interest, it's a privilege as opposed to a right to have those permits and now we're seeing ranchers being taxed on those, they're paying the tax as a matter of saying, well, you're telling me I have to pay tax on it, so I'm vesting an interesting in these permits. This is quite opposite the BLM would allow them to say. The agricultural permits are one of the things that are in question; the exclusive use question is that property can be used by a number of BLM permits at the same time. Your cow is not restricted to a particular area for grazing and is it revenue generating. For instance, in the ski areas, it's obvious that they get ski dollars out of every person that walks onto their property, it that cow a revenue producing by using that property? This is a question in the Ag community. This is not going to go away yet, because they are coming up with their arguments for that particular permitting. Commissioner McCown heard that it would add to the right to own this for a long period of time and Mary didn't think the BLM would be in total agreement on that, but if the rancher can go back and prove they have paid taxes on it for x number of years it would bolster their case rather than the BLM saying it's just a privilege entity by using that property. Here's where we may have the State and Federal Government butt heads on some of these findings.

Commissioner Houpt asked if she had received an explanation as to why the oil and gas industry has not been included in this. Mary has not received an explanation as to why the surface other than the fact that they point to the ad valorum tax statutes stating they are being taxed on these leases already and he point is that it's inequity where they are taxed on it private lands where you also have a surface tax being paid, but in public lands are not. They are looking at a potential ability to re-coop some more surface use and eventually it would encourage some of the industry to cut back on some of the sizes of their use if this does apply to them as well. Other counties are looking at the same presentation: Delta and Gunnison to their treasurers, assessors and Commissioners. You cannot have it both ways and the Supreme Court has said you cannot here and not pay there, but it cannot be capricious and arbitrary – there is a contradiction going on here.

Discussion

Commissioner Houpt would like research done on this.

Don stated he could de research on it and then bring an opinion to the Board. He can talk to Shannon to see what she has on it but at the end of the day this is a statewide issue and not just a Garfield County and we have to act in compliance with the directions of the Division of Property Taxation so the most important opinion has to come from Mary Huddleston in Denver and Mr. Salazar.

Chairman Martin – we have been talking about this for two years both with CCI and at the roundtable with the oil and gas producing counties as well as legislatures; it is an issue that has been hard to get off dead center. Suggested getting an opinion and help move the discussion forward.

Don informed the Board that the opinion on possessory interest is a State law opinion; the first question that has to be addressed is the Division of Property Taxation and how they are going to apply the Supreme Court opinions on these specific issues, that's possession of the surface by subsurface exploration. There's a larger question out there and that's the enforceable on any of the claims on possessory interests that hasn't been answered at the State level either.

Shannon Hurst – looking at the procedures, it's a procedural item with the Division of Property Taxation because in our procedures it specifically states that it does not apply to possessory interests in oil and gas leaseholds in lands, they are valued pursuant to Articles 7, Title 39 of the Colorado Revised Statutes.

Probably the best thing would be to go before Mary Huddleston at the Division of Property Taxation. If other counties are doing that, then it will automatically happen.
PILT – payment in lieu of taxes, that maybe occupation or possessory interest may be covered under oil and gas provisions under PILT because they do timber harvesting, etc. as well as mineral extraction, mining.
Don noted that this is not addressed in the current Supreme Court opinions and cautioned the Board they have to follow the directions of the Division of Property Taxation on one hand by State Law, the difficult problem with that is it is raised by this question, is that when a court rule that those regulations violate equal protection or some other rule, it is the counties who have to answer for that and not the State. It puts counties in a very difficult crossfire.
Mary – the exemption referred to, it's in the computation of coming up how to value the particular possessory interests. They have said you need to value these possessory interests based on these procedures, but the procedures do not apply to oil and gas because there are different procedures to be used for that industry. One more step needs to be taken to establish that rate. The State would establish this rate and alter their regulations to the county; if the county acts on its own, what you end up with is having to defend that action in front of the State Board of Equalization. An informed decision will be postponed until the research is complete.

1-4564

RESPONSES TO REQUEST FOR PROPOSALS FOR LEASE PARCELS – BRIAN CONDIE

Brian Condie, Carolyn Dahlgren, Jim Hybarger and Andrew Doremus were present.
Brian submitted the proposal. He stated the committee, consisting of Ed, Dale and he, evaluated and the company selected was Corporate Aircraft; the parcel is number five where his office is currently located to build a large hanger there. At this time, we wish to enter into negotiations that are more specific. They have 45 days from this date to proceed with the plans that have included ten items.

REPLACEMENT PARCEL – THE FLIGHT DEPARTMENT – BRAIN CONDIE/ANDREW DOREMUS

Jim Hybarger and Andrew Doremus, owners of Flight Department - in consideration of the request for proposals, there is an open item that needs to be resolved addressing the expansion parcel hanging they have requested since last June. In 1998, he was originally trying to build a hanger and proceeded to update the Board that they ended up on the site they currently have. In June of last year they received approval for a fixed base operator and it required them to meet the minimum standards that the County has set and we are supposed to have 100,000 square feet of land leased. In order to get that, we need to find another parcel that was acceptable to both the Airport Manager and ourselves and this Board to meet these standards. They identified the replacement parcel as 10F, the parcel between AvTech and Corporate's large hanger. The concern was that we would be able to build a building there, and Brian put in a request for what they call a 74/60 study with the FAA. The problems with the VOR and what has happened on that site is familiar to all parties. They have determined if you are unable to build a large building that we would like to put on the front line due to the reflectivity from the VOR. Any large structure on that site would not work. The FAA did tell Brian they could possibly do it if the front of the building was all fiber glassed, which is unfeasibility and impractical to build a building that size and have the entire front of the building all-plastic. So, with this in mind, in December of 2002, he submitted a letter to Brian requesting that we have the ability to use Parcel 1 and 2E where his office is, as our expansion parcel. In the 74/60 and preliminary talks with the FAA wouldn't be a problem with the VOR, it's on the front line, it meets the requirements for the square footage and we could build a building of any size that would meet the standards that we need and it is also directly adjacent to our AvGas Fuel Farm. However, this parcel was not previously identified as available to the public; therefore, the RFQ had to go out. We have been interested I this parcel for some time now, so as time progressed, we met with Brian, Carolyn and tried to discuss what would be the best parcel. It was determined that the best available and acceptable parcel was there. There is another parcel labeled 14F which is where Russ Pierce Aviation Shop is and that is directly to the west, has a corporate hanger and directly to the east. They also have a first right of refusal on that and have held this for some years. We discussed and felt this was possible but instead of trigging their first right and making them do all this, it would be better and more professional to take the site that's available and adjacent to our fuel farm and keep Corporate's buildings all together, instead of having a third entity in the middle. This was agreed to by Brian and Carolyn with the recommendation that we put in a request for proposal (RFP). In the RFP it is only our responsibility as required in our lease to have a parcel that is identified for us to

put expansion on. We do not have to require the size of the building, the cost of the building, the time-line of the structure as the RFP suggests that that's why our RFP was basically just to identify that we are interested in that parcel to fulfill our needs as our minimum standards. Corporate has proposed something much larger than the Flight Department, but we had met our minimum requirements based under the lease we are trying to be signed. There are only two people have proposed to lease the land; one is us and the other is Corporate. Before the County decides to continue negotiations with Corporate, they should consider the Master Plan of the Airport, the layout and be careful with somebody being able to tie up the land 5 to 8 years without any real development happening. They have a parcel close to them and have shown no desire for developing that. Two years ago, Todd Chilton stated there's barely enough economy to support two FBO. The economy has not changed that much in the last 12 months, but now Corporate is saying they want to build this big hanger. Secondly, we need to consider that the first thing that is needed is to get an acceptable parcel that meets the minimum standards so we can get our lease signed.

Jim Hybarger, manager of the Rifle Jet Center, FBO, reiterated what Andrew stated. When the problems arose on 10F, they requested an option to lease parcels 1 and 2E and presented to this Board on December 16, 2003. Because this area was out of the realm of the Master Plan, we were advised by Brian that it would have to be offered to the public via newspaper publication.

The only responses were from Rifle Jet Center and Corporate Aircraft Services. Now that the 74/60 study has shown that the presently leased parcel 10F is not suitable for the purpose proposed by Rifle Jet Center, it is more necessary for us to acquire the lease area 1 and 2E. This is the only area left available that would support the type of business Rifle Jet Center wishes to install. The first point of business should be to fulfill the lease requirements of the standards; the second point should be to enable Rifle Jet Center to continue with this expansion plans. Both can easily be accomplished by granting the requested lease of parcels 1 & 2E to the Rifle Jet Center. In consideration of Corporate Aircraft Services application for a lease must include, Corporate Aircraft Services has enough leased area to meet the minimum standards requirement of the BOCC. Corporate Aircraft Services presently holds a right of first refusal on parcel 14F; they have made no effort to show plans for utilization of the parcel they felt was important enough to procure a right of first refusal on – 14F. The Rifle Jet Center has in accordance with Garfield County and State and Federal rules already have installed an AvGas Self Fuel Service Center in the area with immediate access to parcels 1 & 2E.

Additional discussion was held and Brian assured the Board that he would let this turn into a land grab per se. This is not beneficial for the airport. We are following the process to make this parcel and other parcels available to the public on a first come, first serve basis. All this is a concept plan acceptance and we'll move to the next phase. that Corporate Aircraft submitted the better proposal; the evaluation criteria was stated in the RFP; the next phase is that Corporate has 45 days to come up with additional items. A provision was also put in that at the airport's discretion; we can refuse or reject any concept plan for the benefit of the airport.

Todd Chilton of Corporate Aircraft – they have compiled with Brian's request for this lot and feel they have a master plan to enhance the Airport. They have worked with the County for 20 years and feel it's critical to develop this property and expand the Airport. They would like to go forward and develop the airport.

The Flight Department is the second FBO and he is confident that he can find a suitable replacement for them and a few options of long and short-term goals to meet the minimum standards.

Replacement Parcel - Leases

In December of last year, they met and agreed upon everything except this replacement parcel. He needs an additional 40,000 square feet to meet the requirements for the land lease.

Carolyn stated the leases were submitted to the Board and they can be signed without the replacement parcel being identified. Brian said they spent a long time in getting the second FBO up and running and there's been some set backs, legally with identifying parcels of land, however late last year we agreed on everything except a replacement parcel. The Flight Department met all the other minimal requirements and had leased the Parcel 3 with the VOR problem that would have met their minimum requirements. They were granted the right to act as an FBO and on 12/21/02; they entered into the operations of a full service FBO. In the six months, a lot of information has changed and in another six months we will have new information coming forth so we can change the leases or wait six months. Brian said he thinks it is time to sign this lease and make addendums or changes as they come along. He is confident he can find an appropriate parcel for them. The numbering on the parcels is not correct. Parcel No. 2 is actually Parcel No. 3 on the map – the VOR problem parcel.

Jean Doremus – attorney for the Flight Department and the Rifle Jet Center and has been negotiating with Carolyn on this lease. The expansion parcel is very key to this negotiation and didn't expect a lease would be signed today without that included. It has a lot to do with the investment the Rifle Jet Center has made at the airport in terms of where they can expand and because there is an issue as to what the replacement parcel will be and the options presented on April 18 were not great. The best option is the one that is not subject of this RFP because the parcel is in-between Corporate and Rifle Jet – the other parcels are tied up and it's important to the Rifle Jet Center that they have a front line piece for an expansion parcel. They've made a huge investment at this airport and are here for the long term. It is only appropriate and fair that they get a parcel they could expand on that is on the front line. She is hesitant to recommend to the Flight Department to sign this lease without an expansion parcel based upon the fact that this RFP is out there. This replacement parcel has always been a very important item in discussions with Carolyn. We've waited this long and there is a key piece element of this lease that has not been determined and believe it is the responsibility of this Board to identify a replacement parcel that is equitable for the Flight Department/Rifle Jet Center and the parcel they believe is the most equitable at this time, based on all the other things going on at the Airport, is the parcel Corporate Air has submitted their RFP on. The reason the Flight Department/Rifle Jet Center was very limited was to meet the limits stated for their lease and not any plans for the future only because that was all they needed to submit for purposes of their lease.
Jean said she would like to have this lease signed in good faith today but wanted to cover them in the language properly and the language as to where we are with the expansion parcel. The County Commissioners look at the airport master plan and see what is going on, there are a lot of different leases out there, that's why it has been so hard to nail this down; now it's complicated with the RFP.
Carolyn – the Board authorized last August to sign this document, however what we need is a motion authorizing you to make it with the changes that appear in this draft and as discussed today.
There is no flight line east of Rifle Jet Center at the present, it's all dirt. So any improvement in that is going to be a big burden to the County. Right now, this is probably two years off.

Direction to staff

Commissioner Houpt made a motion that we authorize the Chair to sign this Agreement between the County and the Flight Department to serve as a fixed base operator with the language included in the final draft that we received and incorporate the discussion on updating the status of the parcels as indicated in our discussion today. Commissioner McCown seconded; motion carried.

Pitkin County Meeting

June 3, 2003 – meeting was scheduled – noon.
In addition, the City/County Meeting with Glenwood Springs is the same day; it was moved back due to CCI Meetings.
Ed will submit a confirmation to the Board.
Those asked to attend will be based on the agenda. Pitkin would be willing to come here.
The Community Center in El Jebel was also discussed.

NOTICED PUBLIC MEETING

CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR A PROPERTY LOCATED AT 0555 CACTUS FLATS ROAD – APPLICANT: ED AND JANELL JOHNSON

Fred Jarman, Greg Hall, Attorney for the applicants with the firm of Noone and Hall, Ed Johnson, Chris Johnson and Carolyn Dahlgren were present.
Carolyn reviewed the notification, posting and property notices and determined they were in order and the Board was entitled to proceed. Chairman Martin swore in the speakers.
Fred 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 Comp Plan of 2000; Exhibit E – Garfield County Subdivision Regulations; Exhibit F – Staff Memorandum and Exhibit G – Application. Chairman Martin entered Exhibits A – G into the record.
This is a request for an exemption from the Definition of Subdivision on an 11.66-acre tract of land located in the Missouri Heights area north of Carbondale adjacent to the Up Cattle Creek Subdivision. The property owners were granted a SUP for an Accessory Dwelling unit in 1999 and memorialized in Resolution No. 99-056. The owners request approval to subdivide their property into two lots of 4.6 (Lot 1) and 6.9 (Lot 2) each using the Subdivision Exemption process. This lot split will effectively convert an existing ADU into a primary unit on one of the lots.

STAFF RECOMMENDATION

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 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.
3. That the applicant shall have 120 days (until 08/11/03) to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. The Applicant shall submit a final exemption plat indicating the legal description of all the lots created, dimensions and areas (in acres) of the lots, and all easements (such as the access and well easements) encumbering the property.
5. Because the effect of this Exemption would place the ADU on its own new lot, the owners are required to 1) effect a well sharing agreement between the two lots to legally establish ownership, use, and maintenance responsibilities, and 2) create a well easement from Lot 2 to Lot 1. This easement shall be depicted on the Exemption Plat and recorded in the County Clerk and Recorder's Office.
6. As a result of this conversion of the ADU to a primary unit on its own lot, the Special use permit status for that property will become null and void.
7. 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;
8. The access roadways to the lots shall be maintained adequately to accommodate the weights and turning radiuses of emergency apparatus to permit access during adverse weather conditions.
9. That the following plat notes shall appear on the Final Plat:
    a) No further divisions by exemption from the rules of Subdivision will be allowed.
    b) No open-hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.
    c) All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
    d) Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
    e) 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.
    f) 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.
    g) One (1) dog will be allowed for each residential unit within a subdivision 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.

10. Prior to the signing of a plat, all physical water supplies shall demonstrate the following points:
    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;
    g. The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

For water supplies based on the use of cistern, the tank shall be a minimum of 1000 gallons.

Greg Hall for the applicants requested the Board approve the recommendation of the staff. In the staff comments, this ADU was approved several years ago. This is a lot split, after the fact and has tendered a well pump test and quality dated 1999. He asked the Board to waive this condition since this has been a residence in use for 4 – 5 years. Also on the dog restriction, this is included in the protective covenants and is duplicated in Condition 9g, so he requested to have that portion deleted.

Calvin Lee – neighbor of the Johnson's stated he had only one dispute in the past, which was over dogs and questioned the deletion of the 9g. Chris Johnson has more than one dog.

Chairman Martin stated violations of the code are an enforcement issue as well as a place to put the dogs if they are picked up. Calvin stated the dogs barking at night was the issue. Ed Johnson reiterated the 10d opinion on the water. Calvin Lee noted the drought issue and addressed the Board to encourage there is appropriate water as their water comes from his aquifer. Barbara Mason – neighbor – questioned the number of occupancies in the ADU structure. She hates to see large lot slits. Ed Johnson noted this split was to give his children land. Calvin Lee stated a 72-hour water test is more accurate to see the recovery process. He was told by water engineers that this area will likely experience water shortages. Greg Hall – as in the application, they consulted the other two lot owners A & B and requested their input. Both did write letters to give the Commissioners their input. The other parcel owners realize they will not be able to come in and request an ADU. On the dogs, Greg reiterated they wanted to comply and referenced the dogs barking. Calvin encouraged Chris not to replace the dogs if they die. As long as there is no barking after 8 p.m. he didn't have a problem.

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

Commissioner McCown made a motion to approve the request for an exemption from the definition of subdivision for Ed and Janell Johnson with the conditions of staff striking the last sentence in 9g regarding protective covenants and waiving Condition 10a, b, c, and d if the applicant is able to bring in his 1999 well test prior to signing the final plat and if not, he would need to comply with the water test condition.

Commissioner Houpt seconded for discussion and asked how long this water test is accepted. The Building and Planning stated usually only for one year. Commissioner Houpt would like to see a new well test since we are experiencing water shortages in the County.

Commissioner McCown – was not in favor of amending his motion stating that a test meant additional expense to show that it would create 350 gallons a day and this is the basis of what our pump test relies. No adjustment was made to the original motion.

Vote on the motion: McCown and Martin – aye; Houpt – nay due to the water issue.

PUBLIC MEETING

CONSIDER AN AMENDED PLAT REQUEST TO AMEND THE PLAT OF LOTS 29 AND 30, BLOCK 4, TOWNSITE OF COOPERTON, GARFIELD, COLORADO – APPLICANT: HEIDI AND HARMONY HENDRICKS

Carolyn Dahlgren, Fred Jarman, Heidi and Harmony Hendricks were present.

This is a requested for an amendment to the Plat for Heidi and Harmony Hendricks located off County Road 106 in an area adjacent to the Town of Carbondale known as Satank. The applicant is requesting approval to eliminate the lot line separating Lots 29 and 30 to create one parcel consisting of approximately

9,611 sq. ft. for the purposes of constructing a single family residence and customary accessory uses. Staff recommends approval with two conditions:

1. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval;
2. Within 90-days of approval, the Amended Final Plat shall be reviewed (paper copy), then signed and dated (Mylar copy) 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.

The plat notes the name of her mother. The Mylar will show the change.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat request to amend the plat of lots 29 and Lot 30, Block 4, Townsite of Cooperton for Heidi and Harmony Hendricks with the correction on the name of the Mylar omitting the name of the mother and with the two conditions of staff; motion carried.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

MAY 19, 2003
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 19, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Consideration and Authorization of Purchase of Pitkin Properties – Ed Green and Dale Hancock

Don DeFord and Dale Hancock were present.

Don requested this issue to be discussed in Executive Session, and then open to the public if the Board so decides.

Telecommunications Matters/Wireless Internet Service – Harvey Gap

Dale Hancock and Steve Self from Willow Wisp – Agreement for Site Leasing was presented and a brief history of the telecommunication sites was given for Commissioner Houpt's benefit.

This particular site located at Harvey Gap didn't serve a lot of people, yet the possibility of it serving the police and fire district would be very valuable.

Commissioner McCown voiced his concern on this telecommunication line and suggested checking it thoroughly for additional vandalism since the site itself has been damaged. It is located in a remote location. This is a service line and the responsibility of the County.

The standard agreement was presented and Dale stated the monthly amount of income to allow the Wireless Internet Service would amount to $167.00 per month.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the agreement with Willow Wisp and that the Chair be authorized to sign said agreement. Motion carried.

Telecommunications matters/Questar Pipeline Co. – Dale Hancock

Dale Hancock advised the Board on the *proposed* agreement with Questar Pipeline Company stating it was for the same communication site as the Wireless Internet Services just approved. Some concerns were raised about the power at the site. This possible remedy for the damages is being checked due to the vandalism. The lines were hit by someone doing target practice with a BB gun or similar. Bob Kibler was notified and he didn't have any concerns.

Construction of Raw Water Pipeline on County Road 245 – Town of New Castle - Marvin Stephens and Jeff Simonson with Schmueser Gordon Meyer for the Town

Marvin Stephens provided the Board of the situation and stated the major concerns were the movement of traffic during work hours. However, The Town of New Castle came up with some solutions that will place limitations on the parking to the northbound lane; hire normal traffic flaggers; and will not allow open trenches. The waterline will be under the pavement. The town already has a 16" line coming down the south lane of the County Road 245. This part of the project is not under the DOLA Grant. They expect to start within the next several weeks and project approximately 60 – 90 days to complete the project. This pipeline will be 2700-feet in the County right of way on CR 245. The Board approved of the procedure.

Rural Resort Heritage Grant – Revenue Sharing Program – Update

Ed explained that correspondence was received from Jim Spehar and Tim Sarmo regarding the Revenue Sharing Program. It's Jim's intention to address Rural Resort at their meeting on the 22nd of May to ask them if they want to continue this or discontinue it. To date, we've accomplished Phase I, which was for about $15,000 and he's done a little on Phase II so the total amount we've paid is around $19,600. Tim has indicated that if we decide to terminate the initiative, DOLA will ask for their $5,000 back. We received a total of around $25,000 from Rural Resort, we spent $20,000 and we'll have to give the $5,000 back but there was nothing out-of-pocket. Ed suggested that the Board may want to consider is that Colin Laird is attempting to create a region-wide affordable housing trust and there might be some advantage of having this model in place for revenue sharing on that program.

Commissioner Houpt stated she would be attending the Rural Resort meeting on May 22, 2003.

Ed explained the other counties have fallen on hard times and do not want to participate in the program. The affordable housing component could be the issue that would salvage the program. The first two years

will be a matter of the county/city entities and providing some funds to keep it going. What they want to do eventually is have some sort of tax enactment that will continue to support the initiative.

Fund Balance for the Health Pool Recovered

Ed provided the Board with an update stating the fund is to around $1,000,000 and another good sign is that the catastrophic numbers are down considerable. The down side of this is they flat-lined the budget projections for claims. There should not be a mid-year crisis in the Health Pool this year.

COUNTY ATTORNEY UPDATE – DON DEFORD

Update Planning Consultant – New Oil and Gas Regulations - Mark Bean and Don DeFord

Don discussed two specific issues with the Board: 1) potential new oil and gas regulations – the Board during discussions with citizens from the area south of Silt had indicated they wanted Barbara Green and her consultant to look at this issue and see if they could and how quickly they could develop potential oil and gas regulations for the County. Don provided the Board with copies of the regulations they developed for Gunnison County, they were adopted by Gunnison County as temporary regulations last week. These regulations might provide a framework for our County but Barbara recognizes that this Board and Garfield County may have different interests. She was clear in her discussions that indeed this was a composite of ideas from not only her staff but also the planning staff, the Commissioners and County Attorney of Gunnison County.

Chairman Martin stated that Barbara should make sure the rules she proposes are enforceable, fair and she should follow the guidelines we have established. Commissioner Houpt favored the issues of land use, establish a level of fairness, and the rules should be the same as those that other entities have to abide by. Mark said the Gunnison Regulations took a different approach and the issues were set up separately from the standard land use regulations. Commissioner McCown stated he wanted to stay away from any pre-emptive rules. He didn't believe that this would be a cooperative venture, rather it would be tested. In the Gunnison area, it may prevail because there are probably five wells in the entire county equating to about a $5 million and if it took $500,000 to fight it (10% of their budget) then they may not fight. However, in Garfield County when they are looking at a $350 million investment by a company, they will test the rules. The only thing he supported would be staying from any pre-emptive rules, any conflict with rules that are already in place by the Oil and Gas Commission. Barbara Green will likely tell us she can defend those rules, but whether she can win or not is the concern. Martha Rudolph defended the rules for a cost of $400,000; any attorney will defend what they write, but winning is something else. Working with the Oil and Gas Commission as we have done in the past on rules is the way because there is already a governing board with rules on the industry. Therefore, he favored strengthening those, making changes where needed, rather than trying to circumvent that process.

Commissioner Houpt stressed the local control involved and agreed to work with the governing board in place but we are talking about impacting the County and would like to hear from Barbara what she believes would stand up in Court.

Commissioner McCown – The LaPlata process from what he's seen is an administerial fund-raising process; they apply for a permit and the amount is based on the size and the Planning Department issues the permit. He does not see this county doing that just for the sake of raising money. The money they raise would pay for the staff that it would take to administer the permits.

Chairman Martin suggested Barbara to work on the best practices so the industry goes ahead and shares those same views and hopefully come up with some compromise using the rules and regulations we have, also looking at the troubles we've had and items that are not covered in the rules and regulations, address those and go from there. Present something to the Board that will address the concerns expressed.

Mark recommended keeping this on the internal staff level and keeping Barbara as a resource.

Under present statutes, there is nothing we can do to deny a permit. This will be ministerial.

Formation of Focus Groups – Land Use Code

Don requested direction from the Board regarding the formation of some focus groups to assist in putting together the new land use code. Commissioner McCown had some ideas on individuals he wanted to see involved in agricultural areas and asked if the other two commissioners had input.

Mark stated the scope of services proposed to actually get into the focus groups would be the latter part of July and August. The first project of the consultants will be doing the white paper looking at all the various methods and new techniques being used to deal with land use issues.

They will lay out a general outline for the Board to look at and then come up with a system to focus our attention and try to develop regulations.

The current list of focus groups includes: agricultural, municipal attorneys, attorneys in land use areas, agricultural, recreation, trails issues, resource groups such as aggregate, and oil and gas.
More discussion will be held on this and a list is to be presented to the Board for names of individuals and possible other sources to be included.

Executive Session – Litigation Update –Contract Issues on Property Acquisitions - Four-Mile Drainage

Randy Withee was included on the Four-Mile Drainage, and Mildred, Don, the Board, Ed, Jesse, Dale and Mark on other issues.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; Motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Action
Litigation
Don requested authority for the County Attorney's Office to appear on behalf of the County and ask that the County be allowed to intervene in the matter of Lucero v Chappell.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.
Real Estate Purchase
Don requested that the Chair be authorized to sign a real estate purchase contract in the format that was originally drafted by Carolyn Dahlgren, which is for the most part a standard real estate purchase agreement that the County has utilized in the past, most recently with the City of Glenwood Springs, with the requested alterations as set forth by Deb Stuerwald and Robert Dalton, going through those by numbered items: 1) on property description that the description be allowed to remain as it is, but require that it be conformed to the description prepared by the County Survey, except Item Number 4, accept 5e, accept Item 5a, accept Item 5g; the paragraphs 6 b, c, and d remain as originally drafted by Ms. Dahlgren and that paragraph 6 e be altered to provide that the County will conduct at it's discretion an environmental assessment on or before the close on the 23rd of May and that if that assessment determines that the cost of remediation exceeds ten percent (10%) of the purchase price, then we would have the option of terminating without damage. And going forward, that we accept 7 e, which requires a mutual extension of the time for closing and that we accept 7 g i.e. I would an opportunity to talk to both of the sellers to make certain that they want this change, however, I don't see that it creates difficulties for us as the buyer. So with those alterations, I would like the Chair at this time authorized to execute this agreement.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

CONSENT AGENDA

a. Approve Bills and Modifications to Warrant Lists – February 24 and April 7
b. Liquor License Renewal (Thunder River Market) – Mildred Alsdorf
c. Action on the "Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement" and a "Reduction Certificate Number 1". Applicant/Owner – Blue Creek Land Holdings, LLC represented by Larry Green – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve items a – c including the modifications to the warrant lists; motion carried.

COMMISSIONER REPORT

Commissioner McCown – Craig for the Coal Conference last week Thursday through Saturday and submitted information to the other Commissioners. Good information consisting of changes in the industry and how the product is going to be utilized in the future, record year in production in Colorado last year, new concepts, and things are favorable in the industry, competitive as always. This week on Wednesday, a luncheon with Doug Dennison in Parachute; Communication Board Meeting on Thursday at 1:30 p.m.
Chairman Martin – Mayor's Meeting on Tuesday 5-20-03 where discussion was held on the West Nile plus other items; Tuesday road inspection of West Mamm and checking out the Mag chloride and re-graveling projects; Meeker Fire Tour and the roads in Meeker that are actually maintained by Rio Blanco in Garfield county are extremely good conditions, good gravel and no pot holes. ITPR meeting in Gypsum last Friday from 10 – 4. Transit element in reference to the 20-30 plan that we have in final draft form, also granted five different requests for money to help out on assisted busing, i.e. the Traveler or Handicapped Assistance in operating expenses from TRP and into CDOT enhancement funds. Planning process in play, will have

two special groups that we will have to participate in other than the transit element and that will be the trails and bike element, the multi-model transportation tact subcommittee as well as the roadway tact subcommittee and the Airport but gave them Brian's name. This has to be compiled by August and submitted through the public process and then finalized in front of the Transportation Commission in Denver by September of next year. There's no guarantee there's any money for the 20-30 plan but you have to go through it because it's mandatory to be qualified for federal funds for the State. The document is 1500 pages. This has been going on for six years. The Intermountain TPR is only a part of this. Commissioner McCown added - At the coal conference, they gave a presentation on freight movement and it directed to truck traffic congestion. Maps on the major arteries throughout Colorado and it's gets light enough to hardly monitor from the Divide this way on I-70 but it is at a gridlock point in the Denver area and they are looking at re-routing major arteries to get the terminals that require the trucks to use these areas out onto the eastern slope of Colorado further which will entail building new highways to those terminals. Chairman Martin – it also coordinates with what they call the super slab, which runs north, and south from Texas to Canada and they are trying to promote moving those out there. About 30 - 40% of traffic now is freight traffic on I-70 running through Glenwood Springs and Glenwood Canyon. Bike Rodeo in Silt on Saturday, Randy Russell and Steve Hackett were there and a good community effort. Missed the Dandelion Parade in Carbondale.

Commissioner Houpt – Human Service Commission meeting last week focused on looking for additional funding; attended a county budget conference Wednesday through Friday and will put these materials in the box for the other commissioners. She would like a discussion on the ideas that came out of the meeting; Rendezvous– on Saturday at Rifle; on the 21st joint planning with Glenwood; Rural Resort 22nd in Gremlin; Ruedi Water and Power Authority Board Meeting in Carbondale; and would like to consider a packet on opinions to Scott McInnis on Roan Creek Plateau. Chairman Martin noted this has been sent out to him as well as to all the other agencies involved, Rio Blanco and Mesa County, and all the municipalities.

CONSIDER PRIVATE OPTIONAL PREMISE LICENSE – IRONBRIDGE CLUB (ROSE RANCH)

Mildred Alsdorf submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Signed Poster; Exhibit C - Applications; Exhibit D - Letter to the applicant addressing the needs of the neighborhood (returned) – Listed west, north, east and south – Exhibit E - Petitions for and against; Chairman Martin submitted the Exhibits A – E into the record.

Chairman Martin swore in the speakers.

Mike Staley – 50 Old Barn Lane, Carbondale General Manager, Attorney Tim Thulson, Thomas Schmidt in charge of the Development and the president of the J. Thomas Schmidt and Company dba The Ironbridge Club, and Matt Benn, the Manager for purposes of this liquor license for the J. Thomas Schmidt Company and head golf pro of the Ironbridge Golf Club were present.

Mildred stated the application is for a private optional premise liquor license on a property at Rose Ranch. It's called the Ironbridge Club. A drawing that's marked in red was shown as to where their golf club and the area encompassing the optional premises will be for this license. The Affidavit stating cash on hand in the amount of $20,000 was subject to question if it is invested in the club or what is this to be used for. Mike explained that J. Thomas Schmidt and Company is the operator for the LB Rose Ranch LLC, there's an operating agreement demonstrating his responsibilities as they relate to liquor service and the liquor inventory purchased would be what that cash on hand is required for and so he does not have a direct investment in the improvements, but rather as an operator and being responsible for any and all liquor sold on those premises, he's acquiring those and managing the sale of those.

Mildred clarified that this development management agreement is what Mike was referring to. This is a first for Garfield County to have an optional premise that is private. The applicant was asked how they plan regular people bringing alcohol in or keeping people from taking alcohol out to the golf course and where they will be serving.

Mike – the premises are pretty well controlled; the parking lot and the point of egress and ingress on the course and in the clubhouse and pro shop are all in one location. Everybody who plays the course checks in, obviously through Matt Benn and his staff at the pro shop and bags are carried from the cars to the carts and in many cases people just have their bags stored on site. It would be very apparent if someone was carrying many things with them, especially drinks or alcohol with them as the come in and approach, there's quite a lot of parking distance from their cars to where the staging area is for the carts.

Mildred – you'll also have a beverage cart out on the green that crosses the road.

Mike – Yes, wherever the golf course is, the beverage cart will rove around and we may have two carts that rove around during the day offering beverages and snacks for people who are golfing and people would buy them from that person.
Mildred – you say this is private, are you going to allow public out there and then will you be selling to the public.
Mike – it's a private club but with a component that allows residents of Garfield County to play on it, but whether it's a private member or a guest of a member or a resident of Garfield County, they still go through the same check-in process and they're essentially guests of the club and we felt this was the right permit for our particular circumstances.
Tim – it's my understanding in talking with the permitting authorities, this private license will allow us to serve all patrons of the golf course which includes club members and the public that's playing on the golf course, this would not allow Joe Q Public, who's driving down CR 109 to go home to stop in and grab a beer on the way home unless they were a member of the club.
Mildred – what I understood too was the fact that you're going to have some, like the Board of Realtors, are they coming in as private individuals or are they members of the club?
Tim – patrons of the club – guests.
Mildred – approval under building and planning for the club, you were to have for public play per week or something.
Tim – actually, it is broader than that, it just said we would have an affordable public play component for Garfield County residents and they would be patrons/guests of the club at the time they are playing and they would be able to receive liquor under this license. A guest would not have to vouch for them if they are playing under the public play component under our approval; the allocated public play.
Mildred – having a problem with it being private yet you are going to have all these people come in with guests.
Tim – my understanding that the private license allows the patrons of the club only – that's private to the club. It doesn't allow someone driving down Hwy. 82 to come in and receive liquor under our liquor license unless (a) they are paying a green fee; or (b) they're a member of the club itself. This is not a club license; unlike the Elks Club or the Eagles or something like that. My understanding, in talking with the liquor licensing authorities that allows all patrons of the club to receive liquor under this license as a guest.
Mike – the key word is patrons and the definition of that is anybody who's allowed to play on the course. John Stonebridge is one of the legal counsel from Denver that helped with the State application.
Mildred - received a letter from him that stated that this appears, as a private optional premise is actually preferable to a private tavern application. The reason for that is you could not have an optional premise license with a tavern license.
Chairman Martin - we'll consider that part of the application and not as a separate exhibit.
Mildred – Commissioner Houpt brought up the fact that there were very few petitions and she had given them a lot and was disappointed that this is all the names you brought in. You were given a very wide area to go out and talk to people about this license. She asked Mike to explain how the petitions were circulated and when.
Mike informed the board that a staff member, Adam Smith, took the petitions out.
spend an afternoon and go out to the communities at large that were defined within our boundary. Many people were not at home, the areas of Westbank and Westbank Mesa were canvassed carefully, and the other areas were not covered as well.
Commissioner Houpt stated she received more calls against than for on this liquor license and the fact that it was private. There are only 21 names collected – 20 for and 1 against.
Commissioner McCown – asked if any on the signatures on the list are members or potential members of the club.
Mike – Sharon and Steve Beattie are considering but not yet a member; out of the 20 names, maybe 1 or 2 are members.
Commissioner McCown – for the most part the signatures collected on the petitions stand no chance of coming to this facility for a drink unless they are invited specifically by the two people on here who may be members.
Mike – No. – they are residents of Garfield County, so if they decide to play the course, and they certainly have that ability, then if they wanted to consume beer while they are playing golf, then they would purchase it.
Commissioner McCown - but you cannot just randomly consider playing the course and walking on.

Mike – if you're a resident of Garfield County you can call and ask if you can get a tee-time and tee-times are given and then they an play.
Commissioner McCown – exactly, there is the difference. Your club does in fact control the tee-times and the number of tee-times given to Garfield County residents.
Mike – yes and the numbers. It's by availability.
Chairman Martin – there's no set number of non-members to come and play?
Mike – we started out the year knowing we needed to provide play and access to Garfield County residents and just in looking for a template we knew that the Roaring Fork Club and also the Maroon Creek in Aspen and Basalt had similar policies and so we looked at their policies to see how they worded it and how they published that and to see what kind of demand they got for play on their course and both of them had very little play from both Basalt and Aspen communities on their courses. We picked a number and talked about it to the Westbank residents and got some push back, so we decided that if people call in and want to play, we're get them on.
Commissioner Houpt – so you don't really have a set number.
Mike – there's no set number right now.
Commissioner Houpt – was Adam instructed to go to the other locations that we had defined because this is very concentrated.
Mike – he was and no account of where he went that afternoon was available today.
Tim – commented that with this type of license it is different than if you were opening up a retail liquor store or a normal tavern. The community we are primarily serving here is the golf course and anyone that has played golf would know there's a big built-in market for liquor demand. The other point noted is in this instance, we are essentially replacing the liquor license that previously existed at that originally affected the Westbank Golf and Country Club. He felt this met the notable needs of the requirements of the neighborhood. The golf course in and of itself presents that reasonable demand because they is nothing else that can serve it in that area. Nor would you want a golf course where people are bringing their own liquor purchased elsewhere onto the golf course. Tim said they are expecting a building permit for the clubhouse building, a certificate of occupancy, upon that issuance; the issuance of the liquor license immediately would be appropriate. It is kind of incumbent upon us to try and get this as quickly as possible, we have a number of public events coming up, a benefit non-profit that this would be integral to have in place for these golf tournaments.
Chairman Martin – this is the dilemma we had, a private license versus the ability to go ahead and do fund-raisers and invite the public in one way or another, is it the appropriate license or not. We are all struggling with that particular issue and also Commissioner Houpt commented on another concern which was the concentration was in the Westbank area but the neighborhood is defined as CR 154 to Hwy 81 etc. and that is an issue of concern to the Board members, you need to make it public and we can act or postpone.
Don DeFord – has only had a brief opportunity to look at this issue but in terms of the form of the license given the use on the property, he said he needs more time to look at that legal issue. In terms of the petitions, if the Board feels the circulation is inadequate, you need to direct the applicant to continue to circulate and bring it back to you.
Tim reiterated the time element with a number of events forthcoming – May 30 is the Glenwood Board of Realtors and June 6 is the Aspen Board of Realtors.
Mildred stated there is no license currently issued therefore there is not a way to obtain a temporary license. They could get a special events license. The license takes 10 days before the event.
Mildred - must do a final inspection when your CO is issued.
Commissioner Houpt – favored giving the County Attorney more time to better define the type of license needs to be issued in this so we understand as a County the definition of patron; it makes sense that this would be a correct response but would like to see a definite response from the County Attorney and would like to see greater representation on this petition distribution and would like to see them pick a time when people are home so that you are really getting a good cross-section of people.
Mildred noted the May 27th – special meeting of the Board as a possibility of hearing this.
Commissioner McCown – expressed concern and noted he was not familiar with this type of private optional premise license, this is new and it's within the right of the applicant to apply for the type of license that best serves their need, the question is when the public gets involved, at these events whether they are guests of the club, heard testimony from one of the witnesses that sound like their tee-times are handled very much like a public club. John Q citizen calls in and if there's room, they make a tee-time and you go on. To me that is not at an invite of the course. Our golf course in Rifle Creek handles tee times the same

way and it's a public course so I think it's a gray area and he's not clear if this is the legal scope and would not discouraged them applying for a special events license in a timely manner that would allow them to go forward with their events and made a motion that we continue this until our special meeting on May 27th at 2:30 p.m.
Commissioner Houpt seconded Motion carried.

CONSIDER TRANSFER OF OWNERSHIP – HOTEL AND RESTAURANT LICENSE OPTIONAL PREMISE – COLUMBINE RESTAURANT (AKA RIFLE CREEK BAR AND GRILL)
Commissioner McCown stepped down due to his involvement on the Board at Rifle Creek Bar and Grill.
Catalina Cruz, Ray Tolusi, Lisa Flannery and Mildred Alsdorf presented.
Mildred submitted the following Exhibits: Exhibit A – proof of publication; Exhibit B – Sign Posted; Exhibit C – Application; Exhibit – Concession Agreement
Exhibits A – D – entered into the record.
Chairman Martin swore in the speakers.
This will be a transfer of ownership and the general operation will remain the same except they will have a full lunch menu and dinner will be served. The applicant had a previous liquor license in Aspen and is familiar with carding before serving. They will be Open the same hours as the golf course and in the future they hope to stay open until 10 p.m. Mildred noted a change on the license would be made from 18 years to 21.
Commissioner Houpt moved to close the public hearing; Chairman Martin stepped down as Chair to second; motion carried.
Motion to approve – the Hotel and Restaurant with optional premise liquor license for the H & R (Columbine Restaurant). Commissioner Houpt made a motion to allow the Chair to sign the transfer of ownership for Hotel & Restaurant with Optional Premise liquor license for Columbine Restaurant with the correction on the application changed from 18 years of age to 21 years of age. Chairman Martin stepped down as Chair to second; motion carried.
CONSIDER A SPECIAL USE PERMIT TO ALLOW FOR THE CONTINUED OPERATION OF DOWN VALLEY SEPTIC AND DRAIN, INC. ON THE SUBJECT PROPERTY LOCATED AT 0001 COUNTY ROAD 315 IN SILT. DON SCOTT AND MONA MOYER
Mark Bean, Tamara Pregl, Catalina Cruz and Mona Moyer were present.
Catalina Cruz reviewed the regulations for noticing and the submittals from the applicant. No receipts were provided and the Board determined they were in order and timely. Catalina advised the Commissioners they were entitled to proceed.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Mail Return Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; Exhibit F – Application Materials; Exhibit G –Letter from Matt Sturgeon, City of Rifle, dated May 1, 2003; and Exhibit H – Letter from Steve Anthony, Vegetation Management Director, dated May 8, 2003.
Chairman Martin entered Exhibits A – I into the record.
This SUP would be for the continued operation of storage of approximately 50 port-a-potties, 2 regular size pickups, 2 cargo vans, 2 pumper trucks, 1 Jetter trailer, and 2 small flat bed trailers on the subject property. The property owner was cited for zoning violations by Steve Hackett, Garfield County Compliance Officer on December 10, 2001 CRS 25-10-101, Colorado State Health Department regulations to have a septic tank or a septic system in use for any reasons on the property without a permit.
Recommendation:
Staff recommends that the Board **APPROVE** the Scott Special Use Permit for the storage of approximately 50 port-a-potties, 2 service cargo vans, 2 regular pickups, and 2 pumper trucks, 1 Jetter trailers and 2 small flat bed trailers, 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 Special Use Permit shall run with the subject property and the property owner.
3. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended.
4. The Applicant shall comply with all applicable standards of the Colorado Department of Public

Health and Environment.

5. The Applicant shall comply with all State and Federal regulations and standards, such as Noise Abatement, Water and Air Quality.
6. As per the State Highway Access Permit issued by the Colorado Department of Transportation on May 16, 2003, the total number of average daily trips ("ADT") associated with the storage of port-a-potties, shall not exceed 100 ADT.
7. All new lighting fixtures shall be designed and placed to prevent direct reflection on adjacent properties.
8. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State, and County laws, regulations and standards.
9. All garbage generated shall be stored within standard garbage receptacles and removed regularly.
10. The storage of port-a-potties and associated vehicles shall be located in the area as represented in the application material dated February 28, 2003. Any uses, other than the storage of port-a-potties and associated vans, trucks and trailers, shall obtain the appropriate special use or conditional use permit, if applicable.
11. The property owner shall meet the appropriate noise standards pursuant to Colorado State Statue 25-12-130.
12. Upon the termination of the use, rehabilitation of the site shall include the removal of all port-a-potties and associated vehicles and equipment.
13. Prior to the issuance of the actual Special Use Permit, the Applicant shall:
    a. Due to a change in use of the 4,500 square foot building, it can no longer be classified as an agricultural structure, and the Applicant shall submit and obtain a building permit from the Garfield County Building Department for the structure. The structure shall comply with the standards of the 1997 Uniform Building Code and the County's requirement for snow-loads and frost protection.
    b. The Applicant shall inventory and map the subject property for County listed noxious weeds, as Russian knapweed may be in the area.
    c. The Applicant shall provide a weed management plan for the inventoried noxious weeds.
    d. The area of the storage of the port-a-potties shall be screened with 6 feet fencing with privacy slats that comply with county regulations.

Mona Moyer – the cleaning is on site and they add Pine Sol but they do not use heavy chemicals.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Scott Special Use Permit the continued operation of Down Valley Septic and Drain, Inc., Scott Property, with Conditions 1 – 13 as recommended by staff; motion carried.

CONSIDER A SUBDIVISION PRELIMINARY PLAN APPLICATION FOR RANCH AT COULTER CREEK TO DEVELOP 480 ACRES OF LAND INTO 26 LOTS, LOCATED WEST OF THE INTERSECTION OF COUNTY ROAD 115 AND CATTLE CREEK ROAD ON MISSOURI HEIGHTS APPROXIMATELY 5 MILES NORTHEAST OF CARBONDALE, COLORADO. APPLICANT/OWNER – SNOWMASS LAND COMPANY.

Tamara Pregl, Catalina Cruz, Martha Cochran, Joe Enzer, Don DeFord, John Sarpa, and Planner Tim Malloy were present.
Catalina 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 – Mail receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000, as amended, Exhibit F - Staff Report dated May 19, 2003; Exhibit G – Application Materials; Exhibit H – Letter from Bobby Branham, Garfield County Road and Bridge dated April 2, 2003; Exhibit I – Letter from Doug Thoe, Garfield County Road and Bridge Department, dated March 25, 2003; Exhibit J – Letter from Steve Anthony, Garfield County Vegetation Director, dated March 25, 2003; Exhibit K – Letter from Kelly Woods, Colorado Division of Wildlife, received November 18, 2002; Exhibit L – Letter from Bill Gavette, Carbondale & Rural Fire Protection District, dated March 28, 2003; Exhibit M – Letter from Ron Leach, Carbondale &

Rural Fire Protection District, November 18, 2002; Exhibit N – Letter from Kenneth Knox, Colorado Division of Water Resources, dated March 27, 2003; Exhibit O – Letter from Kenneth Knox, Colorado Division of Water Resources, dated November 19, 2002; Exhibit P – Letter from Sean Gaffney, Colorado Geological Survey, dated April 1, 2003; Exhibit Q – Letter from Scott Miller to Sean McAllister dated February 25, 2003; Exhibit R – Letter from Sean McAllister to Scott Miller dated January 23, 2003; Exhibit S – Application for Water Rights for SLC-Laurence, LLC, Case No. 02CW108; Exhibit T – Letter from James Peterson to Martha Cochran dated March 25, 2003; Exhibit U – Email from Bobby Branham, Garfield County Road and Bridge Department, dated April 21, 2003; Exhibit V – Supplemental information for the Board hearing for Ranch at Coulter Creek Subdivision Preliminary Plan submitted by TG Malloy Consulting, dated April 25,2 003; Exhibit W – Letter from Robert Emerson dated April 28, 2003, regarding the Carbondale and Rural Fire Protection District Board of Directors; Exhibit X – Letter from Lou Vallario, Sheriff's Department, dated May 4, 2003; Exhibit Y – Copy of an Amendment to Deed of Conservation Easement; and Exhibit Z – Draft copy of the Planning Commission Meeting of April 9, 2003 Minutes.

Chairman Martin entered Exhibits A – Z into the record. Chairman Martin swore in the speakers.

This is a request to subdivide the 479 tract of land into 26 single-family residential lots on approximately 155.57 acres and 302.57 acres of common open space.

Tamara briefly highlighted the application going over the site description, project description, and relationship to the Comprehensive Plan, Applicability; Staff Comments and Staff Recommendations.

A portion of the property is located outside the fire district and the applicant has submitted an application to be included.

Exhibit AA – Letter received after the packets were submitted from Mr. Sean Gaffney indicating the changes that the applicant did are acceptable to the building envelopes.

Chairman Martin entered Exhibit AA into the record.

The Planning Commission forwarded a recommendation **APPROVAL** to Board of County Commissioners for the Preliminary Plan request for the Ranch at Coulter Creek Preliminary Plan, subject to the following conditions of approval:

Note: The conditions of approval below that have been stricken, in staff's opinion have been addressed by the Applicant. The underlined changes to the conditions of approval below are recommendations of Staff with explanation of the changes in italics.

1. 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.
2. The Applicant shall include in the Protective Covenants for the Subdivision the following:
   - A. The view Shed Setback Line for Lots 11, 12, 13, 14, 15 & 16 shall be addressed.
   - B. The following wildlife habitat mitigation measures shall be incorporated:
     - i. Fencing shall be kept to a minimum and follow the CDOW fencing recommendations.
     - ii. If hay will be stored on site, a stack yard shall be constructed to keep wildlife out.
     - iii. The open space and adjacent to BLM land shall be closed to dog use during the winter months. Dogs shall always be on a leash outside of the house footprint. The number of dogs per residences should be limited to one. During construction of the residences, contractors should not be allowed to have dogs on site.
     - iv. Since cats are a major predator to small rodents and birds, cats should be kept indoors at all times.
     - v. CDOW is not liable for damages to landscaping from wildlife.
     - vi. The homeowner's should install bear-proof dumpsters or trash bins.
     - vii. The CDOW shall be allowed on the property for the purpose of bear and lion control. Hunting in this circumstance only shall be allowed.
     - viii. <u>Reference or incorporate the Wildfire Hazard Mitigation Plan and Wildfire Hazard Analysis</u>. *Tithe Wildlife Hazard Mitigation Plan and Wildlife Hazard Analysis should be referenced or incorporated within the Covenants.*
3. The following geologic hazard mitigation measures shall be adhered:
   - A. The recommendations by Hepworth-Pawlak Geotechnical, Inc. ("HP Geotech") outlined in the Preliminary Geotechnical Study for the Subdivision dated February 28, 2003, [Job No. 103 115] shall be adhered. These Preliminary Design Recommendations include provisions

for foundations, floor slabs, under-drain system, site grading, surface drainage and pavement subgrade.

~~B. On Lots 11, 12, 13, 16 and 17, buildings and other movement sensitive facilities shall be located approximately 150 feet from the landslide boundary delineated on Figures 1A, 1B, and 1C of the Preliminary Geotechnical Study conducted by HP GeoTech (February 28, 2003; Job No. 103 115).~~

~~C. Prior to the Board of County Commissioners review, a slope stability analysis shall be conducted in the area of Lots 18, 19, 20, 21 & 22, to ensure that the proposed building envelopes are adequately sited to minimize the risk of slope movement after construction.~~

~~D. Evaporate deformation faults are present in parts of the building envelopes on Lots 18, 19, 20, and 21. The location of buildings or other movement sensitive facilities shall not be located within 50 feet of the faults shown on Figures 1B and 1C of the Preliminary Geotechnical Study conducted by HP GeoTech (February 28, 2003; Job No. 103 115). These faults shall be delineated on Figures 1B and 1C shall be delineated on the Final Plat.~~

E. In addition to the drain systems for foundations recommended by HP GeoTech, due to the presence of swelling clay soils, perimeter drains should be installed around foundations. Perimeter drains prevent excessive ground moisture from saturating the soils and thus reduce the over potential for expansion or consolidation.

F. Due to the possible presence of radon gas in the area, testing for radon gas shall be done when the residences and other occupied structures have been completed, prior to the issuance of a Certificate of Occupancy.

4. The Applicant shall comply with the recommendations of the Garfield County Road and Bridge Department, dated April 2, 2003, except for internal culverts which shall comply with the recommendations outlined in the Drainage Report prepared by Sopris Engineering, LLC. dated February 7, 2003. ~~Prior to Board of County Commissioners review, the Applicant shall work with the Road and Bridge Department and County Engineer to determine an appropriate solution to the western access point for the subdivision.~~ *Bobby Branham, Garfield County Road and Bridge Department, is agreeable with the western access point with adjustments.*

5. ~~Prior to the Board of County Commissioners review, the Applicant shall work with the Carbondale and Rural Fire Protection District and the Garfield County Sheriff's Department to establish the appropriate locations for pull-outs for emergency vehicles and other reasonable improvements to the subdivision roads deemed necessary by the Fire District and the Sheriff's Department to ensure adequate emergency vehicle access. These pull-outs shall be delineated on the Final Plat.~~ Prior to Final Plat submittal, the Applicant shall finalize, with the Carbondale and Rural Fire Protection District, the locations for pull-outs for emergency vehicles. These pull-outs shall be delineated on the Final Plat. *This recommended change reflects the recent work the Applicant has done with the Fire District to designate appropriate pull-outs throughout the subdivision to accommodate the cul-de-sacs that exceed 600 feet in length.*

6. The roads / streets shall comply with the "Rural Access" standards outlined in section 9:30 of the Subdivision Regulations.

1. Pursuant to section 9:34 of the Subdivision Regulations, all streets / roads within the subdivision shall be dedicated to the public. Repair and maintenance of these roads shall be the responsibility of the incorporated Homeowners Association of the Subdivision.

2. ~~Prior to the Board of County Commissioners review, the Applicant shall submit a copy of the "wildfire hazard mitigation plan" that has been reviewed and signed off by both the Carbondale and Rural Fire Protection District and the Garfield County Sheriff's Department.~~ *A copy of the Wildfire Hazard Mitigation Plan has been submitted to the Fire District and the Sheriff's Department. Staff understands that this plan has been reviewed and signed off by both entities.*

9. ~~Prior to the Board of County Commissioners review~~, Prior to the recording of the Final Plat, the Applicant shall provide a written approval of the final determination by the Carbondale and Rural Fire Protection District regarding the annexation of the property in to the Fire District, as well as the court order to include the property within the District. *This recommended change attempts to deal with a "Catch-22". Staff understands that the Fire District Board will not approve the annexation of the property in the District, until the County has granted Final Plat approval to the subdivision. Upon approval of the subdivision by the County, the Fire District will approve the annexation through a Resolution of approval*

(see Exhibit W), at which point the Fire District will petition the court to include the property within the District as required per CRS 32-1-401(1)(c)(I).

10. Prior to installation of an antenna(s) for the purpose of improving emergency radio communication for fire fighters and other emergency personnel, the Applicant, Fire District or designated entity shall obtain a Special Use Permit with the County.

11. An Easement Agreement shall be submitted at the time of Final Plat for the antenna site, adjacent to Lot 18.

12. The Applicant shall provide the following weed management information for review and approval by the Garfield County Weed Management Director prior to the submittal of Final Plat:

A. Noxious Weeds:
   i. Inventory and mapping: The Applicant shall provide a map that represent specific locations of County-listed noxious weeds on the property.
   ii. Weed Management: The Applicant shall provide a weed management plan should be based on a detailed inventory and provide for follow-up management.
   iii. Common area weed management: The Coulter Ranch Homeowners Association will implement weed management on the Common Open Space within the property. In addition, arrangements have been made with a local rancher to perform agricultural operations on the property. If weed management does not occur on the property, there could be severe weed management issues on the areas that were previously used for hay production. The Applicant shall address this issue.
   iv. Covenants: Weed management is addressed in the covenants briefly under Article IV, Section 2. The Applicant shall include stronger language, perhaps under Article IV, Section 6. The language should remind each lot owner that it is their responsibility under the Colorado Noxious Weed Act and the Garfield County Weed Management Plan to manage County-listed noxious weeds.

B. Revegetation:
   i. The revised Revegetation Guidelines from the Garfield County Weed Management Plan calls for the following:
   a). Plant material list.
   b) Planting schedule.
   c) A map of the areas impacted by soil disturbances (outside of the building envelopes).
   d) A revegetation bond or security shall be determined ~~at Preliminary Plan~~ at Final Plat and paid prior to Final Plat submittal.
   ii. Prior to Final Plat, the Applicant shall provide a map or information that quantifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances.

C. Soil Plan:
   i. The Revegetation Guidelines also request that the Applicant provide a Soil Management Plan that includes:
      a) Provisions for salvaging on-site topsoil.
      b) A timetable for eliminating topsoil and/or aggregate piles.
      c) A plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.

13. The property is located within the RE-1 School District. 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 submittal. The total impact fee amount shall be determined prior to the submittal of the Final Plat.

14. The proposed subdivision is located in the Garfield County Traffic Study Area 11. The total impact fee payment shall be determined prior to Final Plat. The fee shall be calculated in accordance to section 4:94 of the Subdivision Regulations. Fifty percent (50%) of the road impact fees shall be collected at the submission of Final Plat for the Subdivision. All other road impact fees will be collected at the issuance of a building permit.

15. The following additional information shall be delineated on the Final Plat:

A. The View Shed Setback Line along the west side of Lots 11, 12, 13, 14, 15 and 16.
A. The Landslide Boundary and the evaporate deformation faults.
B. Tracts B and C shall eliminated or reconfigured to increase the lot size of these tracts to a

minimum of 2 acres.

~~C. For Lots 11, 12, 13, 16 & 17, the 150-foot construction setback, recommended by HP GeoTech, shall be delineated.~~

~~D. The building envelopes for Lots 18, 19, 20 and 21 shall be relocated away from the evaporate deformation faults.~~

E. The final locations for the pull-outs for emergency vehicles.

F. The easement for the Fire District antenna site and access to the site.

16. In addition to other required conditions of approval, the Applicant shall include the following plat notes on the Final Plat:

A. Building permit applications for each lot shall include plans and specifications for an onsite wastewater treatment system. Each system shall be designed by a State of Colorado registered engineer and must be approved pursuant to the Garfield County Individual Septic Disposal System (ISDS) regulations before a building permit will be issued. The type, size and location of each individual on-site wastewater system (OWS) will be site-specific based on existing Garfield County and State ISDS design criteria and required site-specific geo-technical evaluations. The soil absorption/dispersal systems should be located within the building envelope on each lot as identified on the Final Plat.

B. Historical drainage patterns shall be maintained on the property. No structures or uses shall be located within the natural drainage way on the property.

C. Development on 40% slopes or greater is prohibited on the lots.

D. Swelling soils, clay and claystone, are present on the site. Appropriate mitigation may be necessary to build on a lot.

E. 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.

F. 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.

G. No open-hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.

H. 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.

I. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

17. Prior to Final Plat, the later augmentation plan shall be approved by the water court and the State Engineer Office. In addition, prior to submission of Final Plat, the Applicant shall provide approved well permits for each well in place with the physical adequacy of the water source proven up.

Staff's Recommendation:

Staff recommended that the Garfield County Planning Commission recommend denial to the Garfield County Board of County Commissioners from the Preliminary Plan request for the Ranch at Coulter Creek Preliminary Plan for the following reasons:

1. Division of Water Resources cannot determine if there is “material injury to decreed water rights”, therefore the Applicant has not demonstrated a legal and adequate source of water pursuant to Section 4:91 (A) of the Subdivision Regulations;
2. The Applicant has not demonstrated that the proposed longer cul-de-sacs can provide adequate fire protection and emergency egress and access, pursuant to Section 9:33 of the Subdivision Regulations; and
3. The Wildfire Hazard Mitigation Plan has not been approved by the Carbondale and Rural Fire Protection District and the Garfield County Sheriff’s Department.

Staff continues to maintain that the applicant has not demonstrated a legal and adequate source of water pursuant to Section 4:91 (A) of the Subdivision Regulations, since the Division of Water Resources cannot determine if there is “material injury to decreed water rights”, which will be determined upon approval of the Augmentation Plan.

Items 2 and 3 have been addressed and in - staff’s opinion are no longer issues.

Additional Comments:

Condition No. 8 – having to do with the wildfire hazard mitigation plan. The fire district has not seen the final draft copy of it, so Tamara recommended changing that condition to say “prior to recording of the final plat, that the applicant submit some kind of correspondence from the Fire District saying they were okay with it. This may be included with their Resolution of Approval.

In addition, Condition No. 9 – “prior to the recording of the final plat, the applicant shall provide a written approval of the final Resolution” not determination because they need to approve annexation by Resolution.

Tamara summarized that even though Planning Commission is recommending approval, staff is maintaining that the applicant hasn’t demonstrated that they have legal and adequate source of water due to the comments received from the Division of Water Resources.

Tamara submitted Exhibit BB – Letters from Bob Emerson addressing some of the issues they are resolving.

Chairman Martin entered Exhibit BB into the record.

Tim Malloy, representing the applicant and Snowmass Land Company is the owner of the property and is in their contract for an arrangement that Aspen Valley Land Trust will continue to be the applicant through approval of the Preliminary Plan. This goes back a couple of years when the Laurence’s first put the ranch up for auction and Aspen Valley Land Trust became aware of the situation and thought that this might be a good opportunity to pursue a different tactic that they are normally used to doing. Ordinarily they are pursuing conservation easements and this is certainly a development project. The end result of which will be to have in permanent conservation easement a very large percentage of the ranch. As part of that process, AVLT searched for a developer with similar ideas in mind as to how the ranch should be best developed and a contract was entered into with Snowmass Land Company. Tim continued to explain the proposal and why he felt this was a very good project for this site. Two of the most important concerns was 1) to preserve as much of the open space and agricultural use on the ranch as possible; and 2) to preserve as many corridors through the property for wildlife movement as it has been identified for winter range for both elk and mule deer and severe winter ranch for elk. A few technical issues were addressed: Terrain issues on the property, minimize views of the developed areas from the surrounding roads and other areas in the adjacent neighborhood; and in order to accomplish the objectives of the AVLT in terms of preserving more than 300-acres of the property in open space and agricultural uses, actually there are approximately 400-acres of undisturbed area. They came up with some unusual road configurations that include areas with longer cul-de-sacs that are longer than normally required under the County code. There will be 26 lots on the property. They maintained a minimum privacy or separation from each of the lots in order to be able to retain a reasonable value on each lot.

Tim commented on some of the staff’s concerns; however stated they are making progress on some of the issues: fire with the Fire District and the water concern. The State will not issue a letter until the Court issues the document. Wildfire Mitigation Plan – waiting on the final plan to be submitted; the fact that CR 121 is the road most impacted and not CR 115 – Red Canyon Road.

Tamara – noted this was only at the top of CR 115 and there was no access from Highway 82.

Ron Leach – Fire Chief in Carbondale. The one thing is that the condition of approval would be based upon the inclosing of the additional property within the fire district. He added that there is a way to mitigate the long cul-de-sacs with proper road widths for the fire trucks to be able to turn around and they will work with the developer on where these will be placed.

The applicant agreed to have 90-foot turnarounds.
Commissioner McCown noted his concern that someone would not have any other way out without an emergency egress. This is not a good practice and a primary concern on long cul-de-sacs. This is the purpose of restricting the length of the cul-de-sacs.
Ron agrees and shares the concerns.
Commissioner McCown noted that the homes are being built in areas where the highest fuel sources.
Joe Enzer assured the Board that defensible spaces have been built in.
Ron Leach agreed that they have built-in defensible spaces along the roads, around the houses and the cul-de-sacs are 26 feet wide. However, who enforces that the people are cutting their brush. They are facing issues where more staff is needed to do inspections, enforcement, etc.
Tim and Kevin addressed these comments.
Ron – the Fire District considered annexing this property into the district. If they expand their service area and felt that they should come in, and required the developer to show them the infrastructure was in place to qualify the subdivision as an SO-5. There are some miscellaneous items but they have held them to a high level of infrastructure. Ron illustrated on the layout the hydrants at the northwest end of the property and the southern end – he is satisfied and it does qualify as an SO -5. This is nine miles of driving to this property from the fire station and 6 miles from Catherine Store. They have to have the sprinkler system to meet a 13R category.
James Peterson submitted an Exhibit T and addressed some of the concerns in that letter, especially requesting that the Board consider requiring the developer to place a restriction in the covenants that there would be no reflective roofs and painting will blend in with the earth tones. Lot 2 was discussed and the fact that it sets on the ridgeline. This pristine valley is a major concern and all the neighbors want the open space, grazing, and wildlife to remain in the Laurence Ranch that was secured by the Aspen Valley Land Trust several years ago.
A discussion was held with respect to the lack of proof of an adequate source of water even through the P & Z had recommended a conditional approval referencing Condition No. 17 in the staff report that “the water augmentation plan shall be approved by the water court and the State Engineer’s office to be submitted by time of Final Plat”.
Commissioner Houpt was uncertain as to why the recommendation of staff did not agree with this conditional approval.
Mark responded that the Board can make that determination, however it puts staff in a very difficult position, as they are not experts.
Don reiterated that at Preliminary Plan, if the developer did not submit the Board a letter of no material injury from the State Engineer then the Board has to make findings that either they have to present a letter from the State Engineer stating why theirs is material injury or the Board has to make a finding that they have otherwise demonstrated that there isn’t. This is what Mark was saying, it shifts the responsibility to the Board to make a determination of no material injury. That is the Board’s responsibility and it is one that by a conditional approval you are really shifting to the staff. We’re assuming that this is going to be very straight forward and we’ll get a letter from the State Engineer saying no material injury and then we’ll move on to the well permit issue. If this doesn’t happen, then it leaves the staff in a quandary. The other issue is as a matter of practice, we’re looking at one subdivision today, and if the Board assumes this to be their practice as opposed to what has been done in the past, as a staff we’ll have to assume you’ll accept this for other subdivisions as well and staff will have to advise them and we’ll have to address this issue with every subdivision rather than having it consistent policy.
Chairman Martin added for clarification, Don was citing 30-28-136-1-H-1 in the regulations and it’s pretty specific.
Tim stated they applied over a year ago and they were trying to guest what they were taking to the State Court to have approved. If the Board requires the final water decree before you take preliminary action, then you are asking whoever it is to make a guess that what they were asking the State to approve, in this case a letter of no material injury, but if you don’t, then you are asking the applicant to go through about a year’s worth and a lot of money without knowing what plan you will get. Therefore, it presents a real problem for the applicants.
Mark – it is a problem for the County too, because one of our mandates and responsibilities is that you proof that you have a legal or adequate source of domestic water. And at this point, obviously all the representations here, and unfortunately in your case it does require the augmentation plan be there, but that is part of what is required by both our regulations as well as the Statutes.

Tim – to clarify what the County regulations say in the Subdivision Regulations say, is that can you prove that by final plat, which is what we're asking for and which the Planning Commission has recommended.
Mark – we're also falling back and we have always relied on the State Statute, it states what it says and that is why we have to be cautious here. We acknowledge there is a conflict in some of the language and in how it is written in the Subdivision Regulations.
Chairman Martin – Rule 4-91a.
Tim – I have a copy of it and it clearly does include a provision that allows this Board to make a determination if you have a reasonable sense.
Chairman Martin – and as they always say, we follow our legal advice and they advise us to be careful.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
Commissioner Houpt stated that she hopes this development serves as an example because it is a great project and she appreciates the goal of this development, the time and effort and the painful process. It has been a long arduous procedure and understands they are facing a difficult time and this is not the first time this water issue and the County requirement has happened. A motion was made for denial for this proposed preliminary plan until we have received the letter from the Division of Water Resources as recommended by the County Attorney.
The motion died for lack of a second.
Commissioner McCown stated he would make a motion to continue this hearing if the applicant can waive the time element, to allow time for the applicant to get their water augmentation plan in place.
Commissioner Motion moved that this be continued until August 4 at 1:15 p.m. in order for the applicant to come back with new exhibits which will be the water augmentation plan approved by the Water Engineer, by the State of Colorado and with the conditions that the applicant waive the time element. Commissioner Houpt seconded.
The applicant objects to the long delay and will not waive the time element.
All three Commissioners were opposed to the motion.
A motion was made by Commissioner Houpt to re-open the public hearing; Commissioner McCown seconded; motion carried.
Tim stated that the applicant posed a question about the form of the commitment with respect to the water plan that would satisfy the Board's concerns. Something short of the augmentation plan but they understand they have coming soon, possibly in two weeks as opposed to months, a stipulation from the State as to the fact that they have done their analysis and they know there's no material injury and they are apparently willing to stipulate to that although technically the letter that they sent they don't typically do until the augmentation plan has been approved. But we understand that we are to receive something from them that might be shy of that plan saying the engineering has been done, the analysis is in and there is no material injury which would meet the County's requirement in your argument regarding the State, because the State's language under the Statute is specifically that there is no material injury according to the State Engineer, which we think we can provide.
Chairman Martin said this is what we are looking for a letter of no material injury and that would be acceptable. At that point, if we can have that letter then the Board can go ahead and make final judgment on this issue.
The applicant stated that they were expecting a stipulation to entry of a decree describing the plan of augmentation and asked if this would satisfy the Board's concerns.
Commissioner McCown – No. It has to be a letter stating no material injury and he strongly urged the applicant that if they do not have a high level of confidence that you will have that letter in your hands, don't come back the first week in June. That's just a friendly tip.
The applicant still requested to be on the Commissioner's Agenda for the first meeting in June.
Commissioner McCown moved to continue this until June 2 at 1:15 p.m. Commissioner Houpt seconded; motion carried.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR TRUCK STORAGE IN THE AGRICULTURAL/INDUSTRIAL ZONE DISTRICT. APPLICANT: DUFF NICOLA
REQUEST FOR APPROVAL OF AN CONDITIONAL USE PERMIT REQUEST FOR STORAGE IN THE AGRICULTURAL/INDUSTRIAL (A/I) ZONE DISTRICT FOR A PROPERTY LOCATED AT 5111 CR 346, SILT, COLORADO ON 6.94 ACRES. APPLICANT: DUFF NICOLA
Fred Jarman, Don DeFord and Duff Nicola 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.
Fred 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 – Application; Exhibit F – Staff memorandum; and
Exhibit G –Referral comments from Road and Bridge Department dated 2/26/03; Exhibit H – Photos of Property; Exhibit I – Letter of support from Gary Tillitson; Exhibit J – Letter of Support from Ralph Fritzland and Kathy Hangs; and Exhibit K – Letter of Support from Robert and Charmane Graham.
Chairman Martin entered Exhibits A - K into the record.
This is a request for approval of a conditional use permit to allow for storage in the A/I zone district on approximately 7 acres south of Silt on CR 346. The applicant would like to store tractor and trailer types of trucks onto his property, which currently serves as his residence. He
owns a trucking business and the storage of this equipment would be when not being used to haul material/products such as magnesium chloride and road salt in and out of the state.

I. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners approve the request for a Conditional Use permit to allow for "storage" for S. Duff Nicola on a property located at 5111 CR 346, Garfield County with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. This permit granted is for this specific use only as presently described. In the event any representations made in the application for which this permit is granted change and are no longer consistent with the representations in this application, the applicant shall be required to submit a new permit application to the county addressing the changes.
3. The Applicant shall install an effective method of screening (sight obscuring fencing, landscaping (trees) around the entire area so that it complies with review standard in section 5.03.08(5)(d)(iii) which states: "Storage of Heavy Equipment will only be allowed such that all equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening may include berming, landscaping, sight obscuring fencing or a combination of any of these methods. The Applicant shall not receive a conditional use permit until an onsite inspection has been completed by the county to ensure that this condition has been met.
4. The Applicant shall have a sound test conducted for the property when the maximum number of trucks is there to ensure a correct assessment of the maximum volume of sound that could possibly be generated from the property as a result of the use. This volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
5. Due to potential polluted run-off from the storage area, the Applicant shall provide drainage study by a qualified engineer licensed to practice in the State of Colorado that demonstrates the impact, if any, to the Last Chance Ditch or other adjacent properties of the amount of water run-off from the site as well as the quality of water that is generated.
6. The Applicant shall provide a plan for site rehabilitation to the Board of County Commissioners before a permit for conditional or special use will be issued.
7. The Applicant shall consult with a representative of the Division of Wildlife to obtain an analysis of the impact the use has on wildlife in the area. In addition, the Applicant shall comply with any conditions required by the Division of Wildlife in order to mitigate any impacts to wildlife in the area.
8. Regarding reclamation, the applicant shall be required to consult with Steve Anthony, the Garfield County Vegetation Manager prior to the issuance of a Conditional Use Permit so that a proper reclamation plan is formulated and approved by the Vegetation Manager. This plan shall be provided to the Building and Planning Department to be included in the land use file.

Commissioner McCown – asked if they would agree to plant trees for a buffer and Duff agreed they could do this.
Duff – all trucks are in compliance to the State code.

Commissioner McCown made a motion to close the Public Hearing. Commissioner Houpt seconded; motion carried.

A motion was made by Commissioner McCown to approve the request for a Conditional Use Permit to allow for storage for S. Duff Nicola on a property located at 511 CR 346, Garfield County with the following conditions 1 – 8 and on Number 3 altered– asked that trees, shrubs some type of vegetation that would adequately screen the operation be planted, not even suggesting the berm in this case, the trees are going to grow and it will take a period of time, suggested aligning the property with trees and vegetation that would screen the entire perimeter of the property, striking Conditions 4 and 5; including No. 6 which was Mr. Anthony's, he altered No. 3 which opened the door for Chairman Martin to ask those questions. Commissioner Houpt – would like to see No. 5 happen to not have it happen at all; Commissioner McCown – don't see the need for it since there's nothing – the trucks are empty when they come there, there's nothing there that could cause that problem as far as drainage – it would only be a natural drainage that comes across there now that would wash into the ditch. There's been nothing put on the ground, there's nothing in the trucks because they are empty that would cause a need for that study that should run-off come across that lot and go into the Last Chance Ditch. Commissioner Houpt- but there's a lot of machinery and if there's leaking from the trucks at all. Chairman Martin – it is a Rotomil surface and gravel at the present. Commissioner McCown – I still don't see a need for it. Commissioner Houpt – staff put it in and there's typically a reason for staff to make those recommendations. Commissioner McCown – yes, but this is like a site drainage plan that you're asking for and what he is doing and applying for on the site does not change anything that's on the ground right now. Fred – the reason staff put that in there, this is a site plan for a specific use, certain materials, and Mag chloride potential and can't imagine there is a single truck out there that doesn't have some oil that comes out. However, it depends upon the comfort level of this Board. There's nothing in the application that indicates what any leakage would be. This site does slope toward the Last Chance Ditch so theirs is a potential of non-point source runoff, maybe not so much on the lot, but off the Rotomil into the ditch. That's the concern that staff expressed. Commissioner Houpt asked if we could make this condition exclusively for that lot that slopes toward the ditch. Commissioner McCown, yes, that's fine but I don't know what you're wanting out of this. Do you want him to berm on the top edge of the ditch so that the water cannot run from the upper parking lot into the Last Chance Ditch? Commissioner Houpt – this is a valid environmental concern that Fred raised. Chairman Martin – there's a small farm there too and this runs into the pens where the horses and cattle used to be and the buffalo are right next to it, but didn't feel it needed to be a full site study. If we need to make some diversions, we could go ahead and make a recommendation there. Commissioner McCown – nothing short of a catch basis is going to eliminate it. Fred – the comment actually says, some definition, demonstration that it exists, it may not exist. The problem we have is we don't know. So if we set up a precedent that we do these things without paying any addition to it, is the issue and why we raised it. Commissioner McCown amended the motion to include No. 5 but added he thinks it is overkill. In addition, this would be making Condition No. 5 as Condition No. 4 since No. 4 was stricken; Commissioner Houpt seconded the motion. Fred clarified, include on page 2 of his memorandum, Road and Bridge recommendation for that apron by the direction of Jake Mall. It is a 20-foot apron. It's a fairly standard connection per Road and Bridge. Commissioner McCown amended his motion to include that and make that Condition No. 7. Commissioner Houpt amended her second. McCown - aye; Houpt – aye; Martin – nay – I think this is overkill, the concrete is too much, and I think the study is too much, other than that, I have no objections to it; motion carried.

SpringRidge Subdivision II

Pat Fitzgerald and Mark Bean were present.
Continued until May 27 at 1:00 p.m.
A motion was made by McCown and seconded by Commissioner Houpt to continue until May 27, 2003; motion carried.

PUBLIC MEETING - CONSIDERATION OF AMENDED SIA POWERLINE SUBDIVISION

Don DeFord, Mark Bean, Sherry Caloia, John Barbee, Bob Cline were present.
Mark stated that he and Jeff Nelson met on site and not all improvements were completed and Sherry Caloia has supplied an amendment to allow the extension and the letter of credit. Bob Cline has contacted the engineer, no objections to the continuation.

Commissioner McCown made motion that the Chair be authorized to sign the amended SIA; Commissioner Houpt seconded; motion carried.

PUBLIC TRUSTEE QUARTERLY REPORT – GEORGIA CHAMBERLAIN

Georgia Chamberlain presented a Power Point.

The total income is $30,426.43 for the quarter. Foreclosures and releases are on the rise. In 2002, first quarter the release income is up a couple thousands, foreclosures are twice as much and change the projected income by several thousand. In 1995, they did 2292 releases and projections for 2003 – 6764. Foreclosures in 1995 were 18 and if the progress stays the same, the projected for 2003 would be 104.

A motion was made to accept the quarterly report as submitted by the Treasurer by Commissioner Houpt and seconded by Commissioner McCown; motion carried.

HUMAN SERVICES COMMISSION

Homeless and Indigent Services

Carolyn Spencer with *Salvation Army*; Tom Zeman with Catholic Charities; and Mike Powell with Lift-up were present.

Catholic Charities: An overview was presented. Overall, requests for services are up over last year. The reasons for this include unemployment and the weak economy. Those that do have work have frequently had their hourly wages or hours cut. Others are working full-time, but have lost benefits that then cause related financial problems. Even the temporary job service agencies, which used to be a fall back for the unemployed, often don't have work to provide either. They are seeing more first time users of emergency services. People who claim they have never sought help before and now feel guilty about begging for help. The numbers being reported would be higher if families were choosing to stay in the area. Many families have chosen to live with extended family elsewhere in the US/Mexico and ride out the bad economy.

Salvation Army: A report was presented showing 685 clients served in 2002 with rent/eviction prevention, utilities, transportation and prescriptions. $15,673 in Glenwood Springs; $5,045 in Parachute; $4,290 in Rifle and $2,891 in New Castle. 24 clients were served in the Day Center in 2002. 90% of the clients work either part-time or full-time. 10% were helped to leave the community or to avail themselves of opportunities found in other states. The success rate was high because of the stability and consistency of the program. 2003 has been a difficult year for the clients because of the economic downtown. The unemployment rate in Garfield County is 5.6% and Colorado is fourth in the nation. The amount of funds for rent/eviction prevention has been cut in order to help more people.

Lift-Up: The numbers served are down, but more food is being given. The ones coming are looking for food. Commodities are only guaranteed four times yearly. The numbers for April are up. Mike is actively looking for a place to relocate Lift-Up. Ed said they met with Rifle and suggested the option of moving the operation to where the old Road and Bridge facility is located. As part of the remediation, some of the structures would be torn down. Dale went on site to do an assessment for clean up. Mike is concerned about the amount of money it will take to move. There is a meeting with the City of Rifle tomorrow and there will be a better estimate of the cost involved.

Grants Committee

Debbie Wilde – Youthzone and Kay Valadakis – Chairman of the Grants review committee.

Deb Stewart and Debbie had discussions with Ed on getting the information needed and allow the grants committee to look at what resources will be available. This is a new direction and Ed has agreed to work with a "balance score card". Ed agreed the amount of paperwork requested in the past is not needed for those folks who present requests year after year. A meeting will be set within the next several weeks. In the new system, a report has been suggested to show the outcome of the grants and how the funds are used.

Process for Contracts

Mary requested clarification on the exact process for contract requests. The Board stated, Ed, Don and then the Board.

Funding Information

TB Screening will be postponed until June 2, 2003. Decrease in funding - $12,300 from last year to $10,488 in 2003 from State Health due to fewer TB clients.

Healthy Beginnings – Increase of $11,000 in funding. These will be given to Ed and postponed to come before the Board on May 27th.

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

BOARD OF HEALTH

Mary Meisner and Wanda Berryman

West Nile Virus and SARS – information is available at the Public Health office.
Bio terrorism response training in Grand Junction and everyone will be certified; this is funded by Bio terrorism money. The training will be held on July 12 – 13.
WIC - increase in need for services; they have 1,160 clients.
EPDST – (Early Periodic Diagnosis Screening and Testing) has been moved to Colorado Department of Health and Finance and new contracts will be forthcoming. They want to see some rationalization and we will now be working with Pitkin County. The amount of contract dollars will be increased and a 5% direct cost increase.
Garfield has a larger caseload, the State assures the EPDST quality in the region and they feel this is a good move. Colorado Mountain Health accepts these clients.
Healthy Beginnings
Wanda – the number of enrollees as of May 15th is 158; she projects 420 for the year. The increase in numbers is partially due to women losing their jobs and applying for Medicaid.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.

BOARD OF SOCIAL SERVICES
Wendy O'Leary for Lynn Renick and Linda Byers from Single Entry Point were present.
Commissioner McCown moved to approve the expenditures in the amount of $103,831.83 and authorized the Chair to sign; Commissioner Houpt seconded; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Social Services; motion carried.
Commissioner McCown moved to approve the expenditures in the amount of $103,831.83 and authorized the Chair to sign; Commissioner Houpt seconded; motion carried.
Lynn will be attending a State Budget Meeting.
Child Care Licensing – Information was presented for the Board's review.
Single Entry Point
Linda stated the system changed as of May 1, 2003. She explained that the State changed eligibility requirements for clients and they are in the process of transiting. This changes some client's ability to access services. This is huge and alerted the Board that 20% of clients will lose their benefits. Nursing facility assessments and programs will begin in July. $60,582 will be received for the new responsibilities across the nine counties. A request was made for two positions – Garfield County has more than half of the clients. Need someone hired and ready to go. There are between 373 to 553 caseloads with enough funds for only one person and the hourly rate amounts to $27,000. This is a new State mandate and increases the responsibilities greatly. There is a 2-day time period to have these people assessed for a facility. When the State addressed the needs, they didn't take into account the true numbers. The workload has increased even though the numbers are down. The options available have been included in a report but it is very time consuming to assist the clients in filling out the paperwork. Jesse suggested the possibility of part-time people. Commissioner McCown suggested finding two people strategically located. Jesse suggested one in Meeker and one in Glenwood Springs. Linda said the State is funding them for 26 community home based mentally ill clients and we think there are more; they estimated 30 clients. 22 clients are currently in Garfield County; they are funding 19 and suggested at least a half-time person to manage these clients. There is a small number in the other outlying counties of Eagle, Pitkin, Summit, Grand, Jackson, Routt, Rio Blanco and Moffat and you don't need a half-time person to manage those 6 clients. This position or part-time positions will be temporary positions. Jesse suggested having a 20-hour week and one for 30-hours, eliminating the benefits. Linda stated these would be temporary positions.
Lynn is planning on a presentation next month.
Area on Aging – Nutrition and Transportation have been affected.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Social Services; motion carried.

Update on the Property (Ex Session earlier)
Don provided the Board with the update saying there was a conference call regarding the Stuerwald property across the street. Dale and Don talked to both Stuerwald and Mr. Dalton. They relayed the Board's concerns; the answer was not yes or no; but please get the contract to us in writing by the end of the today

and we'll have our attorneys look at it. Don did tell Mr. Dalton that the Board is not inclined to pay 2% if the contracts are not signed by the close of business today. Mr. Dalton's property is the south one but that was for both.

Adjourn

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

Attest: Chairman of the Board

_____ _____

MAY 27, 2003
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 Tuesday, May 27, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 9:00 A.M.
PUBLIC HEARING:
REQUEST FOR APPROVAL FOR A SPECIAL USE PERMIT FOR A TWO FAMILY DWELLING. LOCATION: COUNTY ROAD 132, GLENWOOD SPRINGS. APPLICANTS: MICHAEL AND SUSAN HENRY
Mark Bean, Mike Henry, and Carolyn Dahlgren were present.
Carolyn Dahlgren reviewed the noticing requirements and submittals of the applicant and determined they were in order. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Mark Bean submitted the following Exhibits: Exhibit A – Mail Return Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; Exhibit F – Henry SUP application; Exhibit G – Letter from the City of Glenwood Springs dated 5-13-03; and Exhibit H – Letter from the West Glenwood Springs Sanitation District dated 4-23-03. Chairman Martin admitted Exhibits A – H into the record.
This is a request for review of a Special Use Permit to allow a two-family dwelling on .046 acres of land located in West Glenwood Springs off CR 132. The subject property had an unapproved two-family dwelling on the property prior to being burned down during the Coal Seam Fire.
Recommendation:
Staff recommends Approval of the Special Use Permit for a two-family dwelling, 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 and any successors in interest shall comply with the following:
    a. Only a leasehold interest in the second dwelling unit is allowed, unless a subdivision of property is approved by the Board of County Commissioners in compliance with the applicable Subdivision Regulations.
    b. All construction will comply with the appropriate County building code requirements.

A motion was made to close the public hearing by Commissioner McCown and seconded by Commissioner Houpt; motion carried.
A motion was made by Commissioner McCown to approve the request for a special use permit to build a two-family dwelling for Michael and Suzanne Henry in West Glenwood Springs off CR 132 with the two conditions recommended by staff; Commissioner Houpt seconded; motion carried.
COUNTY MANAGER UPDATE – ED GREEN
DISCUSSION WITH ALLAN CHAPMAN, CTSI – LIABILITY INSURANCE, ERRORS AND OMISSIONS
Alan Chapman, Executive Session; Rod Capron, Property and Liability Claims Manager; and Patti Bronikowski, ARM, Manager- Workman Compensation-Risk Programs were present. Shannon Hurst, Lou Vallario, Scott surveyor, and Tim Arnett, Purchasing Contractor and Dale Hancock were present. Handouts were submitted to the Board in the form of manuals. A brief overview was given and Alan pointed out the resources available and what is covered, etc. The changes that have happened result from the members saying they didn't want covered. The fact of some changes in the policy and significance is that the policy comes from the excess carrier. Flood zoning changes on property and some on land use. $125,000 after the County has spent $125,000 on land use. Liability – certain types of functions were determined not to be covered.

Board Policy Statements were presented by Patti Bronikowski and reference made to the CAP Operational Manual. Ed said there are claims that are more frivolous by employees who decide to write a letter to the IOC and the Commissioners to get an internal investigation going. Sexual harassment, etc. and asked if this coverage provides the limits needed. Alan said as long as someone's rights are not violated, the claims will be covered. In CAP, it is covered unless the County did something that was illegal. Rod Capron addressed the exposure of the County. They will look at early intervention of certain cases. If anyone is named individually, coverage is in effect. They defend the allegations all the way to the limits. This happens very seldom. The defense includes the limits and coverage for judgments. Serving on Boards – would need to name every board the Commissioners sit on to CTSI Cap. Personal Liability – typically individuals are named in their normal capacity for punitive damages. They can't cover punitive damages and attempt to get this dismissed. The right to hire your own lawyer is an option to work with CTSI's lawyer to protect the individual's interests. Attorney liability – information is with a broker to have an opinion.
AUTO COVERAGE - Alan projected higher legal fees but they will use governmental immunity where possible. Legislature may modify this at some point. The Tort System was left about 25 years ago and how the court systems will handle this issue is unsure at this point.
AIRPORTS – There is an airport program however, airport operations are excluded. Terminals, certain property liabilities, they put together a program through CTSI where the County can pick these up. Employees of the counties will be picked up on the liability side as long as they are following their job description. Alan stressed being careful and cautious in accepting liability. He suggested contracts to be in place.
TREASURER AND ASSESSOR – CLERK & RECORDER
Coverage for collecting taxes. Language is in the new 2003 coverage – a qualified language. Additional limits are available for Clerk and Recorder's.
JAIL
Custody is the same in the jail as in the automobile when being transported. The catastrophic insurance would be a wise investment. Alan stated they would try to answer any question that arises, so please call him.
BOCC setting as Board of Equalization, Board of Social Services, and Board of Health are covered the same.
Personal Umbrella Coverage - Ed voiced his interest of three or more employee conspiring in a lie that would be difficult to defend. Rod – through the litigation review committee they have selected very good lawyers and have had success in defending their clients. In almost 99% of the time, the defense they provide takes care of the concerns. If something was wrong, punitive in nature, and the employee should be punished, then they separate the issues. They have seen situations where employees conspire to lie, put liens on houses of elected officials. The governmental immunity applies to all government employees. Governmental immunity act applies to elected officials as well as to employees.
Civil Tort Claims – if they are from a lack of proper training, then once it gets into this level, it becomes a civil rights issue.
Claims Handling- Rod – the first thing they look at is coverage. He looks for coverage and usually can find it, then there is the immunity act; then if there were some liability it would be for some negligence committed. He assured the Board that they have excelled attorneys.
Boards and Commissions
Dale asked for clarification in reference to the operational manual under Coverage of the Full Board. Rod responded, if employees, they will be covered. Unless the full board meets the criteria, they would not be covered.
Healthy Beginnings – covered separately and not as a County operation.
Library Board – funding under the BOCC, actions of the Board are not. Don is interested in obtaining information on this. Where do they make their own Human Resource guidelines? If it meets a County sponsored activity; it's under County's control.
Board of Adjustment – County would directly be paying a general settlement. Anytime the County is named, CAPP steps in to defend the County and tries to get them out of it.
AIRPORT - BRIAN CONDIE
Executive Session – Airport
A motion was made to go into an Executive Session by Commissioner Houpt; Commissioner McCown seconded; motion carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Houpt; mot

CONTINUED PUBLIC HEARING FOR SPRINGRIDGE II PUD. LOCATED ON GREENWALD PROPERTY ON DRY PARK ROAD. APPLICANTS: S & S RANCH, SBJ RANCH, LLC, FREEMAN RANCH LLC, GSB RANCH LLC, AND WILD MOUNTAIN RANCH LLC. REPRESENTED BY PAT FITZGERALD.

Continued from May 19, 2003. Mark Bean, Don DeFord, Pat Fitzgerald, Glenda Greenwald, John McCartney, Yancy Nichol, Sopris Engineer, Martha Cochran of AVLT, Mark Gould, builder of Phase I, and David McConoughy were present.

Chairman Martin swore in the Exhibits

Today - The following exhibits were submitted: Exhibit EE – Reorganized Conditions of approval (included in the staff report); Exhibit FF – Letter with accompanying documentation from Mrs. Barbara Laramie to the Garfield County Commissioners dated April 30, 2003 [Exhibit FF – Impact of the Springridge II development on availability of potable water including reports from Zancanella and Associates and Resource Engineering, Inc.

Exhibit FF suggested three solutions to the water situation: Solution No. 1 – irrigation should occur above well #1 as well as in the meadows beginning as early in the season as possible; Solution No. 2 – Well #2 should be placed downhill of the first well, preferably in the Springridge Place Subdivision. This provides the greatest distance between the wells and takes advantage of the natural terrain and drainage of basin water. In addition, Solution No. 3 – A location and permit for a third well should be included in the Springridge II plan. Having a third location provides backup if wells #1 and #2 are unable to deliver enough water for the additional needs.

Fred Jarman submitted some additional conditions that have been agreed to with the Springridge Phase I owners.

New Conditions:

1. Water usage at the new homes shall be limited to 12,000 gallons per month and shall be metered and strictly enforced. This limitation may be reconsidered if the parties agree later based on how the wells respond and drought conditions. External read out water meters shall be required to be in place as a condition of final certificate of occupancy.
2. Newly created landscaped areas shall be limited to 3,500 square feet and shall use native plant materials that are drought resistant. A list of acceptable materials shall be complied prior to Preliminary Plat. Drip or mist irrigation shall be used.

The second well that is to be drilled, Well #2, will be drilled downstream of Well #1 to offset the possibility of depletion of Well #1. Well #2 is presently permitted for a location downstream of Well #1 so this is not a problem. A third well will be permitted, but not drilled to be available as a backup if depletion starts to be a problem.]; Exhibit GG – Memo from Pat Fitzgerald dated 5/22/03; and Exhibit HH – Memo from Pat Fitzgerald dated 5.23.02

Chairman Martin entered exhibits FF – HH into the record.

This was a continued hearing from March 17, 2003 to May 19 to May 27, 2003 in order that the applicant could obtain the necessary signatures on the Conservation Easement Agreement, which will be managed by Aspen Valley Land Trust (AVLT). Additionally, the Board has stated they needed more time to hear from the public and to ask questions of the applicant for clarifications. Please note that Exhibits U – Exhibit EE were entered at the March 17, 2003 as new exhibits.

Mark noted there was some duplication in Exhibit GG and HH, the memo HH will be used for conditions and then go back to GG for input.

Mark submitted in his report - Previous conditions:

The following have been previously discussed with the homeowners and with the County but are recapped here:

1. Atkinson Ditch from the divided box at the fire station to the ranch will be upgraded and put in pipe to increase its efficiency.
2. During construction, period irrigation will continue as before.
3. Construction work in Phase II shall be only during the hours of 7:00 am. to 5:00 p.m. Monday through Saturday.
4. County Road 125 to be paved from end of present pavement to entrance of subdivision as soon as weather allows in the first phase of the subdivision development.

5. Covenants and agreements with AVLT shall contain strong provisions that the HOA in Phase II must irrigate the meadows and that AVLT can sue to enforce provisions.
6. Emergency entrance between Phase I and II will be constructed such and locked for access only by emergency personnel.
7. Lift station to have double pumps and emergency power.
8. Development of second well and second tank, tied together to provide back up provisions for both phases.
9. School buses turn around/pull off to be designed prior to preliminary plat submittal at entrances to Phase I and II.
10. We have agreed to work together and Phase I HOA to look at areas of mutual benefit on shared expenses/shared maintenance.
11. Also attached are the items we have agreed to and which we intend to make part of the covenants as to provisions relative to Division of Wildlife recommendations.

The addendum to Covenants was submitted.

Presentation by Pat Fitzgerald:
The last time we met was to request a continuance to change the sewer agreement with the City of Glenwood Springs. Pat explained this to be a conflict as discussed with AVLT. David approached Glenwood Springs noting the irrigation water would stay with the ranch and this was an amendment. The City did approve that amendment and Pat said they are in a position to continue with the BOCC.
New things – this plan has been to the county twice, and was approved both times. It came back in 2002 to Planning & Zoning due to three changes – the dropping of 2 lots, clustering that moved the lots that created more open space, the new agreement with Colorado Division of Wildlife to meet some discussions, and the new agreement with AVLT. On the sewer agreement, on 2001 the staff requested a written agreement that insures sewer taps would be available, we reached an agreement that required 81 taps for sewers to be paid; city traffic impacts fees to be used for Four Mile Road; and they will pay the city park's and recreation fees, which they agreed to. Took out the agreement that the city got the irrigation water. The pre-annexation, sewer agreement, doesn't mean that the City is going to annex the development. They are 2.5 miles away. It is unlikely that it will be annexed, however the way the city imposes fees you have to agree to a pre-annexation agreement. Last time, they did an extended conservation on another development on water; they have augmentation plan in place from the Divisions of Water and have paid for all 81 lots for two years on the augmentation plan. Exhibits FF – from Barbara Laramie – Phase I – committed to the homeowners continued irrigation to handle wells.
Summary – when we embarked, we hired OTAK, as we wanted to make this a model exceeding the comprehensive plan and meet the zoning requirements. They committed 308 acres open space and 150 acres to development.
Mark Gould, contractor, discussed sewer installation from SpringRidge regarding the concerns in impediment to traffic of sewer. A pressure sewer line means you can go up and down in grade and the pipes do not have to run in gravity. The pipe will be 4- 6' deep and fairly narrow in width and shouldn't have to haul big ditch boxes. The productivity would be 240-feet per day. 22 to 44 day process to get up the road. Two options – 1) evoke the CDOT 82 rules, start at 9 am and end at 4 pm, which and causes a longer construction period of an extra month and/or 2) Put two crews on and make it faster; this is more like a water line. It depends upon what is acceptable to the Board. Mark would prefer to put sewer in the road right of way. The bar ditch is where your dry utilities are located.
Yancy Nichol addressed the location of the sewer line saying he has walked the line and other utility conflicts are issue number one. Generally, the best place would be the shoulder of the road and it is possible in the majority of the road, it may require going from one side of the road to the other. A lot to do to with affecting traffic impacts.
Ownership of the line – this will be to City by agreement. Pat said they are responsible for ownership and maintenance and feels this is an indefinite situation.
Chairman Martin requested advice from legal counsel regarding the new permitting access to the utilities in the roadway with our new policy (research) as to cost, etc. Don informed the Board this was not adopted as yet.
Commissioner McCown – asked Pat if all negotiations have failed using the Sunlight View route.
Pat – no luck following their sewer line halfway. With or without Sunlight View, there are wide road shoulders from Springridge to the Bershenyi dip, following the same route, some impediment to the traffic;

this does not solve the traffic concerns by being in the same area as the Sunlight View line. The detailed engineering will be in at preliminary plan and not at this stage.
Springridge I – question on how to handle the old system if they wish to join in this one.
Pat – a few have said they may be interested; many have their septic system in and functioning and he didn't think at this point there would be a lot of interest. Perhaps a few that will want to hook in.
Chairman Martin asked if the capacity was there to include other developments.
Pat – the agreement allows for the over sizing to accommodate those folks. We cannot force them to join. The city would have to approve that participating, as all they have is the 81 sewer taps. When the City approved this, they looked at the benefit to the Four Mile Valley. This falls to the Homeowners Association after the developer has walked away.
Commissioner Houpt asked about the type of maintenance. Yancy said it would be a lift station. Mark Gould added that one-half of Aspen Glen is lifted to the plant and all of Rose Ranch. Lift stations are in Snowmass and West Glenwood. They are using standard technology; these are redundant systems.
Chairman Martin clarified that after the taps, statements from the City for financial gain. Pat – the City will not allow private individuals to profit from this – this is a for-profit sewer line.
Barbara Laramie – 429 SpringRidge Drive – working with Pat and other members of the homeowners. Submitted all their concerns and at this time, no new concerns. Appreciate if they would look closely at all their concerns and address them in the final approval. They have been addressed. Three memo's submitted by Pat and the earliest memo dated 3-14-03 is Exhibit DD – those concerns were readdressed in Exhibit GG on 5/27/03 and shown as previous conditions, would like these addressed in the Exhibit DD form. March 9 – Exhibit FF – all covered in memo's by Pat.
Pat – took the standpoint of what's good for your neighbor is good for your subdivision and has had no problems.
Commissioner McCown asked how many feet of the ditch irrigation system
Pat – some pipe will be ditched in the range of ¼ mile to get from the head gate pass their intake and may pipe more onto Springridge II. Addressed maintenance and delivery of maximum use of water without seepage. Commissioner McCown - by piping ¼ of that ditch, wonders if he would not damage the ground water source.
Yancy Nichol– the same amount of water would be at the head gate. A common problem in Colorado.
Pat – the Phase I people would agree to this, if we found that piping the ditch was directly related to diminishing the water level, we could always go back to the open ditch.
Mark Bean requested a signed copy of the revised agreement with the City for the file and added it needs to be a condition of approval. Additionally, the title commitments of Bruce Wampler and Trina Hayes; the legal description removes the Wampler property from the application and referred to Amendment No. 2. Zone Districts – one is residential and the other is reservation district – Pat clarified that in presenting this application to the Board, there are tax benefits to the applicant in granting AVLT the open space/conservation easement, but these tax benefits can only be preserved if we start out with the County as if there's no preconceived demand on the Board's part for that open space. They labeled the open space as *reserved to owner*. They limited the use of that land to agricultural uses and allowing people to hike across it, to run utility lines across it with the severe restriction that they have to reestablish the land. 5.5.03 in the staff report was referenced for the Board noting on page two of Fred's power point. PUD's are allowed to create their own names of zones as long as the uses are consistent with the underlying allows. Open space, agricultural activities would be consistent with a reserved zone. Pat added that home occupations would not include a beauty salon in their basement of a home, or manufacturing anything but trying to leave the door open for a person that is telecommuting; those that do not require coming before the Board for a Special Use Permit to operate. Mark added that the Board has some limits and there is some discretion but these uses are specifically defined.
Commissioner Houpt requested clarification on the statutes of agreement with AVLT. Pat said agreement with AVLT has been approved and is awaiting completion by OTAK of a baseline study that says here's what the Ranch looks like today. The applicant is committed to proceeding and granting AVLT the conservation issue and water rights go with the land. Chairman Martin addressed slope hazards Lon Lots 1 – 6 and asked how they were being addressed. Yancy talked to HP Geotech, when they get to preliminary design, if HP or Yancy feels there is an area that should not be built on, then they will restrict those until further checking is completed. Pat – the reference to that comes from the State Geologist who's looking at a map and he hasn't been on site to see the Grand Hogback. They walked the lots 1-6 and there's no large rocks lying on those sites. These issues will be addressed during Preliminary Plan. Commissioner Houpt

requested the plan for wildlife migration. Pat addressed that with DOW on those areas that are entirely open space. You will have within each lot you may build on, an area to disturb and an area with no disturbance at all. Pat also assured the Board that they would avoid scraping wasteland to build a house and the building envelope would limit the space and address the wildlife area.
John McCarty – OTAK stated that when the DOW looked at the plan, they focused in on the lots, drawings show the set back – 25' around and a 50' off the front line. DOW's and the owners further restrict buildable areas from a wildlife perspective. The plan does create corridors for the wildlife migration. Any building envelopes on 30% slopes or greater are not allowed for building areas. Affordable lots and housings – Pat stated that there would be no lots that anyone below the poverty level could afford. There will be lots that are no more expensive than Park West, or Glenwood Park. No trophy homes will be allowed. One of the neatest features is the lack of any boundary fences. This will be much more open due to this restriction. They will allow grazing and there will be perimeter fences for grazing. Fencing the grazing area and the backside of the lots will have fencing. The irrigated meadows are presently fenced, they will stay fenced, and all fencing must meet the DOW standards. The homes (81) will not have fences. John McCarty – the DOW helped mold the division of the lots and the initial layout has been enhanced to improve the migration. DOW has requested a major setback; John said they have gone as much as 1000 feet setback. Building envelopes will be closer to the road leaving more room for migration. Pat – the short story is they have reached an agreement with DOW with everything they have proposed. Exhibit Q – letter from DOW with those recommendations as well as the Fire Department recommendation have all been. Commissioner Houpt inquired as to the staff's concerns regarding the long cul-de-sacs. Pat Fitzgerald commented that one was approved that has an emergency connection. The one that Fred Jarman and Pat did not come to agree on was that Fred wanted to see the two cul-de-sacs's connected. Pat likes living on a dead-end street. If the BOCC wants these connected, they will connect with an emergency drive to allow emergency vehicles for Lots 13 and 17 and 18 and 19. Fred was okay as long as they put a hiking trail or similar to accommodate emergency vehicles. Exhibit K – RFTA request – one time fee of $6,000 and annual cost of $1600. Pat – if you are seriously concerned, their proposal for this would be that they do not believe that their contribution to a RFTA shelter at the CMC turn-off would benefit anyone that lives up Four Mile; if this is a major issue, and if the Board can talk RFTA into driving up Four Mile and they will build a shelter right at the Fire Station at Dry Park Road and Four Mile, which is where it would be used. Clarified Condition 17 – Mark stated on page 50, based on the Board's ability to approve a longer cul-de-sac than 600-foot cul-de-sacs. As represented here by Pat, we have accepted in the past emergency alternatives that are not necessarily roadways themselves, but in the case of an emergency and the need to get out, there is a pathway that someone could go along to choose an alternate route out of an area. Pat proposed a locked gate for emergency vehicles and keys to emergency personnel only. Exhibit EE – revision conditions were referenced. This is a combined recommendation of staff and the Planning Commission. Commissioner Houpt – addressed the traffic issue being created along the Four Mile Corridor – this proposed subdivision adds a lot of traffic and if Red Feather is annexed, it will add more traffic to South Glenwood; the new construction in Oak Meadows, Sunlight II but we don't hear the discussion about the impacts this makes to this 2-lane county road. We're going to overtax this road and South Glenwood. This was a concern for the City when the original 57 lots were proposed in Red Feather. Therefore, if we decide to approve this subdivision, she voiced that a strong commitment of this Board needs to be made to move forward with a commitment to the City on the South Bridge and take a hard look at the amount of traffic Four Mile Road will hold. Commissioner McCown – there is a tremendous amount of traffic and the level of service drops dramatically as the traffic increases. Commissioner Houpt doesn't think we should approve this unless we address the road issue as a County. The fire hazards last year created great concern about the single access out and the condition of Dry Park many months out of the year. Traffic will become an issue as these developments are built out; it already is a huge issue in South Glenwood. Chairman Martin – from our road study, we show that there is already a volume of over 2000 trips vehicle trips per day on Four Mile Road, and if this goes through, there are projections on percentage on how much it will increase per year as the build out from 1 year through 8 years by OTAK. There will be a 4% to 21% increase over 8 years. This is credence to Commissioner Houpt's concern. We cannot lay this problem onto one developer; it must be divided out to all others. It is unfair to put the entire issue on this subdivision. Commissioner Houpt - we've initiated impact fees and we as a County need to really look at this; we need a traffic plan for the entire project. Chairman Martin - the overall traffic study is underway and the staff is working on that particular project. Pat said they support that and added some history saying in the 90's they were asked to pull their application while the County did a study on appropriate traffic impacts. Now there is a scientific method of

what the impacts are for them to pay. Appreciates the problem and willing to be a part of the solution in what they pay but also serving as a catalyst between the County and the City to speed this up. This is not just a problem on Four Mile it is a problem in the entire County. If you ski at Sunlight, ride a snowmobile, cross county ski, have a picnic, go sightseeing on Dry Park Road, it's everybody and quoted the cartoon character "Pogo – we've met the enemy and he is us." In fairness, he said they are doing their part. Chairman Martin added there are many property owners who do not want the road improved whatsoever, and would like it to remain in very bad shape so nobody will travel it. Therefore, we have all sides covered. Commissioner McCown moved to close the Public Hearing; Commissioner Houpt seconded; motion carried.

Approval

Commissioner McCown made a motion to approve the PUD sketch plan for Springridge II including items in Exhibit EE that we had numerous discussions over; on Number 19 under staff's recommendation, I would like that to read "the applicant will be allowed to construct the cul-de-sac as long as the two are connected by an emergency road only;" I would like Number. 30 to read "should RFTA ever begin service in the Four Mile Road area, applicant will build a shelter for passengers and the correction I mentioned earlier on Number 39e changing the wording "on each lot shall have 3500 square feet of irrigated ground," also to include the memos from the applicants concerning the Homeowners of SpringRidge I and their concerns and the fact that all conditions regarding their concerns have been met, [I'm looking at the ones dated 5/23/03, 5/22/03, and 3/14/03. Mark Bean – and staff will take the most current revisions as being the appropriate and then incorporate the old ones. Commissioner McCown referenced these revisions to be included in Exhibits DD, GG, and HH. Chairman Martin – and all testimony agreed to by the applicant. Commissioner McCown – all verbal testimony as usual and recommended findings included. Chairman Martin asked Don if our new policy reference to utilities in the roadway qualify or not? Don indicated the Board has not approved them to date, so those would not apply in this case. Commissioner Houpt – asked about the wording on Number 30; since Fred isn't here, would like some explanation on this request for RFTA.

Commissioner McCown – I'm in complete agreement with the applicant that building a passenger stop at the CMC interchange and the relevance to this project is very far apart. I think it would be much more relevant that the applicant bear the burden should RFTA ever serve the Four Mile area, that they would be willing and obligated actually, to build a stop at that area, for it would be directly related to their development. Commissioner Houpt – and with this, CMC spot, do you know the background on this? Mark – for clarification, this was referred to RFTA for comments, we have no basis for a specific recommendations for RFTA to be included I this, this would be more of a volunteer situation; there's no provisions for this. Chairman Martin – that's one of the exhibits, it's just a request to consider. Commissioner Houpt – seconded the motion.

Discussion

Commissioner McCown – there's been a lot of time and effort spent mitigating possible problems and appreciate the time that you have spent working with SpringRidge I and also I would like to commend them for working with you, thank you for your time, that's what it takes to make these things work. See you at Preliminary Plan. Chairman Martin – it has come a long way since 1990, I must admit. It's not the same project by any means. Motion carried.

CONTINUED PUBLIC HEARING, LIQUOR LICENSE IRONBRIDGE PRIVATE, OPTIONAL PREMISE

Tim Thulson, Mildred Alsdorf and Mike Staley, General Manager were present.

Chairman Martin swore in the speakers.

Mildred submitted the following Exhibits: Exhibit F – Additional Petitions For and Against; Exhibit G – Letter from the Colorado Department of Revenue – Liquor Enforcement; and Exhibit H – Photos of the Ironbridge Club and Golf Course

Chairman Martin entered Exhibits F – H into the record.

Mildred gave the report saying she spoke to Laura Harris with liquor enforcement and there was no problem with this license as submitted. The applicant will not be open to the general public driving in off the road; they have to be on the golf course and guest of a member. Mildred took a tour of the golf course and took photographs for the record. Additionally, Don DeFord, Tim Thulson, John Stonebridge, Attorney for the Ironbridge Club Liquor License Component and Mildred held a conference call with the liquor

enforcement office. Discussion was held regarding a similar liquor license in Eagle County and the ruling the liquor enforcement upheld in that situation.
Don - this is the reason to put the 1995 letter in the record (Exhibit G) as these rules are the same today. The letter was directed to Eagle County and this is the only legal opinion; and on the basis of this ruling, the Board can issue the license.
Commissioner Houpt – inquired as to the advantage of this over a regular liquor license.
Mildred explained that this optional premise license encompasses the whole golf court and with a tavern license, you cannot have an optional premise, the only other type of a license with optional premise for a similar situation would be a hotel and restaurant. If they had a restaurant, they could have a Hotel and Restaurant with optional premises or in connection with the one they have now. With this license, there is no requirement for snacks or food, only liquor. They will have the beverage carts on the golf course.
Tim explained to the Board that he is sure of the legal basis for this type of license being requested; he discussed the dissemination of the petitions and how signatures were gathered. This time they had approximately 100 signatures and they encompassed Teller Springs, Coryell Road, County Road 154, Westbank Mesa, Westbank Ranch Homeowners areas and pretty much everywhere designated in the neighborhood as defined by this Board. This was done exclusively during the weekend and evening hours.
Mildred stated she did not have a problem with the signatures on the petitions and recommended to approve the license as presented.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
Commissioner McCown made a motion to approve the private optional premise liquor license for The Club at Ironbridge. Chairman Martin stepped down as Chair to second the motion for discussion purposes.
Discussion: Commissioner Houpt wanted more clarification on her concern because she had too many calls with regard to this being a concern in the community of the public/private component of this license and with this particular direction on the license, it opens the door exclusively for a private club. If they opened a restaurant that was connected to the Clubhouse, then that would be run with this particular license as a private club.
Mildred stated this would be two to three years down the road probably and as a result, we're not sure what liquor license statutes may do in the meantime.
Commissioner Houpt – but under current law, it would be a private club.
Don – that's why that letter had some significance because the State has indicated that under the circumstances Commissioner Houpt described essentially a private club and we're looking at here albeit this does have a few tee-times available for the public, they are only for the golfing public, that they still would allow this type of license. So the answer is yes, it essentially could be a private club with guests and still be issued this type of license.
Chairman Martin – this is new ground for Garfield County but not for the State.
Those in Favor – Martin and McCown. Opposed – Houpt.

CONTRACT – PUBLIC HEALTH NURSING, TUBERCULOSIS PROGRAM

Don DeFord stated that subsequent to his memo, the contract was altered after he reviewed it and requested this matter be set this over for the June 2, 2003 meeting.

RFTA Bus Stops

Don advised the Board that RFTA would be on the agenda of June 16, 2003 with amendments to the existing ordinance.

EXECUTIVE SESSION: PROPERTY ACQUISITION AND LITIGATION – ROAD ISSUES 121 ROAD; DIRECTION – CODE ENFORCEMENT, ZONE AND BUILDING CODES, ISDS REGULATIONS; POTENTIAL LITIGATION SOCIAL SERVICES; PROPERTY ACQUISITION; AND GRANT BROTHERS LITIGATION; POTENTIAL HIRING OF AN ATTORNEY FOR BOARD OF EQUALIZATION; AND POTENTIAL SPECIAL USE PERMIT

Those individuals included in all or part of the discussion included: Lynn Renick, Wendy O'Leary, Ed Green, Don DeFord, Carolyn Dahlgren, Mildred, the Board and Dale Hancock.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Don DeFord and Carolyn Dahlgren were present.
Direction to staff - Building and Planning

Commissioner McCown made a motion to direct Building and Planning, i.e. Steve Hackett to send a letter to Mr. Mayo indicating that all applications to comply need to be in the Building and Planning Office no later than the close of business on June 13, 2003. Commissioner Houpt seconded; motion carried.
Don asked if the Board wants the County Attorney's Office to send an additional letter to the City of Rifle notifying them that we have knowledge of septic disposal in their watershed protection district.
Commissioner Houpt – yes.
Don asked for direction.
Chairman Martin – there would be several of them, the Attorney, the Engineer on the City Council and the Account Manager should all receive copies of that letter at least to get the information distributed.
Commissioner McCown and include in the letter that to date we have not found any regulations or statutes that prohibit it because they are going to point the finger right back and go well, if they're doing it why don't you stop it.
Chairman Martin – and I think we need to describe that it's in their watershed and they probably have more authority than the Board itself due to clouded or no regulations that we have in place.
Don asked if the letter should be sent to the City Council with copies to the City Manager, City Engineer.
Board – Yes Don – Is that a motion?
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.
Continue to Investigate Potential Regulations for the Same Issue
Don confirmed that to be correct.
Adjourn
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adjourn; motion carried.

Attest: Chairman of the Board

_____ _____

JUNE 2, 2003
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 2**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Memorial Bench @ Airport for Jordan Dorsey – Joelle Dorsey

Joelle Dorsey presented copies of the plans to the Board. This memorial bench request is in honor of the young man that was killed. It is proposed to be placed on the north side of the building near the waiting room at the Airport at the Corporate Airport Hanger. Brian added that he thinks this is an appropriate action to be taken at this time and added the placement of the bench will be facing the flight line and the runway. Commissioner McCown made a motion to approve the Memorial Bench at the Airport for Jordan Dorsey. Commissioner Houpt seconded. Motion carried.

Employee of the Month – Lisa Gundelfinger – Assessor's Office

Shannon Hurst and Lisa Gundelfinger were present.

Shannon stated that Lisa began employment with Garfield County Assessor's office in October 1996 as an appraiser, promoted to chief appraiser and now the deputy Assessor. Lisa is committed to excellence. The successful operation of the department is due to her hardworking efforts. Shannon considers Lisa as one of the best employees in the county. Lisa has developed procedures that have increased productivity, she was in charge of the Information technology before an IT Department was established, she is in charge of making sure the audit is approved and they have passed with flying colors, she developed a plan for the appraisers to follow this year, and formulated a spreadsheet for employees. Shannon stated she was very proud of Lisa and happy to see her as employee of the month.

Access Permit CR 138 – Randy Withee

On May 15, 2003, Yancy Nichol of Sopris Engineering, representing New Creation Church, met with the County Road and Bridge and Engineering personnel regarding access on to Highway 6 & 24 from County Road 138. The request is to modify the existing intersection to a T-intersection and proceed with the application of a State Highway Access Permit.

The purpose of this request is to provide a secondary access to the Church property off County Road 138. The main access will remain off Highway 6 & 24 east of this intersection. The costs associated with the modification of the intersection will be borne by New Creation Church.

Submittals included the application request to the State for an access permit, drawings showing proposed alignment of the intersection, and the State Highway Access Permit submitted by New Creation Church. The State requires the County to submit the application for the intersection

Modification is requested because the road is owned by the County. Upon approval of this application by the State, Sopris Engineering will finalize the design and fulfill the requirements as stated in Item 17 of the application.

The Board recommended that Randy proceed and authorize the Chair to sign the application.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the permit for the secondary access at County Road 138; motion carried.

Parking Lot

Randy informed the Board they were moving ahead on the parking lot and estimated about two weeks to be completed. They will be putting a 6" curb around the outside of the west and north, pave the area and strip for spaces.

Consideration and Approval of Single Entry Point Case Manager Position – Lynn Renick

Jesse Smith presented for Lynn. This is about the State's requirement to start interviewing those seniors in the Single Entry Program. 80% of the effort will be in Garfield; therefore they are requesting one full time person. The staff currently in the Steamboat and Craig areas will be able to handle the other 20%. Funding from the State will cover this one person.

Commissioner Houpt made a motion to approve the hiring of a full time temporary position for Single Entry Point as recommended by Jesse Smith and Lynn Renick; Commissioner McCown seconded; motion carried.

DRAFT to DOE on the Vanadium Issue - Meeting

Randy Russell submitted the draft to DOE. Ed contracted the Board in advance and advised them that DOE wants another hearing on the 12th of June. The Board approved and a time will be determined later.

COUNTY SHERIFF UPDATE – LOU VALLARIO

Canoe – Emergency Rescue

Lou informed the Board on an emergency situation with Rescue Operations saying a Canoe flipped over in the river and rescue efforts are on going for one suspected of drowning. Two were pulled out.

Interstate 70 closed at Vail – Sink Hole that took out the West Bound lanes

Lou commented to the Board of the closing on Interstate 70 due to the sinkhole.

Increase Fees on VIN Inspections & Fingerprints

Lou Vallario and Jim Sears were present.

Lou requested permission to increase the fees colleted by the Garfield County Sheriff's Office for regular Vehicle Identification Number inspections (VIN inspections) and fingerprints from $10.00 to $20.00 (certified VIN's are established by Statute, Title 42.)

A survey of fees charged by other area agencies was submitted. The purpose for the increase is to offset the actual costs associated with performing these tasks.

Mildred stated the VIN inspections come into her office and recently they have had to send several back for proper filling out, therefore if the rate is raised, then she would like these to be improved so they are correct the first time.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to increase the fees on VIN Inspections and Fingerprints from $10.00 to $20.00 and that the Chair be authorized to sign a Resolution; motion carried.

Additional FTE for Administration Staff/Civil Division

Lou requested permission of the Board to increase his staff by one full time employee to provide clerical support for the Civil Division. Currently the Civil Division has two Civil Deputies and the unit has experienced a significant increase in the workload of this operation. Revenue rose from $63,659 in 2001 to $83,321 in 2002, a 34% increase. This operation brings in a higher percentage of revenue than any other division of the Sheriff's Office.

The current staff of two is handling all the paperwork, data entry, collection of fees and actual service. The workload has created an issue of overtime accrued even though other staff has been assisting. The population drives it.

Commissioner McCown noted that the savings in overtime would essentially pay for the clerical position. Jesse added the Sheriff would have enough

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the FTE for clerical support in the Civil Division, in the Civil Administration Division for a Civil Administrative Clerk, a pay grade 2 position. Motion carried.

Discussion Regarding Animal Impounds in CARE Unit

Lou Vallario and Cindy Crandall were present.

The operations of the CARE facility approached Lou with a financial need. They indicated that a large portion of animals that come to their facility are from the unincorporated areas of Garfield County and therefore feel that his department should share the financial responsibility for those animals.

One possibility is to apply the vacancy savings from the salary of the unfilled position for an Animal Control Deputy to support this program. This position will not be filled until July; therefore, there is a 6-month salary savings.

There seems to be a difference of opinion as to what the original $24,000 donation to the CARE Facility was to cover. Garfield County Administration feels that those funds provided for a certain number of kennels to be used by the County. CARE disagrees.

Additionally, we need to consider the future of animal housing and the obvious costs associated with the program. CARE is willing to provide service for us, but geographically dogs aught on the west end of the county cannot be efficiently transported to CARE every time. CARE suggested a temporary holding facility in the west end, built by public and/or private money and supported by volunteers. On a regular basis, someone could transport those animals to the CARE facility, rather than permanently house them.

Lou stated he was open to ideas and he seems the department committed to proper animal control in Garfield County. Housing strays and at large animals is a necessity, not an option.
Lou informed the Board that in 2004, CARE will be requesting additional funds to what has been committed in the past.
Cindy stated the holding facility proposed in the west end would more than likely be coordinated by CARE. The funds being requested today are emergency funds. More than 50% are free roaming dogs in Garfield County.
The minutes of February 20, 2001 were provided that specifically noted the provisions of six dog spaces at any given time. Cindy mentioned that if this is the case, then CARE is supporting the other animals picked up and they generally have them in the kennel for up to 24 days.
Commissioner Houpt – CARE is an incredible facility and the money in Lou's budget is in for animal control and would support giving these funds to CARE for this year. This $16,000 would be for additional spaces in addition to the six.
Cindy informed the Commissioners that the daily cost of providing upkeep for an animal is $16.
Cindy sees no additional expense beyond the $24,000 already given and the additional $16,000 being requested today. She confirmed there would be available space if the Sheriff brings animals to the CARE facility.
Lou stated he was supporting this concept. It is easier to contract this service to CARE. City of Rifle Police Chief Darrell Meisner did inform Lou that they would house an animal temporarily until other arrangements could be made. The additional temporary shelter would not occur overnight. Darrell has stated they could potentially use a couple of kennels until transport could be made. They will be looking at volunteers and private funds.
Commissioner McCown stated there is property available and it was offered to alleviate the need for a facility in Rifle and he suggested if CARE was interested in operating a second kennel, the opportunity is there; he would give her the names of contacts. Commissioner McCown still feels this is a shared effort with the municipalities.
Lou added that a resolution would be looked into for the future in conjunctions with the municipalities, to handle this issue.
Jesse stated the vacancy savings in the Sheriff's line item budget for this staff person would only be for the first 6-months; after that there would not be any additional funds available. The salary for the animal control person was for $32,000 so it would only be $16,000.
Commissioner Houpt noted that this is a one-time request.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the sheriff to transfer the first 6-months of the line item for the animal control personnel allocated in the budget to the Sheriff's budget for CARE facility operations. Clarification was made that this is a one-time donation. Don stated the term donation was used but asked the Board if they were actually giving this money in return for continuing to preserve those six spaces. Commissioner Houpt – we're contracting with CARE basically. Don asked if this motion also includes any necessary contract alterations, particularly to amount in your motion. Commissioner Houpt – that would be fine. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Reciprocal Termination of Lease Agreement – Gordon Consulting Group Hangars

Brian Condie and Carolyn Dahlgren were present. Carolyn submitted the termination agreement and stated she had finished negotiations with Mr. Gordon on a termination of the lease as Brian was instructed. Carolyn drafted and communicated with Mr. Gordon and with the Treasurer's office. Mr. Gordon did wire the appropriate dollar amounts. We do have his original signature on a fax version of the reciprocal of land lease and agreement and requested authorization of the Board to sign the agreement. This parcel of land will be freed up for other use at the Airport.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the reciprocal of termination of land lease and the agreement and the Chair be authorized to sign; motion carried.

Excavated Dirt at the Airport

Brian stated as a follow up, the Road and Bridge used the excavated dirt to widen the Mamm Creek Road.

Contract Negotiations – Airport – Carolyn Dahlgren/Brian Condie

The four contracts were interviewed and discussed and based on the score sheets they used, two consulting firms were selected. Ed suggested this be discussed in Executive Session before being before the public. Don agreed if the Board was in favor. This was deferred to Executive Session.

Public Health TB Contract – Administration

The Board received a memorandum from Denise and Don said this should be deferred to the next Board meeting, June 9, 2003.

Healthy Beginnings Change Order – Wanda Berryman/Don DeFord

Wanda Berryman and Don DeFord were present. Wanda clarified the additional $11,000. Healthy Beginnings received an increase in funding from the State of Colorado Department of Public Health for $11,000. Denise Young, Assistant County Attorney reviewed the agreement and there is no change that effects the County's obligation. Wanda requested that this be processed quickly as the State Health would like this contract this week.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the contract adding an additional $11,000 to the program for the period 10-02-02 through 9-30-03. Motion carried.

Community Corrections Statute Review – Carolyn Dahlgren/Denise Young

Al Maggard, Guy Meyer, Denise Young, Dale Hancock, Marian Clayton and Ray Combest were present. Dale Hancock provided the Board with a memorandum from Denise Young explaining the constitutionality of "donating" land to a private entity. The legal question was researched and the conclusion was stated: "Considering the legislative purposes set forth in 17-27-101, C. R. S., under which the Board originally organized the Community Corrections Board. One of the legislative purposes is to give more local control so that the local community corrections programs will indeed match what the local needs are said to be. The Board has the option of organizing your community corrections board as yourself, or creating a totally separate board and this Board has the option of making a separate board either advisory to you or giving it full statutory authority so that is, as known under the statute as a functional board. That is what is in place today. 4 A and 2 about State Legislation speaking to the Board's duties and authority and Carolyn left this up to the June 9th agenda when Guy Meyer will come with a real power point program and go through this in detail. The Roman number III, talks about the distinction between board and staff functions. The other major issue today was to present to the Board this legal memo which Denise Young prepared. The bottom line, despite what appears to be a straight out constitutional prohibition of either giving a reduced lease rate or selling land to a community corrections program at a reduced rate, the Case Law has developed what is known as a "public purpose" exception.

Denise presented.

The Statute, as amended, a public purpose argument could be crafted to avoid a transaction being declared unconstitutional if the land is donated or leased for an under market amount to a private entity. Any decision as to whether such a transaction should go forward is a policy and budgeting decision involving the Community Corrections Board's long-term program goals and the BOCC's land use goals. She explained that the major purpose here today was to give the Board some information on

Carolyn requested to reserve time to address whether the community corrections and the Commissioners could have a private contractor out by Airport, property adjacent to the Airport in Rifle. More information would be given about the pre-annexation agreement with the City of Rifle.

Denise stated the issue she was asked to address was essentially whether it would be constitutional to either donate the land to a private entity, not for profit entity, or lease it to them for an under market value. At first glance it does look like it's prohibited, under Article 11, Section 2 of the Colorado Constitution, which does prohibit a County from making any donation or grant to a private entity. However, there has been developed under case law if the Board can show a valid public purpose, which is not defined by case law, the Courts look at it on a case-by-case basis. If you can craft a valid public purpose, the Courts have upheld it as being constitutional. Given this situation, given the legislative declaration and purpose for community corrections board, it would be possible to craft a public purpose exception to avoid any constitutional claims. That's a decision we will leave up to the Board of County Commissioners and the Board of Corrections. It amounts to a policy decision with regard to land use versus the purposes of the Board. Carolyn stated the bottom line is policy and budgetary issues, there's not a constitutional prohibition probably.

Chairman Martin stated the agreement would still need to be review to make sure that there wasn't a conflict. Carolyn and Denise agreed. Further, Carolyn stated she did review the pre-annexation agreement with the City of Rifle and it specifically contemplates the possibility of having a Community Corrections facility out at the County's Airport Land property.

Chairman Martin – and it didn't specify a leased second party or County owned etc. it was only that there was a permitted use Community Corrections Facilities.

Guy will present a Power Point Presentation on a temporary solution for Community Corrections on June 9, 2003; this will be a proposal to use a portion of the jail as a Community Corrections facility.
Ed stated that this is not the same as what this legal review covers. This is for the future. If for some reason, Lou's operations start to expand and we have more than 100 prisoners in the jail, and he needs that facility, then there may, down the road, come a time when we need a Community Corrections entity somewhere else.
Dale said the other background part of this was the Board had requested more legal advice with respect to exactly what Community Corrections Board was empowered to do or not to do. And, specifically as we contemplated opening up this program there was a previous Resolution drafted which removed a screening committee authority from this board. If we move forward with the program as it's proposed that at a minimum needs to be reconstituted so that board would have the ability to, as contemplated by the statute, to say yes or no as to who is allowed into the community. This is for informational purposes today.
Copies of the Resolutions will be submitted to Commissioner Houpt and a more detailed conservation on the proposal will be held next meeting.
Al Maggard - clarification on the memo. Some time ago, we were looking at obtaining a facilitator to put up a building at the Airport land and operate a program. That's the result of our request for information about the use of the land. So, the memo is separate and distinct from Lou's operation being proposed. We were looking at trying to obtain someone to canoe in and operate a facility; this is even before Lou came up with the idea of the donating some space at the jail.
Chairman Martin – Working within the jail structure, not reinventing the wheel at least until capacity is an issue.
Commissioner McCown – to even go further than that, but everyone that was contacted had a tremendous problem finding property that would accommodate a facility. So then the Community Corrections Board came back to the Commissioners saying, you have all that property out by the Airport, how about giving us some of that and then hence the memo. A private or not for profit entity wanting County property to put a facility on. This is what created the research and the memo Denise prepared.
Chairman Martin – but also associated with that was a cost coming out of the County to operate that and paying as well as the offenders paying.
Ed – the discussions that Dale and he have had with these kinds of folks in the past, they have always been for profit or not for profit, even if not for profit, they are still accumulating retained earnings so it still is appropriate to charge them an appropriate rate for the use of the space.
Commissioner McCown – most of them are for profit in fact.
The Board did not need the Resolutions, only for Commissioner Houpt.

Eagle County Meeting – Homeland Security

Commissioner McCown asked about the meeting in Eagle County on Tuesday on Homeland Security, as an Associated Government members, the region in Gunnison is the fiscal officer for the 17-county area and they are looking at developing a price for product and this is the same thing the Associated Government is looking at rather than going through some confuted billing process. Guy stated the meeting in Denver several weeks ago had several of the reps from the various regions and DU was present, and it was proposed that we hire contractors to develop some plans for each region because the state wanted them to have a similar approach. The frustration is that they made this processing complicated. Contractors would be the best way to go.

Discussion Status of CR 322 – Shaffer's Crossing Road - Don DeFord

Tom Stuver, Lou Vallario, Representative David Grisso from EnCana, Marvel Couey and daughter Jackie and Don DeFord were present.
Don stated this is a road generally known as Shaffer's Crossing running off County Road 315 – Mamm Creek Road. There's been a lot of discussion generally as a haul road for oil and gas traffic. The Board has given some direction to staff in terms of doing at least minimal upkeep on the road so it can be utilized. During the course of this discussion, there may be items of legal advice and may relate to an executive session and discussion has been held with the Board. Don suggested this might need to be included in Executive Discussion. This will at least be initiated as a public discussion. Most directly affected by this is Marvel Couey a property owner, over whose property this road runs. Tom Stuver represents Marvel. Tom stated he had discussed this with Ms. Couey and she would be present.
This is an issue involving moving forward with improvements with Road and Bridge for upgrades.
Denise, Randy, Ed and Don had a conference call with Marvel and explained what would happen on the roadway. Don said this has been a subject of discussion for the last several months. Board directed staff to

work with Ms. Couey and EnCana to move forward to process this road to be used. This is a public road but not listed as a secondary or HUTF road.
The work started last week, Don was notified that Ms. Couey objected. Set today for public discussion.

Randy Withee stated the understanding was not to go beyond the existing roadway. It is generally 20-feet wide by it does vary in different sections of the road. They are trying to maintain existing drainage on the road. This is just off the main Mamm Creek Road.
Jake and Marvin described the condition of CR 322 – what was planned and was has been done.
The roadway was very rutted and it was very difficult to get up the road. Any moisture would make it impassable. The length of the roadway they were working on is approximately ¼ of a mile. Just pass the Couey place is has shale on the road. The plan was to grade the ruts re-compact it for a solid sub-base and prepare the surface for gravel. They planned to put a culvert in at the bottom of Mann Creek. Randy said they started the process of ribbed to 4" – 6" and were going to put water on it to keep the dust down. Randy stopped work on Wednesday when Ms. Couey protested.
Kelley Couey and Jackie Burris, son and daughter of Marvel Couey presented various information about the road, the number of times the rigs have run off the road with Snyder, Ballard and now EnCana into their fields, the gates left open, gates run through on several occasions, the hill being too steep, vehicles speeding on the roadway, and a lack of understanding by Ms. Couey of the process and what was entailed with the project.
David Grisso, EnCana represented the fact that a secondary access was necessary in case of a mudslide, flood or fire that could block CR 319 leaving no other way out. In addition the oil and gas company there are 10 families that live up there.
Commissioner McCown refreshed the facts that efforts had been made to negotiate with Ms. Couey for additional right of way but the effort was denied.
Ms. Couey claimed she was by-passed by EnCana and David went directly to the Road & Bridge Department to improve the road.
David Grisso stated that Doug Jones, Chief Engineer, contacted the Couey before going to Road and Bridge because they couldn't reach a compromise. This is a public road. EnCana's position is this road is an additional access from Hunter Mesa and necessary in case of a wildfire. This is not a major thorough-a-fare and the road has been used for a long time. The County had indicated some upgrades would be made to the road and this is the situation.
Don stated there is no road viewers report; this is a public right of way established by use and is limited historically by the path established, the 20-foot wide roadway.
Ms. Couey stated she had discussed the roadway with former Commissioners and deems the road as never being able to be made safe. It's a danger to anyone using it due to the narrow width and no turnouts for passing vehicles. If the County improves the road with gravel, she is concerned the rigs will go even faster and create a bigger safety issue. The main concerns regarding any improvements are to not go beyond the existing road width; no interruption with the drainage; and no trespass if vehicles cannot pass each other. She also wants honesty and truth when told someone wants to do something on this road.
The issue is: does this increase the risk of something happening and is it feasible to use as an emergency access rather than inviting use by trucks traveling with high speeds with limited visibility. This is a serious issue and the risk to public safety and damage to private property by improper use on the road. It is a non-maintained road. 20' wide
Commissioner McCown summarized the issue saying it is a public road and the road was not deed the road to the County. Discussion had been held in the pass as to whether to condemn property in order to have enough right of way to make adequate improvements to the road and put up fences, but the Board decided not to go that route. Therefore, the issue is to compromise with something that would work. Yes, there are benefits; the County taxpayers will be saving a hundred thousand road miles with water trucks using this road as opposed to using Mamm Creek. He understands that the County is impacting your family yet other taxpayers may see that this is saving 20 miles per trip because it is definite closer to the evaporation pit. The County is trying to find a balance, avoid court for both parties and need to find some resolve for the oil and gas industry to use the road and not go to battle. This is a public road and trucks are using it now. Some traction is better than none. EnCana, Ms. Couey and the County need to reach to a conclusion. The question was posed to Ms. Couey as to what can we do to solve the problem; there has been a tremendous increase on Mamm Creek over the past several years.

Jackie Burris is most concerned about the safety of the road as it has two blind corners, a steep grade and the base is clay making it a fair-weather road.
Commissioner Houpt agreed that safety is important and the County has held discussions with other people on the Mamm Creek who also have concerns with safety due to the amount of increased traffic. We have to find a safe travel for all concerned.
Chairman Martin stated the proposal is to remove the ruts and place gravel leaving the road in its current width. Would this satisfy?
Ms. Couey stated the road is fine the way it is. Commissioner McCown stated with the rutting removed and no material applied, the road would not allow driving on it in bad weather.
The plan is to put 6" of Class 2 gravel and 3" of Class 6 gravel for the entire extent of the roadway. The Road and Bridge is not looking at going any wider; and no material taken off the road pushed to the side.
Randy explained the current situation, the road has been ripped, water was to be added, the bar ditch is to be cleaned up and re-established. And, the placement of a culvert at the bottom of the road, which is not there are the present time.
Ms. Couey claimed this was a far cry from the phone call by Don when he was advising her of what was proposed and she said if she had known this earlier then she wouldn't have protested. It came down to a misunderstanding and when she saw the huge equipment, she panicked and protested.
Jackie Burris stated that as long as the drainage is not hampered, and the gates remain in place, then they would agree to the proposal. A cattle guard is not an option due to the run off. She agreed the gate would remain open when no cattle are there in the fields. Larry Couey anticipated that all the cattle would be moved by Sunday, June 1, 2003.
Chairman Martin reframed the proposal would allow the gate to be open, the placement of the culvert at the bottom of the road, clean out the barrow ditch, put two courses of gravel as previously mentioned by Commissioner McCown on the road and blade it.
Ms. Couey agreed that is fine. Please send somebody that explains exactly what is going to happen.
Marvin agreed that he would come get Ms. Couey when they begin the work and would not create maintenance problems.
Tom Stuver clarified two points for clarification in the record: 1) this road at best is 20-foot in width average, which means that in fact there are portion of it that considerably narrower and some that may be wider; the second point and he will provide Don DeFord with this to be made a part of the record. 2) The 1976 County Road Map shows five (5) gates on that road between the entry to Couey out to Shaffer's, and offered that just to emphasis that this is always a public right of way but it has been regulated to maintain cattle on the ranch with gates when appropriate. Don agreed there had been gates on that road. Harold Shaffer fenced his yard all the way up to his house.
Chairman Martin wants to make sure we respect agricultural and accommodate the safety of the road; the County will honor the Coueys request not to enlarge the road and to keep it in the footprint it is, to work with Ms. Couey of the drainage and put in the culvert.
Commissioner McCown wanted to make sure the Ms. Couey know that it was never the County's intention to do more than gravel the road.

Doug Dennison – Petitions from Divide Creek – Land Use – Oil and Gas Regulations
Lou was also involved in the potential trespassing issue – discussion was around more complex upgrading possibly widening and onto her property. Trespassing did not seem to be an issue.

Executive Session: Pending Litigation Update and Airport Engineering Discussion – Personnel Discussion – Closing on a Litigation Issue

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion
Action
Don DeFord stated that Olsen and Armstrong are the two finalist and oral interviews would be held by the same staff; and authorize authority for the staff to move forward.
Commissioner McCown so moved; Commissioner Houpt seconded. Discussion: The two firms were selected based on the scoring process and competitive range. Motion carried.

COMMISSIONER REPORT

Commissioner Houpt – joint planning meeting with city/county planning staff and both groups want to move forward on the issues on annexation on the west side of Glenwood and future plans. No discussion on Red Feather due to the upcoming election; the meeting was well attended; both commissions were only missing a few people; and there was good participation. The charge was that the city/county staff would work together at one particular area in West Glenwood putting a proto-type together to figure out the best approach. Each would be using the software we both have and use the city/county plans to approach starting over than going outside the urban growth boundary. The area is West Glenwood has the infrastructure and gives them a corridor with their West Glenwood Sanitation District; they own most of South Canyon now. Depends upon the financial aspects, 3-mile area of influence and annexation study. Statutes allow them to do that but they appreciate the joint effort. RFTA – rapid study – information was distributed in the Commissioner's box; some extensive study on public transportation and we'll be seeing more of it.

Chairman Martin suggested that RFTA make their ride free to riders from Glenwood to Aspen and allow the ridership to increase and fill up these busses; thinks RFTA would be money ahead instead of spending money on promotions.

Commissioner Houpt agreed if we pass a tax base

Jesse commented on the abuse of the riders cheating on the fares by exchange passes and there's no monitoring.

RFTA Meeting – June 16th meeting.

Commissioner McCown – Pitkin County lunch cancelled on Tuesday; Joint meeting with the City of Glenwood Springs on Tuesday; leaving Wednesday for Missouri for a wedding on Sunday. He will not be here for the June 16th meeting.

Chairman Martin – Library Board Thursday, 6 pm. Meeting with consultant – the Joe and Jeff show on Friday for a discussion on TPR; neighborhood meeting on Saturday from 6-7 pm Sweetwater; Boy Scouts on Sat. and Sun. –

Strawberry parade on Saturday, June 21. Chairman Martin would like a consensus of the Board to be in all parades throughout the year. He would also like the County to put together some type of float for the parades. Commissioner Houpt agreed there was a need for County participation. Ed will confer with personnel through the Personnel Committee.

CONSENT AGENDA

a. Approve Bills, Wire Transfers and Warrant Cancellations

Check No. 029636 deleted – Colorado Mountain News Media – duplicate advertising invoice

b. Authorize Chairman to Sign the Resolution of Approval for the Scott Special Use Permit – Tamara Pregl

c. Authorize Chairman to Sign a Resolution of Approval for Steve and Karen Wilson for Natural Resource Processing – Mark Bean

d. Authorize Chairman to Sign a Plat for Richard & Eileen Koch to Vacate Portions of a Public Road Right of Way in the Elk Creek Subdivision. Approved under Resolution No. 2002-15 – Mark Bean

e. Sign a Resolution of Approval Concerned with the Approval of a Special Use Permit for National Resource Extraction for Norman A. Carpenter – Mark Bean

f. Authorize Chairman to Sign Vehicle Titles for Auction – Mildred Alsdorf

This includes 1) 1991 Ford Escort; 2) 1998 Ford Contour; 3) 1993 Ford Escort; 4) 1987 F-350; 5) 2994 Ford Crown Victoria; 6) 1991 E-350 Van; 7) 1999 Blazer; 8) 1996 Ford Explorer; 9) 1997 Ford Crown Victoria and 10) 1989 Ford Crown Victoria

Mildred stated the Inter-fund Transfers and Warrant Modifications would be added on the agenda along with Bills.

Commissioner McCown noted a correction in the bills stated that his reimbursement was for May and should be April; he didn't want the perception of double dipping by the Auditors.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f, noting the change in Commissioner McCown's reimbursement that should say April and not May; motion carried.

REGULAR AGENDA - PUBLIC MEETING
CONSIDER AN APPEAL BY DALE EUBANK REGARDING THE EXPIRATION OF A BUILDING PERMIT DUE TO LACK OF ACTIVITY – MARK BEAN
Mark Bean stated this was moved to the June 9, 2003 agenda.

PUBLIC HEARINGS:
(CONTINUED) TO CONSIDER A SUBDIVISION PRELIMINARY PLAN APPLICATION TO DEVELOP 480 ACRES OF LAND INTO 26 LOTS. LOCATION: WEST OF THE INTERSECTION OF COUNTY ROAD 115 AND CATTLE CREEK ROAD ON MISSOURI HEIGHTS APPROXIMATELY 5 MILES NORTHEAST OF CARBONDALE, CO. APPLICANT/OWNER – SNOWMASS LAND COMPANY – TAMARA PREGL
Tamara Pregl, Mark Bean, Carolyn Dahlgren, Joe Enzer, Tom Zancanella, Tim Malloy, and Martha Cochran Bob Zancanella were present
This was continued from May 19, 2003 in order to allow the applicant to submit additional Exhibits.
Chairman Martin swore in the speakers.
Tamara submitted the following additional Exhibits: Exhibit CC – Staff Memorandum dated June 2, 2003.
Chairman Martin entered Exhibits CC - into the record.

Exhibit DD – Letter from Water Engineer, of Patrick Miller and Kropf, P.C. 18 pages – May 29, 2003
Chairman Martin entered Exhibit DD into the record.
Tamara read the letter briefly into the record. She spoke with Larry Green and the staff things this plan is adequate to move forward with the approval. This essentially replaces Condition No. 17.
Larry Green submitted copies of the Exhibit EE – Conditions of Approval.
Chairman Martin entered Exhibit EE into the record.
At the May 19, 2003 meeting, the applicants did not furnish proof of a legal and adequate source of water. The request was continued by the Commissioners to allow the applicant time to obtain written documentation from the State Engineer's Office indicating that there is no material injury to decreed water rights, which would demonstrate that the project has a legal and adequate source of water in accordance with Section 4:19(A) of the Subdivision Regulations.
According to the Applicant, the State Engineer's Office has agreed to submit a revised letter regarding material injury to decreed water rights. Staff did not receive a copy of the revised letter from the State Engineer's Office or the Application before the distribution of the memo.
Applicant – Tim Malloy stated they worked very hard to supply the letter from the water engineer and asked the Board to accept it.
Carolyn asked the applicant if they were willing to also provide a review by a consultant at your expense to opine on the Zancanella and Associates report on the already drilled wells should the State Engineer not be willing to clarify this issue.
John Sava and the answer is yes.
Carolyn suggested that another sentence to what was drafted by Mr. Green to deal with this and then we'll have a complete Condition No. 17.
Road Impact Fees – the applicant intends to chip seal between Cattle Creek Road and CR 115 to the furthermore westerly end and if it exceeds this cost per lot, they would like to obtain credit for chip/sealing that road. In addition, ordinarily they would be required to pay the $45,000 but since they are going to install this improvement, could they be refunded at the time of building permit for the other one-half.
Mark clarified the intent of the rebate stating, if the Board were to waive the fees for the road impact, the County would not change any fees period, so we wouldn't actually be charging anything at building permit, so there wouldn't be anything to rebate.
Commissioner McCown wanted to make sure someone from Road and Bridge was contacted regarding this possibility. Normally we do not chip/seal a road unless there's an upgrade on the gravel underneath. So if the applicant is still willing to do the chip/seal, he wanted to make certain the road is in a chip/sealable condition and that would totally contingent upon the Road and Bridge supervisor in the area saying there is an adequate gravel base under the road to chip/seal.
John Sava stated it was his understanding that this would be the case when they do the chip/seal work.
Commissioner McCown – this would be creating an expense if we don't have that on our road to gravel this year.

Joe Enzer – Snowmass Land Company – in his estimated process, he did include pre work for the road before the hip and seal; it is an internal budget.
Commissioner McCown – this includes the purchase of gravel as well as chip/seal.
Joe Enzer – yes it does.
Water tank - Some question on the size of the water tank – represented the 150,000-gallon tank – the actual tank size is 120,000. At the time, they had a larger irrigation per lot and reduced the amount of water needed for the tank. This is appropriate for fire fighting.
Carolyn – Double EE – letter from Larry Green – the question – what is the Board's pleasure to review what Zancanella has already done.
Tim stated the State has already reviewed and the purpose of any further review would be if they would propose to use additional well.
Mark – the issue – the last letter did not address the adequacy issues and could we get a letter from the State Engineer and if unable, we would have an outside engineer to review what Zancanella did, whether or not they proposed additional wells.
There is a conflict of the two letters – adequacy of water was not addressed
Carolyn – asked if the applicant was willing to provide a review of the Zancanella should the State Engineer. Applicant said, yes they would. Carolyn - Then we would have a complete Condition No. 17.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
Commissioner McCown made a motion to approve the Preliminary Plan for the Ranch at Coulter Creek Subdivision with recommendations as presented in Exhibit CC in the Planning Commission Conditions of approval with the correction to No. 17 as noted in prior testimony with the verbiage as read about three times, but it would allow additional expertise to validate the existing well conditions if the State is unwilling to comment on the adequacy of those wells, including all the Conditions as requested by the Fire District's proposals; and waive the Road Impact Fees if the applicants they did agree to upgrade the road to the County's standards approved by the County Engineer and the County Road and Bridge Department for that particular stretch of road, 1.7 miles from Cattle Creek and 1.20 to the secondary entrance.
Commissioner Houpt seconded. Carolyn asked if there was an acceptance of the recommendations of the State Engineer in his May 29th letter within that motion. Yes, recommendations by a consulting or referral agency that Commissioner McCown made reference to. Carolyn, specifically the recommendations of the State Engineer regarding the Augmentation Plan and the Well Permits and everything that was included in the May 29th letter?
Commissioner McCown – that's all included in the Condition No. 17; Motion carried.
Martha Cochran – Staff has been great in this long process and thanked the Board for the approval.

PUBLIC MEETINGS:

CONSIDERATION OF A REQUEST TO WAIVE THE ANNEXATION REPORT REQUIREMENT FOR JDC LIMITED LIABILITY COMPANY SUBDIVISION (PIONEER MESA) LOCATED ON THE WEST SIDE OF RIFLE – MARK BEAN

Mark Bean, Jerry Slaugh, Manager JDC, LL, submitted a letter to Don DeFord stating the JDC Limited Liability Company Subdivision has made application to the City of Rifle for annexation of a 40-acre parcel of land west of the existing City limits of Rifle, and bordering the northerly right of way of West 2nd Street. They understand that Garfield County wishes the City to also annex West 2nd Street from the southwest corner of Pioneer Mesa to the intersection of Highway 6. They are in the process of amending their application and annexation map to reflect the addition of the street right of way to the annexation request. The City of Rifle has indicated that this would be acceptable to them and they will consider the annexation at a public hearing to be held on Wednesday, June 4, 2003.
The Hollabaugh Property – recommendation was made that they annex the road all the way down to Highway 6 on both sides, which was not originally proposed. This will go into town. The one that curves down into the by-pass and then it will come back over. All of that would be annexed. They have agreed to do this and it was the major issue from staff. With that understanding staff has no problems and suggested we waive the Annexation report.
Commissioner McCown – if we do waive this and the City elects not to annex the road, where does this leave us?

Mark suggested sending a letter in response saying it is our understanding, based on this letter that you will annex the road both ways and that with that annexation we will agree to the waiver of the annexation report, if not, then we come back to the Board.
The annexation impact study would not directly benefit the County beyond this and that is why the report was being recommended to be waived. The section of 2nd Street is all that is significant.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to waive the annexation review for JDC Limited Liability out of Grand Junction on the Pioneer Mesa Subdivision on West 2nd and the Chair be authorized to sign the letter; motion carried.

CONSIDER A RECOMMENDATION ON AN APPLICATION FOR SITE APPROVAL FOR CONSTRUCTION OF A NEW WASTEWATER TREATMENT FACILITY AT THE RIFLE GAP STATE PARK – MARK BEAN
Mark Bean – comments to the State Board of Health as well as to review the proposal in conjunction with the Comprehensive Plan is standard in this type of request.
Rifle Gap State Park is comprised of 1,305-acres with a large reservoir northeast of the City of Rifle in rural Garfield County. The existing recreation facilities in the park were constructed in the 1960's and are in need of repair, replacement, and expansion to handle increased visitor capacity over the years.
The Colorado Division of Parks is proposing to rehabilitate and expand these facilities which would include restroom and shower facilities, RV Campsites, fish cleaning station, plumbed rental cabins, and new visitors enter and maintenance buildings. The proposal includes replacing the old vault toilets with a new 100% evaporative wetland/wasteland treatment plant, which will be lined. As a result, this will be a non-discharging system as used in several other State Parks in Western Colorado.
The planned treatment facility would only serve specific usage in the park including: 40 full service RV Campsites including individual water/sewer connections; 10 walk-in campsites; 4 camper services buildings with toilet and shower facilities; 1 fish cleaning station; 5 plumbed rental cabins; 1 RV wastewater dump station; 43 additional RV campsites without utility hook-ups; 1 park maintenance building; 1 group use shelter/distributed day use areas; and 1 park Visitor's Center.
The site plan application for the improvements to the park has begun and the new Visitor Center and maintenance building construction will begin the summer of 2003. The entire project is scheduled to be complete by spring of 2004.
The role of the Board of County Commissioners is stated in Statute C.R.S. 25-8-702(2)(a-c) and the Regulations for Site Applications for Domestic Wastewater Treatment Works, and defines the parameters by which the Water Quality Control Division shall review and approve or deny a site application for a wastewater treatment works.
Staff recommendation is that the Garfield County Board of Health recommends approval of the site application for the Rifle Gap State Park Wastewater Treatment Plant.
Commissioner McCown stated this is to upgrade in comparison to the VEGA Lake Facilities.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the site application for the Rifle Gap State Park Wastewater Treatment Plant; motion

Board of Health
A motion was made by Commissioner McCown and seconded by Commissioner to go into the Board of Health; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the site application for the Rifle Gap State Park Wastewater Treatment Plant; motion
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.

CONSIDER REFERRING TO THE PLANNING COMMISSION FOR ENCANA HUNTER AND GRASS MESA GAS PIPELINE – RANDY RUSSELL
Randy Russell, long-range planner presented.
EnCana Corporation has submitted an application for a Special Use Permit for a 24" pipeline from the Hunter and Grass Mesa Areas to a location near Rifle that would replace an existing 12" transmission pipeline and allow for present and future transmission of natural gas from the wells existing and planned in the Hunter and Grass Mesa areas of the County.

The application is substantially complete and has been deemed Technically, Compliant by staff, which means there is adequate information contained in the application for review by you, County departments, and referral agencies at this time, although review certainly implies our ability to request further augmentation and clarification of the proposal.
This project proposal involves traversing BLM land, which requires a BLM Environmental Assessment that is being undertaken at the same time, and the County benefits from that analysis as well.
The Board has the discretion to either hear this proposal directly in a Public Hearing and make a decision based on findings from that process or the option to refer it to the Garfield County Planning Commission where they would review the proposal, also as a noticed Public Hearing, and make a recommendation to the Board based on their findings, prior to the Board's Public Hearing.
A motion was made by Commissioner Houpt to refer this application for the Hunter Mesa/Grass Mesa to the Planning Commission. Commissioner McCown seconded; motion carried.

Joint City/County Meeting
The agenda for the Joint Meeting to be held on Tuesday, June 3 were discussed and the following staff was requested to attend. Randy Russell, Ed Green, Mark Bean, Don DeFord or his representative to be included in the meeting.
Regarding Courthouse Plaza open space – the subject of trees was reviewed by the Sheriff and he made no recommendations except to eliminate any trees blocking the view of the jail.
Chairman Martin stated he prefers an open area and perhaps only one or two trees maximum.
Commissioner Houpt stated she felt that by adding trees and flowers it make thing beautiful. Commissioner McCown likes the openness and would not support the amount of trees proposed.
Commissioner Houpt wants to meet the City of Glenwood halfway. Thinks we can go beyond one tree at a time.
Chairman Martin – this is opening up an old wound and stated we need to put our foot down and agree before moving forward. Further discussion will follow on Tuesday.

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

Attest: Chairman of the Board

_____ _____

JUNE 9, 2003
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 9**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Internet Service Proposal – Dale Hancock

Dale briefed the Commissioners on the Harvey Gap Repeater Site and Questar. We signed Willowisp at this same location about one month ago and at the same time negotiating with Questar Pipeline Company on a similar arrangement. In principle, we were going to do the same thing we did with Willowisp as far as the same type of equipment to place on our tower. However, the power line is in terrible shape. Questar, in view of this, is interested in putting a solar back up for power. Dale informed them if they area adding additional equipment on that site, it will change the rate structure because he wasn't sure if it would change his regulatory requirements with BLM as to getting a construction permit. This is not a completed deal as yet, but he brought Willowisp in at $1775 a month and would be looking at doing the same for Questar but if they add this new solar back-up this will add another $1300.
The upgrade on the power line is something Dale is working on currently with a potential grant for electrical through the Rural Development Group and will be pursuing this. This is secondary service power lines. At the present time we don't know if BLM will allow it, if it will create time delays, etc.

Discussion – Four Mile Road Drainage – Randy Withee and Jeff Nelson

Randy Withee and Jeff Nelson updated the Board from last Tuesday of the Joint City/County meeting. A meeting will be held on Wednesday however; they are still on hold waiting for the election outcome on Red Feather. Don has wanted to have a special meeting with the Board to discuss the procedures. June 24, 2003 is the city election.
This will be decided on July 7. The Roundabout has begun construction
Randy would like to have the cost estimates on the drainage on Wednesday. They will be using the contractor working on the roundabout.
Commissioner Houpt suggested a special meeting could be held on Monday, June 30, it needed.

Discussion Regarding Referral of Land Use Applications to Department of Wildlife – Mark Bean

Mark submitted a memo from both legal and planning staff regarding a recent change in policy by the Department of Natural Resources, Division of Wildlife that has resulted in a lack of timely responses to our referrals to them for review of development proposals. Our current regulations call for the DOW to be in the agency review loop any time a proposal might reasonably involve wildlife issues. We have been told that a new internal DOW policy requires any such comments to be sent to Denver for further review and "clearance' prior to release to the County. The delay caused by this new review has resulted in the County essentially receiving no input on wildlife issues from DOW. Our regulations contain a provision that a non-response by the review deadline implies a lack of direct concerns and a tacit approval by a reviewing agency. Staff suggests that this lack of wildlife related comments detracts from a full review by the Board and the Planning Commission of a development proposal. Do we need to replace review now by this state agency with private consultants in at least those proposals where we know wildlife concerns are a valid review criterion, adding cost to the developer? Staff suspects that resolution of this falls into the political arena and brings this to the attention of the Board for discussion.
Commissioner McCown made a motion to authorize the Chair to sign a letter to the Department of Wildlife. Commissioner Houpt seconded. In addition, taking this issue to CCI as it creates a hole in the process and send a copy to the Division of Wildlife. Motion carried.

Consideration to Appoint Steve Boat and Tom Morton as Regular Board of Adjustment Members from Associate Members on the Board of Adjustment – Mark Bean

Mark Bean stated there is a new for regular members and suggested to move the Associate members, Steve Boat and Tom Morton be appointed as regular members.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Steve Board and Tom Morton as regular members to the Board of Adjustment. Motion carried.

Appointment of Alternate Member of Board of Adjustment (Joch Jacober) – Mark Bean

Mark Bean stated there are six members on the Board. What is allowed is to have one Planning commission member on this Board and Mr. Jacober has volunteered to serve.
Commissioner Houpt made a motion to appoint Jock Jacober as an alternate member to the Board of Adjustment; Commissioner McCown seconded; motion carried.

Community Corrections Presentation – Guy Meyer

Al Maggard, Guy Meyer, Don DeFord, Jim Sears, Tim Templeton, Scott Dawson and Guy Meyer were present. Guy gave a Power Point Presentation.

History – In May of 2002, they were monitoring jail reports that we receive from Community Corrections and noticed that the Work Release numbers were low. After the fires last summer tracking was eased and Guy started tracking them again in September/October and noticed that there was a time where the population was between 6 and 12. They tracked this the rest of the year and after the election, guy approached the new Sheriff Lou Vallario and discussed the program concept taking over the Work Release Center and utilizing those unused beds in a Residential Community Corrections capacity. Lou was in favor of the concept and thus the presentation today. Guy outlined the various target dates to complete the job descriptions as of June 9; finalize the initial Policy and Procedures June 1; employment announcement out by June 10, hire on June 20; train June 25 – 30; and implement the program on July 1, 2003. Staff will include two case managers and five security positions. Plans are to move Troy Bascom, who currently supervises the Probation Case load over into the facility and use him in a supervisory capacity. There is a revenue stream that goes along with this that is not identified because that's current in our non-residential programs.

Training Components": The training that will be needed for the new hires, will be motivational interviewing techniques, strategies that you use on interviewing the offenders to get them motivated and to do the things they need to do; strategies for self improvement and change as the programs try get them to change their behavior; cognitive skills – a lot of these folks have basic and this would consist of how to keep a check book; use of assessment tools and the staff would be training of an ILS (level of supervision inventory). This instrument provides a picture of the offender and what are his risk needs. The substance survey inventory begins to develop a picture of substance abuse and if there is problem needed to be identified and work on; and the adult substance use survey gets down to the choice of drugs.

Revenue: The new revenues for the program is a contract with the State and Dale has held conversations with them about some of the contract beds – 12 transition beds which would bring in revenue of $75,993 and would increase the work release rate to $20 a day based on 14 beds giving us $102,200. The Offender pay for Community Corrections and Transition would bring us in $42.982; Vending and Commissary would bring us $2000 - grant total of $223,175.

Expenses: The new expenses related to the facility would come to a total of $244,102.

Contract Money from the State: Dale stated the new revenue is specifically for a different inmate that we have not previous had funded in our contracts – called Transitions. In talking with the division director and they have indicated historically and as recently as the last ten days much interest in having the ability to place transitional folks into a program. The State's finances are well constrained and that in some respects lent us to move forward in implementing this program at the jail. That specifically addresses the less expenses budgeted for out-of-county placements at $126,655. What that anticipates is us not paying for 20-beds that are currently situated in ten different Counties throughout the State in different programs. If we don't have the expense of placing them in other counties, then we keep the money here in Garfield County. Even through there is an increase in expense; there is a positive net impact on the budget of $105,728. The other part of this is that it is really conservative to the extent that on the offender pay, this has changed in the last 10-days because they authorized a doubling of that so conceivable that could amount to an additional amount of $42,000. Dale budgeted this at $7.36 and it's about $15.00 authorized. This is a windfall situation for the County to launch this new program.

Guy showed slides of the Work Release area in the jail, dayroom and sleeping quarters, some lockers and coin operated washing and drying machines. There is a separate entrance and exit into the facility that does not interrupt jail operations at the west end of the building. Some discussion was held with

respect to closing these sleeping quarters off and adding doors using inmate labor. Dale added that this has to do with the program concept as well, if they advance to a higher level, they would rate a better level of privacy, but this has to be weighed off against the security considerations.

Responsibilities of the Community Correction Board and Staff: The role of the Community Corrections Board (CCB) is either advisory or an authority board that is appointed by the Board of County Commissioners to represent the County's interest in Community
Corrections In addition the CCB receives referrals and Community Corrections has a primary responsibility for accepting or rejecting by Statute Community Correction placements. The real focus of the Board is to ensure the community's safety. That part is to develop and implement Community Corrections programs and be responsible for the daily operations of the program.

Dale added that this ties back into last week's discussion because the Board of County Commissioners will need to make some policy moves in the immediate future in that the current Resolution governing the Community Corrections Board and its function was enacted in 1982. It is by definition in the Statute called a "functional board" as Carolyn Dahlgren pointed out last week. The Commissioners can have that remain or they may chose to make them an advisory board. The other part of what is rather critical to the process has to do with the screening function. That specific function was removed by the sitting 2/3's of this Board in 2000 and to allow the Board to review and do their statutory duties as far as accepting or rejecting placements, that screening component, one way or another, needs to be reinitiated within the next enabling Resolution.

A number of discussions have been held with the Probation Department and they are most interested in doing business with us here, they're excited about it and presently there are referrals from the Count on hold. We can't do anything about reviewing referrals until we have a Resolution that tells us what the scope and responsibilities would be. Dale acknowledged that this program was developed in a big hurry; January to June is pretty fast with a July 1 implementation. There is some flexibility but he would like to see this program get going soon and feels it is in the County's best financial interest to take this on.

Commissioner McCown – 12 transitional and 14 work release beds – how many bodies are we talking about.
Guy – there is a total of 46 beds in the facility to work with. How they may look at any one time based off referrals, flow of inmates in to work release may be different at any given time. The average length of stay is 6-months. The average sentence is typically one year residential and typically, they go to non-residential within a 6-month period but it varies from program to program. Mesa County likes to hold them for 9-months and the reason they do this is to have the offender save up about $2,000 in the bank before they transition them to non-residential so when this takes place, they have a bank account to pay first and last month and security deposit and they are not fighting another issue when they are transited.
This program is backed filled by state funds and user funds.
Commissioner McCown's concern is not to set a trap for ourselves.
Dale stated the possibility always exist but we do have a lot of control over the fixed cost from the standpoint of a building and a physical plan and the way this is set up. We're actually looking at us have some benefit because the rent we are paying will come directly into the Sheriff's Department which reduces that payment and gives us some room in the repayment of that debt.
Commissioner McCown – that's fine unless those funds dry up.
Dale stated in current administration, the only monies they left was the Department of Corrections and that is where the new money would come from, the money going into the Division of Justice contract.
Commissioner McCown asked how the personnel would interface with the existing correction officers in the jail.
Guy stated the benefit would be for the Sheriff to take the positions currently in the Work Release Section and put them back into the current organization. The new staff would basically run the facility and contract for food from the Sheriff's department and Scott has indicated the jail staff would be available if back-up was needed. The Work Release staff would be filling existing vacancies.
Commissioner Houpt questioned if this would be taking room in the Work Release area and possible create a shortage of beds in three to four years. She indicated that this was a great idea to keep it in the county. We have the facility and like the way Guy is working with the other department. Sounds like a logical step to take.

Guy stated there would be plenty of room based on the current analysis in the Work Release program. Lou indicated on Friday that they didn't have any in Work Release.
Carolyn stated the legal staff has not written the Resolution but will do so once the questions have been resolved as to the type of Board – authority or advisory and who will be the screening board, what the function of the Community Corrections board is, and who is authorized to collect fees, etc.
In response to Commissioner Houpt's question as to why the screening function was taken out of the Resolution for the Community Correction's Board, Chairman Martin referenced an issue with the Court system in not having an in-County program – a difference of opinion between the Board and the Judge.
Dale – the narrow interpretation that Judge Ossola rendered was that the screening function was not appropriate to the Board because there was not a program located within the geographical boundaries of the 9th Judicial District.
Carolyn Dahlgren stated the Resolution took away the screening authority for placement in programs outside of the County, and there was none inside the County.
Commissioner Houpt asked then if the Judge would have a problem with that screening function being implemented.
Don stated they retained their screening authority for a local facility that was not taken away. Whether or not that would create a problem with the District Court is unknown at this time.
Commissioner Houpt – if that exists for programs within the County, why would this need to be changed.
Don – didn't think that we would need to.
Commissioner McCown agreed and stated we just never had a program in the County.

The future of the jail when the space is needed for housing inmates - Guy stated we would allocate a certain number of beds specifically for Work Release Inmates and would hold those beds open for that purpose. If we see an overflow coming, adjustments would need to be made. The Workender Program takes a big load off the Work Release program.
Don clarified there would be 46 individuals in this area and asked if this would reduce jail capacity to 146 maximum.
Scott Dawson indicated the numbers in Work Release have been very low due to the Workender Program since opening the new jail. In the old jail, we used to have 50 plus in Work Release but lately it's been 12 to 14 in that Work Release.
Guy clarified there is a difference in pre-trail and post-sentence in where these inmates are located.
Scott stated usually they average between 90 and 110 inmates including the work release unit.
Commissioner Houpt – this is such a unique location and it's specific for work release and now community corrections because of the openness of the area and separate entrances and exits.
Scott Dawson thinks this is very suitable space for what Guy is proposing.

Plan B (if we need space in the jail) – Long Range Plans - Dale stated discussions with the Sheriff once he took office was that when we start backing up inmates and really need this space. Strategically became the value of situating a facility on our 40-acres of land by the Airport and the ability then to upgrade the security within the dorms that are now Work Release. There would be a need for some construction but it would give us a fall back for adding a significant number of higher security beds are needed. Looking three years down the road that may be the case.
Ed – when he did the trend analysis for jail population, the prediction was like 150 inmates in 10 years for an average situation.

Direction from the Board

Resolution to make this happen to move this forward and identify the specifics of the Board.
Screening Authority – Carolyn stated this authority for a program within the County seems in tact, but the more basic issues are how much authority is this Board going to retain as the commissioners, will they sit as your own Community Corrections Board or have the existing Community Corrections Board be advisory, and is it going to be the screening committee. These are the things that need to be answered.
All former Resolutions addressing the Community Corrections Board were submitted to the Board.
Commissioner asked if the Resolution needs to specify the number of beds and the prisoner pay delineated. This is starting at the States new fiscal year, but it is the middle of the County's. We don't have the budget allocated to handle this.
Carolyn – this is a separate Resolution dealing with the Budget. The numbers do not need to be specific in the Resolution but the focus of responsibility, who's empowered to collect those fees, set those fees, etc.

Commissioners McCown felt the numbers needed to be in the Resolution very specifically not to exceed 46 beds or whatever that number.
Don – there's two ways: the numbers do need to be somewhere, either in the budget resolution which may be the more appropriate place to deal with or you could put a limitation on the size that effectively drives the numbers in an amendment to the existing Community Corrections Resolution.
Jesse Smith indicated that in the Supplement Budget before the Board today, he included the numbers that were in this proposal so if the proposal is approved, the numbers are in the Supplement Budget that would give them the funding authority. If the Board does not approve this then we need to address this when the Supplement Budget comes up for discussion and eliminate that portion. Those numbers cover this through December 31, 2003.
Al Maggard commented on the screening authority. The screening resolution enacted two years ago needs to be rescinded mainly to give the Community Corrections Board the authority to screens all applicants and make a determination whether they should go to this program or in some instances they need to go to another facility, depending on the offense. The Board needs the full screening authority by rescinding the one that removed this out of County authority and also provides that all potential Community Corrections inmate will be screened one way or another, so there's no way to go around the Community Corrections Board to take somebody outside the County.
Chairman Martin – this gets back to the old argument in reference to the disagreement with the court system.
Al – if we have the programs within the County, then we have the screening authority, but per Statute and the Board, in his interpretation, have the authority then to make a recommendation as to where the inmate should go based on the programs available.
Carolyn – the Resolution does indeed say if funding is available for a placement outside of Garfield County then the Board shall approve such placement. Clarification on what is being stated. Are you stating that screening authority should include the screening board's authority to say this person should go to Jefferson County; this person should go to Mesa County, etc.
Al – traditionally throughout the State, the screening committees on the Boards make the recommendation as to where the inmate should be placed for the best interest of the inmate and the community, depending upon the offense and the programs available. There are some programs that we will not be able to cover here such as sex offenders, which mean that there are very few programs in the State and the Board of Community Corrections needs the authority to recommend to the Court which of those programs would be best for that inmate. And, there are other case-by-case instances where that authority needs to be with the CCB. They need to screen all potential Community Corrections inmates. 90% would probably be recommended for our programs. But, there are some specific instances where the offense may require going to a particular program elsewhere in the State. Some offences we're not set up yet to handle but probably will being the future; it's a matter of crawling before we walk. We don't want to overload our program with people that the program is not ready to handle yet.
Commissioner McCown – we have to pay for the funding in those other areas and asked if this would affect our funding source.
Jesse – we're budgeted now to pay for these out-of-County beds so we will not be spending it and it will still be in the budget if you needed to spend it. Right now, you would have a budget savings, but if you put people out in other areas, this will take from your budget savings.
Chairman Martin – that's the potential that we are going to open up that door and we send everybody out of the program, we'd be funding a program that we couldn't keep folks here. That's the only pitfall he sees. You have this screening capability of putting them in our program and denying into our program – that's the whole issue. Keeping these folks here, keeping them within the program and I do not want to open up that door that says we have to send somebody out and the funding is available then we have to send them out to hurt our own program.
Al – my concern perhaps is the that the Judge could say, well, I'm going to send them to San Louis Valley and ignore us and it doesn't go through the Board on a recommendation to be reviewed for that inmate. Which is why I feel that all inmates should go through the Board, with the recommendation then being made to the Judge as to where we think the inmate might go.
Commissioner McCown – doesn't the Judge always have that ability?
Al – the Judge has the final say, yes.
Commissioner McCown – yeah, he can always say at the time of sentencing, this guy's going to San Louis Valley, nix nay Garfield County.

Al - the facility elsewhere also has the authority to refuse and send them back here.
Guy – I've met with most of the stakeholders, Judge Craven and Guy spent some time discussing this when he delivered the program concept to him, and the Judge was favorable to it. I think the bench is going to back us up.
Commissioner McCown – I don't believe it was Judge Craven that we had the problem with initially.
Commissioner Houpt – Let's try it the way it is and if we need to review that to make adjustments we can do so as needed.
Chairman Martin – Step into the arena, make the program work and then keep everything within house as much as possible and then work up to outside referrals.
Commissioner McCown – Well, have we decided is the CC Board going to advisory or is it going to be in another capacity. This has to be one of the critical elements in the Resolution as well, and I would support advisory with the power of review.
Chairman Martin – that means that you would have to take a more active role that you have to make the determinations.
Commissioner McCown – Let's see if it's going to fly before we build an airport.
Chairman Martin – You want to stay safe and then be very conservative on that issue that you're going to make the final decisions is what you're making the motion on?
Commissioner Houpt – Why would you want to have each person brought to us?
Commissioner McCown – No, no, that's not
Chairman Martin – No, no, that's not what he means.
Dale Hancock – No, I don't think he does. He's asking for the advisory is that it allows the Commissioners to retain the financial authority and as it is right now, it's a functional board and the board has the ability to enter into contracts.
Commissioner Houpt – okay, so it's clearly a financial issue.
Chairman Martin – no, we would not screen, just on the major expenses.
Don – That's specifically the question that he asked Guy – there will be screening required for placement in this facility, which right now the way the Resolution is written would be by the Community Corrections Board. Who's going to do that if they're advisory and do not have actual authority.
Dale – let me interject. There are two Community Corrections Programs in the State right now that are operated by County governments – Mesa County and Larimer County. Both of those boards exist as advisory boards but they specify the screening authority, in the contents of the Resolution for that.
Don – so as the screening authority, you're looking for the Community Corrections Board to still have the final say.
Chairman Martin – screening authority – yes.
Commissioner McCown – and the Commissioner Board to have the final financial say.
Don asked this to be specified in the motion.
Carolyn – and specifically, I'm hearing you say that you're removing contract authority from the CC Board.
Chairman Martin – we're moving into this step. I think that's what Larry was so that he could go ahead and retain that financial responsibility and approval of this Board.

Motion

Commissioner McCown made a motion we approve a Resolution with the Chair authority to sign to create the new positions for the work release program and that the seated Community Corrections Board continue to operate in an advisory capacity to handle the screening, that the Board of County Commissioners would be the be financial board of responsibility and that the Community Corrections Board would not be allowed to enter into any contract signing or commitment of Garfield County in anyway and the future funding would be addressed in the appropriation Resolution.
Don – the only question on this screening issue, do you want the screening capacity to remain as is under Resolution 99-052?

Commissioner McCown – given the explanation from legal staff, yes, from what I've heard and Carolyn read, it would appear to me they do have the authority to screen all prisoners that we are having a facility and a program available locally, that is the problem in the past with the courts, so they will be able to screen all of them, both locally and shall be able to assign personnel to other facilities if funds are available.
Carolyn – they shall approve such placement.

Commissioner McCown – right. So, that's an out-of-county placement as well. So, we have it covered. The only reason we withdrew that was because we did not have a local facility or program, and we're creating that with this Resolution, so there no conflict with that Resolution no.
Don – right now the Resolution provides local screening capabilities only for placement in a local facility. Which, now that we have local facility that decision could be made; it does not provide that a decision or recommendation could be made beyond that.
Carolyn – basically, it means that the Judge says they're going to Mesa County – you pay.
Commissioner Houpt – but that would be the case anyway, wouldn't it?
Chairman Martin – that's the challenge right now.
Commissioner McCown – that's what got us crosswise before. The Board was saying no and the Judge's were saying yes. And, guess who lost.
Commissioner Houpt – I would rather keep it the way it is, see how it works, and get into a discussion with the Judges here if we're going to change it.
Commissioner McCown – I think it will work for you the way it is Al. You don't.
Al Maggard – No, this will not work.
Carolyn – Mr. McCown, am I hearing now all three of you say that the screening will stay in accordance with that 1999 Resolution, meaning there's …
Commissioner McCown – I don't want to create a dysfunctional unit here and Al sitting over here shaking his head going no, this isn't going to work.
Guy – you have to remember that although this Board may refer or the Judge may refer somebody to another facility around the State, that local Board has to approve that person into that facility, so if they say no,
Commissioner McCown – as it would if somebody was referred to ours, right?
Guy – exactly
Commissioner McCown – and what is the possibility of that happening?
Guy – it happens all the time; sometimes they're rejected, sometimes they're approved.
Commissioner McCown – So we could get people from out of county if our Board likes them. Let's leave it like it is, let's try it. That would be my first choice and then we could always amend it.
Commissioner Houpt – and we'll just stay in close communication. And, I'll second that motion on the floor.
Carolyn – I'll put a draft Resolution in your packet for next week.
Chairman Martin – understanding that we may have to come back and make adjustments on this throughout the year between now and the end of the year if something is not functioning properly or is not working right; the Sheriff's office isn't happy with the situation, or we need to make minor adjustments; we're now a major role in reference to financial issues – this Commissioner Board is, I want you to know that on this motion.
Commissioner Houpt – and if the screening becomes a problem, I'd really like the courts to be a part of this discussion. I don't want to make that change without them.
Guy – we're not operating in a vacuum. I've gone out and tried to reach out to all the stakeholders to have the discussions before getting here.
Chairman Martin - we want the best thing to work, but we know that we may need to adjust it throughout the year. Motion carried.

Memo to the Courts

Guy – last Wednesday, I drafted a memo to the courts advising them that he wasn't accepting any further referrals into the Workender Program, based off the number of bodies that we have. This is a temporary suspension if you will to allow us to try getting some of these offenders through the program and getting some room in there to handle more offenders. The phone call I got earlier was staff advising me that basically what they've done, is because I noted in there the dates that we out to, and allowed them to, if they wanted to make a referral, that we would go out until the beginning of August and we would accept them. So, what's taken place today is that there are putting out a mitimus until we can get them in.

Workender's Program – Compliment

Chairman Martin – I'd like to make comment that the crews did a great job this weekend from the Glenwood Trail at 23rd all the way down through – it was real nice to see those folks doing that, they assisted Richard, the yards are starting to look real good and the supervisors were almost over taxed because how many workers they had out there.

Dale – as I watched them clean the section of trail right behind my house, I was very impressed.

Transportation Issues – New Program

Commissioner McCown –Is this new program going to require any more transportation vehicles or anything like that.
Jesse – it's in that budget and in the positive side.
Guy – we're using Doug's vehicle on the weekend when we need to.

Economic Development Meeting- June 13, 2003

Dale announced the meeting on Friday, June 13, with Patty Snanow, the Governor's appointee for Economic Development, Shelby Meyer and Jean Martinsen. The purpose will be to do community assessments with Rifle, and Glenwood Springs in the development of a marketing campaign consistent with the goals of Economic Development in the governor's office. He alerted the Board that he might need the assistance of some type from additional staff such as Randy Russell, who has more experience in this field, and asked if he could tap into those resources. The Board didn't have a problem with using other staff.

Request to Consider the Re-Survey of R 162A – Marvin Stephens

Mark Bean and Marvin Stephens were present. CR 162A, which comes off CR 102, which is CR 100 and goes into Eagle County. 162A is a short road that comes into the Sun Mesa Development. What's occurred is the property owners, Ms. Adrian Crouch, has indicated that the roadway, what was deeded to the County is not where the road is now. Mr. Stirling put this road in originally according to the survey she has and theoretically, Ms. Crouch could put a fence post out in the middle of the road and block off the entrance to the development. Mark and Don discussed the possibility of having the County Surveyor and prepared the deeded right of way for 162A with what's actually on the ground and take the appropriate action based upon what is true.
The request is to authorize Marvin Stephens to have the County Surveyor go on site and survey the small section of the road in question to Ms. Crouch's property boundary. If the road is not in the proper location, we have to relocate it at our expense. There could be a problem with this as it would indicate the survey that we had for this entrance into Sun Mesa is incorrect. Don stated Mr. Stirling deeded the right of way to us and was responsible for constructing the road and then transferring it to the County. If there is a miss-alignment, that is the subdivision he developed and the roads he put in place, the legal position would be that it's the responsibility of the current owners, which are his to realign the roads in their subdivision to meet that road. Mark stated it was less than one-fourth of a mile. The Board approved the survey.

Human Services Grant Cycle

Ed updated the Board that $25,000 additional dollars were identified for the Human Service Grants and agreed to carry this $25,000 over to 2004. There will be a total of $260,000 approximately to award. The Human Services Grant Committee is thrilled. Additionally, they developed two forms for the applications: a short form will allow the current participates to provide accelerated, abbreviated information; and the longer form will be used only if a new participant is submitting a request. We are focusing on key metrics to determine the health and
success of those Human Service organizations. We want to eventually graduate some of the folks out of this program and move the on. This will be published shortly and hope to have grant proposals received by July 18. Larry McCown is on the Board

US Forest Service payments to the County

Jesse explained in 2001 the Forest Service notified all the Counties that they were going to set an experiential alternative to the 25% of revenue traditional method they had been using. This was termed a "full payment method'. They gave each County the option as to which program they wanted to participate in. This was discussed with the Board and felt the activity within Garfield County was going to be increasing and selected to stay with the 25% option. In total 20 counties, chose to stay with the 25% traditional and 23 counties chose to go with the full payment method. We were locked in for two years and US Forest Service has re-opened this and counties can change their minds and select the full payment option. The full payment method ends in 2006 and everybody goes back to the 25%. The downsize of us shifting to the full payment option is that 5% of the funds have to be set aside for school districts, 15% have to set aside for forest service projects and you have two options on the forest service projects – 1) turn the money over to the forest service and let them decide how to spend it, or 2) the County can decide how to spend it, but we are limited to search and rescue emergency services, community service work camps, easement purchases, forest related, schools programs, fire prevention, education and planning and non-

federal share of cooperative forest service assistance. The positive side of us shifting, it appears that in the last two years that we apparently left $117,000 on the table that we would have had if we had shifted to the full service. If we used the funds for school programs, the County would have to design and run them. If we chose to go the full payment, then the best use of the money would be in search and rescue emergency services and in fire prevention and education.
A motion was made by Commissioner Houpt to authorize the Chair to submit a written request to change the US Forest Service payment process from the 25% traditional to the full payment method and to sign an application. Commissioner McCown seconded; motion carried.
Houpt authorize the Chair to sign written authority the change of the use from 25% to the full payment option, a two-year program. Commissioner McCown seconded; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

EXECUTIVE SESSION – LAND USE ITEM AND CURRENT STATUS ON PROPERTY ACQUISITION

The Board, Don, Carolyn, Mildred, Mark Bean and Andy Swaller were to be included in the Executive Session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
Motion
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

1-5495

COMMISSIONER REPORT

Commissioner Houpt – CCI this week.
Commissioner McCown – Leaving Saturday – DOW -= Thurs 12th – 7:00 p.m. Rifle, City Hall
Chairman Martin – CCI this week, Human Services Impacts on Friday. Starts at 4:00 p.m. today in Steamboat. The Community Meeting held in Sweetwater on Saturday evening at 7 p.m. at the Community Center was good. There was a discussion with the Gypsum Fire District and they agreed to position a new fire truck at Sweetwater. There is interest in including the Sweetwater area into the Fire District. Both Sheriff's were present from Eagle and Garfield Counties and both are supportive. There will be a mill levy to the property owners in the new area and the Community is interested in erecting a building to house the station. Attempting to get this built this summer. Possibly could include some Search and Rescue housed there as well to assist with the cost of the building. Forest Service money may be a possibility from federal funds as well. The Board authorized the Chairman Martin to move forward in discussions with Martha Ketelle to search for funds. The community owns the land and the building will be a pre-fabricated steel structure is proposed and it will be constructed by volunteers. Building permit fees could be waived.
Don stated the Board has made other fire districts go through the planning commission.
Commissioner McCown did want to start a precedent getting too involved. But, would like to cooperate.

CONSENT AGENDA

a. Approve Bills - Wire Transfers -$5239.00 –Wire transfers - $89,347.89
b. Authorize Chairman to Sign a Resolution of Approval for a Conditional Use Permit for Storage at 5111 R 346 for S. Duff Nicola – Mark Bean
c. Execution of C.A.R.E. Contract – Don DeFord

Clarification in the CARE Contract – The scope of services include: during the duration of this Contract, the Contractor shall provide quarantine or shelter care for six (6) dogs, each dog to remain at the shelter no more than ten (10) days. Such dogs shall be quarantined or sheltered while confined by the Contractor and at the request of the County. Don stated this is the way the contract has been administered all along.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a - c; carried.

PUBLIC HEARINGS:

RESOLUTION CONCERNED WITH ABATING TAX LIEN SALES

1999 – 013, 1999-015 AND 1996-016
Schedules #R023522, #R024556, AND #R024557
Freeman Investments and Gene F. Lang & CO.

Georgia Chamberlain informed the Board that the 1998 taxes of these schedules were not paid and were sold by the Garfield County Treasurer at her annual Tax Lien Sale on December 2, 1999 and Tax Lien Sale Certificates of Purchase, #199-13, #199-015, and 1999-016 were issued to Dwight M. Whitehead.
The minerals were severed and producing, and therefore not subject to taxation pursuant to Statute; and Statute provides for reimbursement for an erroneous sale to be made from the various funds to which the tax was originally distributed; and the interest to be paid from the County General Fund at the annual rate of 2 percent points above the discount rate but not to be lower than eight percent per annum compounded annually.
The request to abate the tax lien sale certificates of purchase for 1999 – 013, 1999-015 AND 1996-016; that the Schedules #R023522, #R024556, AND #R024557 be declared uncollectible in the total amount of $82.64; that the 2001 taxes of Schedules #R023522, #R023556, and #R024557 be abated in the amount of $26.46; and that $254.27
Georgia stated they are rebating the tax sale to the investor and as far as abating the taxes, the reason for the abatement is because they are being assessed on a different schedule.
Commissioner McCown asked if this was the same between the surface and the mineral owners.
Georgia thinks it is, but she will check on it and make sure.
Don recalled that Georgia originally stated these were severed minerals, which means they are not owned by the surface.
Georgia stated they were on the tax role twice - one severed and one with the surface owner. That's why they were on there twice.
Don suggested we check this with the Assessor to make certain. One is severed and not producing and one is producing. They have to be one or the other and not both. In addition, if they are producing that means they were taxed twice, they were assessed taxes based on being a producing interest and taxed as being a non-producing interest, which are different methodologies. In terms of the surface estate, the surface as we know it, probably did not own these, they were taxed on the surface uniformly.
Georgia stated they would check into this to be sure and bring it back next meeting.
Commissioner McCown – with that clarity, it could be placed on the Consent Agenda next week.
Georgia will clarify and put information in the Board's packet of material for June 16, 2003.

APPROVAL OF THE SECOND AMENDMENT TO THE 2003 BUDGET AND SECOND AMENDMENT APPROPRIATION OF FUNDS FOR JUNE 9, 2003 – JESSE SMITH

Jesse stated he had the proof of publication for the hearing.
Exhibit A and Exhibit B were also submitted with the amendment.
Jesse explained Exhibit A reflected changes in the Personnel. Exhibit B – called attention to the movement of funds to set up a budget for the Surveyor's budget that was in the approved amount set aside. Included was the budget for the oil and gas auditor under the Administrative Budget, next year set up as total separate. Budget for the Community Correction's Program showing new revenue plus the expenses allowing them to function as a Community Correction/work release program.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the second amendment to the 2003 budget and second amendment appropriation of funds for June 9, 2003; and authorize the Chair to sign the Resolution; motion carried.

Treasurer's Office

Georgia thanked the Board for the new offices.
2-387

PUBLIC MEETING

REQUEST TO HEAR THE APPEAL OF A BUILDING PERMIT RESCINDING DALE EUBANK'S PERMIT

Steve Hackett, Andy Swaller, Mark Bean, Don DeFord, Bruce Stovalk and Dale Eubank present. Mark stated that Mr. Eubanks is appealing the Chief Building Officials determination that he is not making adequate progress toward the completion of buildings that he took permits out for in 1998 for warehouse type buildings. These permits were taken out when the County used the 1994 UBC as a basis for reviewing and approving building permits. The work on the project has been extended over the subsequent years by the completion of a number of the buildings. The work remaining has not progressed din a manner that is consistent with the permit provisions for substantial progress every 180 days.
Andy Schwaller has tried to work with Mr. Eubanks and his representative to resolve our differences.

Possible Solutions included: the Board may not want to hear this case or legally be unable to review it. Another possibility outcome depends upon Mr. Eubanks plans; and/or Buildings H and P need either to be completed in a timely manner or abandoned if Mr. Eubanks does not want to complete the construction.
Bruce asked to speak about the policy. The handout included all the correspondence. He explained the situation from their point of view. The issue is the application of the UBC and exploration of permits. The Code speaks about the expansion and abandonment and the subsequent the 180. Previously, if an applicant did work and inspected, the permit remained active. This has been done every six months. The Building Department is tightening up on the inspections. The first part of this case, substantial work is not in the Code. They feel that the rules of the game have been changed. This policy change creates a hardship. Time and money has been spent for these approvals. They don't want to lose these approvals. They beg to differ and feel they don't have to be making substantial progress, yet they have spent over $300,000 in buildings over the years. All of the buildings were issued under the same permit. Grading, excavation, gravel, and a minimal amount of form and concrete work have been completed. The Building & Planning has decided, since inspections were not done on the infrastructure, that substantial work has not been completed. Yet the applicant maintains they are moving forward with these buildings. The economic downturn has been a factor: 9-11, fires, national economy bad and if they were forced to do additional work, they would need to borrow funds and it would be an extreme hardship. Tenants have been found but they were unable to continue due to funds. The first section of the building code is life safety. The site is safe and it is not very visible.
Bruce was a former building official and did not feel these buildings were going to be unsafe to be operated under the 1994 building code. There is very little impact to keeping the current permits open. This situation on a case-by-case basis lends itself to a liberal interpretation of expiration of permits without really creating any impact or unsafe conditions on the public. He asked why the hard line stance. Is if revenue generation? Is it the cost to the County? We have offered all along to pay by the hour to have the Building & Planning inspectors to come out but want to be treated fair. They canvassed the other counties and Garfield County has taken the hardest hard line stance of any. Economic improvement or a tenant will cause additional work immediately. Bruce asked the County to work with them and to leave the permits active.
The applicant maintains this is a policy decision made on behalf of the County Commissioners. They intend to keep going, would like to settle this without going to court; and asked the Board to make a determination. They do not feel this is an appeal, rather a policy decision.
Discussion
Don DeFord – In terms of procedures there are a couple of issues: 1) the Code provides a Building Code Board of Appeals and it's the position of the staff that this type of position is not subject to appeal to that Board; however, that's the staff's position and it's actually the Building Code Board of Appeals who has to decide whether or not an appeal is subject to their jurisdiction. Regardless of whether agree or not as a staff, you have the right to take this action to the Building Code Board of Appeals and get their position. They may disagree with staff, say this is subject to our review, and then give you an opinion on that issue. 2) There is remedy through district court if you think staff has abused their position, but it is technically not to the Board of Commissioners, they do not sit as an appeal board under the Building Code, there's no provision for that. Don stated his understanding on this was that the building officials have made a determination and Mr. Eubank was asking the Board of County Commissioners to override that decision, and this does look like an appeal.
Mr. Eubank was basing his request on the fact that the staff works under the County Commissioners and if they are really trying to adopt a policy of taking people's permits away from them for these types of issues, then the County Commissioners need to know about these things that are occurring. If this is not what the Commissioners want their employees to be doing, then we need direction. This heavy-handed method was not present with Don Owens and Jim McMurray and the previous building inspectors and asked if this is really what the County Commissioners want. Asking for justice and not threatening for court action.
Commissioner Houpt said it is a policy issue that the Commissioners could look at but not with a specific case in mind. There appears to be several options for this case - Court, decision by the BOCC, or refer to Board of Appeals.
Mark Bean stated the Board may need to appoint new members to the Board of Appeals. It exists but during his employment with the County in 20-years, there have only been two cases they heard. Therefore, he wasn't not sure there is a quorum.
Commissioner McCown stated that he would assure them that multiple buildings would not be issued under one single permit anymore. This is a situation where 30-buildings were issued under one permit.

Don stated this policy could be considered as an amendment by Resolution if the BOCC wants to consider this issue.
Dale – he did what the Building Permitting section requested him to do. These are remaining buildings left under that permitting process.
Commissioner Houpt -The BOCC should not be having this conservation. Policy versus the Board of Appeals – two different things. Permits were for multiple buildings. This is a policy for the Board to discuss. However, understands for the BOCC to make a decision is not the appropriate way to proceed in this case.
Commissioner McCown – this has gone beyond policy and now it is an issue. The Board will handle the policy and this is an issue that the Board of appeals will need to handle.
Dale stated he was told the Board of Appeals was not reviewable, but they are subject to review by somebody.
Don – yes, the courts.
Commissioner Houpt – hopeful that the Board of Appeals will hear this versus going to court.
Dale stated they just poured 200' of footers and until they hear what is going to happen they will proceed. The applicant understands the process.
The Board will advise the applicant of the Board of Appeals and make sure there is a quorum.

RECONSIDERATION OF A REQUEST TO WAIVE THE ANNEXATION REPORT FOR THE PIONEER MESA SUBDIVISION IN RIFLE

Mark Bean misinformed the Board and after discussions with the City of Rifle, Mark needed to clarify some issues. He displayed the map of the road location.
Commissioner McCown stated he would like to see them address the issue road and made a motion not to waive the annexation report for the Pioneer Mesa Subdivision in Rifle.
Commissioner Houpt seconded; motion carried. Mark will write a letter and inform the City.

Pershanna Farms – Compose

Mark stated that Mary Meisner met with the owner, and a representative from State Health was present as well. Their position is that there's nothing there for health and safety issues. After Mark talked to the owners, he will complete his berm within the next several weeks. This is an agricultural issue and the neighbors are happy with the berms being built.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

JUNE 16, 2003
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, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Lee Allman – Rifle Village South Subdivision – flooding problem. In 1997, he purchased his property, Lake Toueye and received a Special Use Permit for a Commercial Recreation Facility. The problem is to do with erosion and run-off drainage coming onto his property. Lee has spoken to Mark Bean who said this was natural drainage. Jake Mall of Road and Bridge was contacted and he came on-site and the County could not resolve the problem because it was not County property. Larry Bradley, Rifle Village South, was contacted and stated he took the culvert out and put the plastic in per direction from the County. Lee went to the Clerk and Recorder's office and reviewed the records. Mark advised Lee to come before the Board. The situation is getting worse. The question is if there is something the County can do to assist him in fixing the situation. This is a huge erosion problem and the party who needs to be responsible is not identified. Mark said these are some older lots and there were concerns but he was not positive of the details involved in this situation. Lee will copy his notes and send them to the Board. Lee would like the problem solved. In talking to Jake, he would like to see a metal culvert put in there; from there onto his property, Lee stated he would deal with the drainage. Marvin stated the entire area has bad soils. The research that Lee has done will be reviewed and Mark will advise the Board of his findings. We need to see why the culvert was removed.

Bob Mayo – American Legion Building – Code Enforcement Issue – June 13, 2003 was the suspense date given to him by the County to comply with the regulations. Bob stated he cannot and will not comply. He stated some options available that would preclude legal action. In all good conscious, cannot allow the County to tell him what to do and how to do it on his property.

His plans are to subdivide the property, take their water, and proceed with whatever necessary. He will either develop the property or hire someone to come in and do it. This will be done in compliance with the County code. He will do away with all green space and there will not be any more. The interference with their life, liberty and pursuit of happiness has created this outcome. He asked if the Commissioners were aware of the problems with Building and Planning. During the course of this encounter with the County, he has had a lot of support phone calls. Two letters to the editor. Mr. Ernie Gerboz commended Bob on his action and wishes he had done this in Aspen several years ago when a similar situation arose.

The American Legion is not a political organization and feels the County is infringing upon their rights. They are guaranteed four (4) acres they have the building on. After the American Legion takes title, they will go through the building and planning inspection.

COUNTY MANAGER UPDATE – ED GREEN

a. ***GARCO VOAD*** (Volunteer Organizations Active in Disaster) – update – Geneva Powell and Leslie Robinson

Geneva Powell with the Garfield County Housing Authority submitted information of the organization to the Board. The GARCO VOAD was started during the Coal Seam Fire. The pamphlet outlines the State Chapter of VOAD and their mission - this local chapter was patterned after the national organization. When it is time to help the individual people and when others come in from out of State, they want to be there for them.

Leslie Robinson said they have a meeting once a month. This is to also work with the local human services disaster response. They are the second tier. Help the victims as a "one stop" for services. They have a calling tree and this will begin with Colorado West. Eventually this will be with the 211 system operating in Grand Junction. During the time of disaster, Geneva and Leslie operate it. The VOAD is a good way to continue the help to victims. They coordinate the efforts of many organizations that offer contributions. They hope to coordinate with the banks that collect funds for victims in disseminating those funds to the victims.

b. ***Appointment of Garfield County Library Board*** - open seat – Jaci Sphuler

Michael Youngs, Battlement Mesa submitted a letter expressing interest in the open seat on the Library Board.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to accept the recommendation of the Library Board and appoint Michael Youngs; motion carried.

c. ***Status of Investigation of Using County Road Row's for Construction of Gas and Water Pipelines*** – Doug Dennison

Doug stated a group of citizens came in a few meetings ago with the request for the Oil and Gas Industry to use the County's right of ways for installing water pipelines. There appears to be some legal hurdles and he was directed to check with other Counties and inquire of there procedures in similar situation. Doug checked with Weld and they routinely have pipelines placed in their county roads but their situation is different from Garfield County's because they have a section line grid section of roads that was actually deeded to them by the federal government over 100-years ago. LaPlata County said they discourage industry from using right of ways and they have a combination of deeded right of ways and some prescriptive use easements. Their big issues are that their major county roads are full of utilities already and they don't want anything else in their right of ways. City and County of Broomfield has experienced some significant issues of cost with relocating pipelines as they have grown and didn't give Doug very much encouragement. The one individual from EnCana recently came to Rifle from Weld County and had a lot of experience in using right of ways and his advise that it was not something the County should pursue due to the technical issues and the huge liability from the cost standpoint and the potential risk to county employees from who may be doing road maintenance and accidentally hit a gas line. His experience says you should never put a pipeline directly beneath the driving surface because of frost issues – it drives the frost down into the pipelines, which lease the barrow ditch on the side of the road. Maintenance to the barrow ditch could damage the pipeline and periodically they have to put what's called a block valve where the pipe has to come to the surface with a post or fence around it to protect it from damage. Some instances where people have run off the road, hit these block values, and were seriously injured, killed themselves and/or damaging the pipeline in the process and he would prefer to be as far away from the roads as much as possible. EnCana has taken a different approach with the new person they hired, and they are actively trying to stop cutting across the middle of people's hayfields, etc. and are placing the pipelines along property fence lines. This is making property owners happier. In the Divide Creek area where the citizens were prompted to come before the Board, EnCana has scaled back their plans and have selected five wells to hook up that will require a pipeline in order to move the gas to determine if these wells will produce and these five wells are on the southern end of the field and will run the pipeline to a compressor station in the southeast of the Divide Creek area, and it will not cut across a lot of property. They will hook up these five wells, develop them and based on the findings, they will decide where to go next. There will be instances where they cannot always use the fence lines due to wetlands, or the location of the well, but they are attempting to move the pipelines to a less visual impact location on the property. Economics and safety factors are considerations with the placement of the pipelines.
Commissioner Houpt stressed the need for balancing the needs of surface owners and the industry and would not like to close the door completely and continue to research to seek that balance.
The pipeline construction where the gas line is metered to the point that enters the gas line is a low regulated point and the County may want to get more involved.

d. ***Applying Fog Seal on Taxiway A*** – Brian Condie

Tim Arnett and Brian Condie submitted the bid with the recommendation to award the work to Asphalt Specialists & Supply, Inc. for $25,110.00, as they were the lowest bidder.
A motion was made by Commissioner Houpt seconded by Chairman Martin to approve the award to Asphalt Specialists & Supply, Inc. for a price not to exceed the price of $25,110.00 for the Fog Seal on Taxiway A; motion carried.

e. ***Request for Out-of State Travel for Randy Russell***

John Martin and Randy Russell have been invited to participate on a NACO panel in Milwaukee with particular interest in the update on the Model Codes for Subdivision and Zoning Regulations. NACO is willing to pay for Randy's flight. The hotel and meals are county costs. The Committee asked Randy to sit with Chairman Martin on the panel. There is no money for travel in the Building and Planning budget. Therefore, in order to provide the travel costs for this, it would need to come from another source of funding. The Planning Land Use Convention will be held in the fall. It is an honor that Randy and John have been asked to participate.

Commissioner Houpt suggested travel money could be available in the Commissioners travel budget and directed Ed and Jesse to research this and bring the information back to the Board.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the travel request for Randy Russell; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. ***Consideration/approval of Resolution Rescinding Certain Resolutions; Establishing a Community Corrections Board; Reaffirming Resolution No. 99-052; and Establishing a Residential Community Corrections Program***

Guy Meyer, Dale Hancock, Al Maggard, Jan Kaufman and Marian Clayton were present.
Carolyn Dahlgren drafted the Resolution, which essentially disbanded the separate functions, delegated the power of the Commissioners to screen, reaffirms screening, and establishes a new Community Corrections with 46 beds. Al requested that he be allowed to address the Board
Highlighting the contents of a letter that outlined some specific concerns. One concern was to entirely omit the word "Advisory" from the Board title. Whether it is an advisory or authority board, it is still the Community Corrections Board and will function as provided in the resolution and statutes. Under Judicial Officer: suggested removing the names to permit the Chief Judge to designate whomever he desires to serve. He may wish to go outside the Glenwood Springs court since he is free to name two judges from the Judicial District. Under Ex-Officio members – a provision to permit other Chiefs of Police from the District to also serve upon application to the County Commissioners. A request for the Board to consider the decision to remove "contracting authority and authority to supervise a community corrections operation" as provided by Section 17-27-103(4); 17-27-104(11); and 17-17-108 CRS quoting the statutes. Al's concern was that the supervision required by the above section requires more than a superficial review of the program staff reports by the Commissioners. Members of the current Community Corrections Board have made themselves familiar with the operation of community correction facilities and programs through the state and are conversant with standards of operation desired by the division of criminal justice. Our members are a member of the subcommittee of the Governor's Advisory Board on Community Corrections that drafted standards of operation followed throughout the State. Therefore, determination of compliance with operations standard cannot be ascertained by a Commissioner's review of reports from staff, nor should such supervision of the operation by delegation to a county employee who may not have the time or expertise to judge the program. There, a request to enable the community Corrections Board the authority as outlined in Section 17-27-103(4) was made.
Al also stated that more citizen members were needed to assist with the screening and the ex-offender board slot is unfilled as well since Dole McGinley retired.
Commissioner Houpt stated it makes sense to go with the board's recommendation. Dale reiterated that all appointment to the Board were to be made by the Commissioners. The administrative board member is the County manager or his designee. Commissioner Houpt suggested that the membership of the board could be separated out and put in a separate Resolution.
In discussion, the Screening Resolution No. 99-052 last meeting and now he sees that the BOCC eliminates any and all authority of the Garfield County Communications Board to screen applicants for placement in Community Corrections facilities outside of Garfield County. That would remain in effect. This would open the door if the Commissioner Board refused to place in this County, then the judge merely says he's going somewhere else and Al would like to see this one added to the numbers that were revoked and if there wants to be a screening process it can be written in the new Resolution. For clarification we should revoke any and all former Resolutions would eliminate screening. If this Board refuses to place someone in the County and would like to see this one added and should revoke all resolutions in the past.
Chairman Martin stated that we want to make sure we do have screening and that this is the Board we select to do that screening. The only thing we discussed was if they go outside, is it a financially possibly for us to sent money outside, is it a big burden financially, also aren't we making recommendations for the judges if they want to take someone outside in a special area. Al stated that the screening committee traditionally will recommend placement for an offender, as mentioned last week that we have offenders that we can't handle in our program and won't be able to like sex offenders and females – these have to go outside and the Community Corrections
Board should have the authority to review those and make a recommendation to the placement in a specific program or say, no we don't think they should go to any program. We still have to pay for them regardless.

Commissioner Houpt – the question is how this relationship works with the Judge making the sentence. Is this strictly the ability to make a recommendation and then the Judge makes the final decision? Al confirmed that to be correct, the CC Board makes the recommendation other than the fact that we can refuse placement, refuse funding for a reason and that is included in the recommendation. Jan Kaufman noted several issues here and suggested a Worksession with the Commissioners.
Commissioner Houpt – in response to Al's letter, it raised some issues that prompted her to read the Statutes and talked with legal staff on the issues. At last meeting when the discussion was made as to the role of the CC Board, she did not fully understand the history of this board in our County and this Resolution is far more reaching than she anticipated. She would like to see the monitoring responsibilities stay with the Board. We need to stay within the legal bounds of the screening and ultimately it will be the Judge's decision where they send them out of county. However, there are some responsibilities that clearing should be the Community Corrections Board's responsibility rather than the Board of County Commissioners or staff, or both in conjunction with each other, everybody working together.
Chairman Martin commented the Board of County Commissioners could be the whole committee period by Statute. If this Board wishes to take on that responsibility, end all the argument, and set the standards, we can do that.
Commissioner Houpt – absolutely agree with you but we are fortunate in this County to have a board that has people serving who are very involved, very dedicated individuals and well educated, well informed people who are working with Community Corrections and whether it's an advisory board, it's like having a Planning and Zoning Commission, those issues go to the P & Z and then ultimately they go to the Board. That's important with fiscal issues, important with adding programs to our County but in terms of monitoring compliance on State and local standards in terms of screening for local programs and making a recommendation understanding that the Judge will make the ultimate decision and program discussions, those are very important issues for a Community Corrections Board to be involved in.
Chairman Martin – didn't disagree but ultimately when it comes down to it, can we afford the programs that are being recommended, etc. being decided on sending folks to and as the budget and this is true – this Commissioner Board holds the purse strings and if we want to go ahead and spend as much money as we can and go above and beyond what we can afford, we're in violation and not the Community Corrections Board. We have a certain amount of money that's allotted us and to do that we have to make the best of that program possible. We take to heart the advisement and the review of our advisory committee and we have to make the tough decisions – not the Community Corrections Board. We have to say no, we have to put it down and we have to stand next to the Judge and say, well we challenge you on that and we do, cost us even more money – this has happened in the past.
Commissioner Houpt – but we need to make sure that we're on the road for a lawsuit too and the Community Corrections Board, when they are doing the screening and making recommendations, will keep us from having that happen.
Chairman Martin – we have staff members and people that we appoint to that from the County to make sure that we steer clear of that and if we do have conflicts they can bring that at any time, it's an advisory board, back to the Commissioners and say we have an issue and we need to work out the issue with the Advisory Board. That's between the Commissioners who appoint them and how the Board works.
Commissioner Houpt doesn't disagree but thinks that an outside board, advisory or independently, should be the ones monitoring programs and doesn't think it's advantageous in this type of situation for staff to monitor themselves.
Chairman Martin – if they are doing it because of this Resolution, it's because they have been assigned to do that very task and bring information back. If we wish to take the staff out of it, then we will do so, but then that burden falls upon the Commissioners to be the active members and we have to be the active members to help make those decisions, plus we become two-fold.
Chairman Martin – we have to take care of the direction and also the problems and coordinate our advisory board, then we leave them there, if we want to take them out and this Board becomes more active, then we need to be face to face with the CC Board and be members of that Board and be there in making these decisions. That's where it's down to as well as keeping a lid on the expenditures. Making sure the recommendations are the proper ones, etc.
Carolyn asked if it would address some of Commissioner Houpt's concerns by beefing up paragraph 5, which is the paragraph that talks about what the Community Corrections Board will be advising the Commissioners on. If we add it to that paragraph number five the monitoring of programs for compliance with State and local standards, would that address some of your concerns?

Commissioner Houpt – had written that sentence in her draft from the Statute into paragraph five and then there are some others that she could go through and point out what she would want to add to this. If there still needs to be a Worksession, she would be okay with that.
Chairman Martin wants Commissioner McCown to be involved in this as well. Al has concerns, Jan has been there forever, and we need to look at this. This started in the 80's but Chairman Martin started in the BOCC in the nineties.
Al agreed it would be well for us to sit around the table and discuss some of these concerns. Al has information to present at that time both what we've picked up over the years and what other districts are doing.
Chairman Martin noted that the timing is of essence. We need to make sure we have the right formula and he believes we do.
Al stated his understanding was that the Commissioners authorized Guy to go ahead with the program so the Resolution is a formality and may not have to be enacted before the first of July. This would give us time for a workshop to address these concerns and come back with something that is satisfactory statutorily and from the Commissioners standpoint.
Chairman Martin – we're talking half a million dollar operation and if we continue to delay, it's money out the door and we can't recover it back.
Al – the Commissioners authorized the program to commence and it will take a finite amount of time before we start.
Chairman Martin doesn't want to jeopardize the program; we've had some philosophy difference both with the Judge and the CC Board and we need to work those out. He feels we can work these out, keep on, and not hold up the process.
Jan suggested one thing to consider here that those beds are already filled elsewhere and it may be time for open beds – before we have the money to fill beds that are more open.
Chairman Martin – we have 46 beds empty in the jail facility.
Jan – we only have the money for 31 beds right now and those beds are full.
Al – we have a limited amount of money available to start the program with.
Commissioner Houpt – that's something that needs to be discussed.
Al we will need to work out the details and we will have some bed money available after the 1st of July, but it's a very limited amount until we can return some of the other people that are already out.
Commissioner Houpt wants to invite County staff, Judges, Sheriff, Guy, Larry, John and Tresi and members of the Board who are interested in participating in the discussion.
Dale commented that he had spoken with Ray Combest the Chief Probation Officer and timing is urgent – we have contracts with 31 beds coming up July 1st; we have 22 in placement right now, so there are 9 beds to be filled from the start and they were anticipating having the ability to refer for the CC Board's screening a number of cases in this County.
Commissioner Houpt – this doesn't stand in the way of us doing that – we're talking about issues that can either separated. The Commissioners have already approved the program in the County jail. Right now, we are talking about how that plan is screened, monitored, but we can move forward. We have County Community Corrections Board in place, we're talking about some changes that include budgeting, etc. for that, but we have not talked about not going forward with this community based program.
Ray Combest - based on Commissioner Houpt's comments, what we have done in the past, based on procedures done before he was chief, was to make recommendation to Court because we internally screen individuals out for specialized, probation, community corrections, department of corrections and if we can continue to go through that route and allow them to go to the community corrections program here until we have the CC Board settled, then we can continue to ask the Court to sentence them to Community Corrections program.
Chairman Martin – leaving the screening out from these guys and that's what the issue is at hand – they wish to go ahead and take place of the screening and make recommendations, etc.
Ray – until we have that completed, we are preventing people from going to a program now.
Commissioner Houpt – no formal action has been taken by approving a Resolution so her understanding is that the CC Bd has the capability to screen for in-county placements.
Ray – yes. So for placements outside the County we would continue to do what we have been doing is what you're saying.
The Board concurred.

Al stated we have scheduled a meeting to review the screening process and start to work on those details. This meeting will occur at 2:00 PM today in the County Attorney's Conference Room.
Don DeFord – we need to know who is the contracting authority is – the County Board of Commissioners or is it going to be the Community Corrections Board. We need to know that fairly soon. A question also that came up in the discussions that Carolyn and Don had with Commissioner Houpt on Friday was generally the appropriateness of using the jail as a Community Corrections facility.
Chairman Martin – the facility was designed specifically for that purpose with its own entrance/exit – it's isolated, its site and sound separated, controlled electronically, etc. plus their own staff, their own equipment and there is no intermixing. This was designed not to have jail inmates in the Community Corrections Facility.
Don – clarification on the fact that there will not be any community correction inmates with incarcerated jail inmates.
Dale – they will be Work Release and Community Corrections in the same housing.
Don – so there will be sentenced and community corrections as well.
Dale – right, but we've already made the agreements with the Sheriff's Department to take over the supervision and programming for work release inmates and there are existing programs in Mesa, Denver and Montezuma County operating these programs out of their facilities.
Jan Kaufman asked if it was appropriate to put misdemeanors with felons. Is this appropriate classification in the same housing? In Denver, they have all of these things but they're in different areas.
Ray Combest – usually people who go to Community Corrections are felons.
Jan – agreed, but people who are in work release are misdemeanors.
Dale - no.
Guy – many are, but there's a lot of felony stuff in the work release program as well with 90-day sentences.
Chairman Martin – this is a supervision issue and a good question to bring up.
Jan – there's been a problem in the past with the federal court as to classification.
Guy – pre-trail only. There's no work release pre-trail.
Chairman Martin – after the last meeting we had the contracting agency for anything with the Board of county Commissioners – that was the stance of the Board. That has not changed at this point.
Don – agreed.
Dale asked specifically then that the Chairman be authorized to sign the 2003 – 2004 allocation letter, which is due back to Attorney General's office on the 20th of June. This is in the Consent Agenda.
Don – pointed out to Dale earlier today that this has not been through the County Attorney's office yet.
Chairman Martin – wants this reviewed by the County Attorney.
Larry McCown will be notified as he returns on Sunday, June 22.
A Workshop was set for Monday, June 23 at 8:00 a.m. in the Courthouse Plaza Commissioners' Meeting Room planning on a two-hour meeting. No other topics will be put on the agenda.
Dale and Guy will do the noticing as Community Corrections and Board of County Commissioners Worksession

b. Porter Enterprises, LLC – Petition for Annexation – Town of New Castle

Don DeFord submitted a memorandum and petition for annexation for Porter Enterprises, LLC. Don stated that both parcels are less than the statutory minimum requiring an Annexation Impact Report. However, the parcels appear to border County Road 335 at its intersection with the Interstate 70 overpass. There is some question as to whether or not the north side of County Road 335 has previously been annexed into the Town of New Castle. If this is the case, it would appear that New Castle has annexed both sides of the county Road. County policy in relationship to other jurisdictions indicates that this road should be annexed. By default, New Castle may need to control the right of way. Additionally, it appears that the annexed parcels are currently part of a much larger parcel held under the same ownership. Under these circumstances, both the County and Town may face the difficult circumstance of proposed subdivision where part of the parcel lies in the County and part of the parcel will lie within the Town. It may be more efficient to accomplish subdivision of the parcel and then go through the annexation process. The public notice for New Castle appears to be set for the first of July.
Commissioner Houpt made a motion to have legal staff and Building and Planning move forward the memo for the Porter Enterprises, Petition for Annexation to the Town of New Castle requesting concerns be addressed and request an annexation report identifying the parcel that's being annexed versus what the larger parcel would be, is it going to be attached, are they going to subdivide prior to their annexation and who and how will this be reviewed, including road issues. Chairman Martin seconded; carried.

New Controller – Patsy Hernandez

c. Authority to sign Arbitrage Rebate – Valley View Hospital

Kutak Rock Consulting, CO submitted a finding for final arbitrage rebate calculations for the bon issue for Valley View Hospital Association Project. The Bond Fund qualifies for exemption from arbitrage rebate as a bona fide debt service fund with combined annual earnings of less than $100,000.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to authorize to the Chairman to sign the form; motion carried.

d. Executive Session: Litigation Update, Access to a Public Road, Pending Board of Appeal Issues and Code Enforcement Issue

Steve Hackett, Mark Bean, Carolyn, Don, Ed, Jesse, the Board and Mildred were to be included in the session.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to go into an Executive Session to discuss the aforementioned and reconvene at 10:15 am; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – No report
Chairman Martin – Health Pedometers starts today – keep record of your steps and turn the total in on Monday, June 30. Strawberry Days – entry of Road and Bridge Equipment. 10 a.m. – Oil and Gas Commission at the Fairground, Friday, June 20, 2003.

CONSENT AGENDA

a. Approve Bills
b. Authorize the Chairman to sign the Resolution of Approval for Ranch at Coulter Creek Subdivision Preliminary Plan – Tamara Pregl
c. Resolution concerned with Abating Tax Lien Sales 1999-015 and 1999-016 on Schedules #R023522, #R024556 & #R024557 Freeman Investments and Gene F. Lang & Company – Georgia Chamberlain

Shannon Hurst submitted a letter in respond to the request during the June 9th meeting, concerning the abatement of tax lien sales on severed minerals.

d. Contracts for New Residential Facility – Guy Meyer
e. Staff Request to Extend the Technical Compliance Period for the Blair Chase PUD an additional 30 days – Mark Bean

Removal of item d and requested this to be deferred until June 23, 2003.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the Consent Agenda Items a, b, c, and e and carry over item d until the next scheduled meeting; carried.

PUBLIC HEARINGS

EAGLE VALLEY LAND TRUST/CONSERVATION FUND (GOLDEN BAIR RANCH) – CINDY COHAGEN

Cindy Cohagen with the Eagle Land Valley Trust and Kristine Quinlen, Craig and Doris Bair, Tom Macey, Associate, Jamie Connell and Von Hackett from BLM were present.
Kristine briefly gave the background since they have been before the Board before when trying, getting the funding started, for GoCo funding, and when working with BLM toward their funding. This ranch is about a 4800-acre ranch in the Glenwood Canyon. It startles the Eagle and Garfield County lines; about 30-35% in Garfield County including the headquarters part, you see when you stop at the Rest Stop. The project has two components: They are trying to purchase a conservation easement on the main 4300-acre portion that is separate from the piece that is along the River. They are attempting to purchase 512-acres in fee title allowing the public to have accessibility on that stretch of the river. The objectives, outcomes, the thing they are trying to do with the Bair's is work with their interest to stay on their ranch and keep it in tact to keep it as an agricultural unit and protect the view corridor on the river and the rest stop, eliminate subdivision and development which is meeting the BLM's objectives so that their management in that area cannot go crazy on them, and public recreation on that portion that would be acquired in fee. The property has been appraised and working with the Bairs for some time now. An agreement of a $5 million purchase

price. On funding, when this project started the Bair's have been really patient and we've been working on this for a couple of years. It is a very high priority for BLM, they requested $4.5 million for the project, and the appropriation they received was $1.5 million. They applied to GoCo and were awarded a $400,000 grant for a total of $1.9 million and they still need $2.6 million. Recently met with the Eagle County Commissioners and requested a significant contribution. Eagle has an open space tax that was passed last November. They're interested, but no response yet. Eagle County Commissioners asked if this had been discussed with Garfield County; therefore Kristine asked if there was a way Garfield County potentially could help financially with this project.

Cindy Cohagen – this is one of the last great spaces in Garfield County/Eagle Counties. Eagle passed the 1.5-mill property tax for open space and project that this tax will generate $3 million in 2004. The Bair Ranch is the number one priority for this open space tax. Part of the Ballot initiative for the open space tax in Eagle was the establishment of an oversight committee and that has not been done yet. This is not moving as quickly as they would like it to. Specifically, they have asked for at least $2 million of that open space fund for this project. However, they need to establish a partnership with Garfield County to get this done.

Chairman Martin informed the group that Garfield County has no such tax and the initiative wasn't passed by the vote of the people.

Commissioner Houpt felt this was a good illustration of why it might be prudent to move in that direction.

Chairman Martin stated that getting a tax passed in Garfield County is pretty difficult.

Cindy stated it was in Eagle County as well and the tax only passed by 51 votes and it was two weeks after the election that it was declared passed.

Chairman Martin recognized the land was beautiful, a lot of artifacts and other issues that need to be protected and we support it 1005 except for dollars and we look for dollars – not sure where we will find it, but we're behind it all the way. We'll work with this group and see where we go from here. Stand as partners and if we had money in our pocket to give away, we would. But at the present time, nothing great. We can work toward it.

Kristine - Jamie Connell, BLM does have some money but one of the things that is critical with fire season coming up is to hand onto the federal and state money in this project long enough to get the other partners lined up.

Craig Bair referenced the map of the land and commented that a good portion of the ranch that can be seen is in Garfield County and the rest is on the Eagle County side. When the State purchased the land for the freeway, Dick Paulson and Lou Sterns and he were just a young fellow then and sitting in with his folks. They said they were going to buy it and take it all and the folks said they didn't want to sell. Dick said they would make it so miserable on them that they would want to sell. Afterwards they build the freeway and the bridge; we have fancy signs with the Bair Ranch on them. The plan was to stop all development and stated they didn't want to see another Vail or Aspen going in here. Craig's dad passed away, he owns the ranch now, and there's a lot of heritage and memories on this land. Craig told his boys that he could make them an instant millionaire and go somewhere else. His boys want to stay on the land. The predicament in waiting and having to do something, his brother LaGrand sold out and is not in the sheep business anymore. When dad passed away, Craig and brother divided out the ranch and each picked sections. When this was done, LaGrand was in the middle and Craig was on the outside. So, for Craig to be able to hang onto the inner part of the ranch, he has to buy it from his brother. LaGrand gave his the opportunity to buy it. No cut rate, no less price, same market value that any other buyer would pay is what Craig has to pay. There is nothing but a handshake and the time for this deal is coming up real soon. The only way that he can raise this money right now isn't with the sheep or cattle. The choice is to either sell part of the ranch to buy the brother out or come up with the money some other way. The conservation trust has been worked on for 2-years. If the money cannot be raised in time, then Craig will have to see a realtor and sell some of the ranch and then it's gone. Craig has some of the very best BLM and forest permits in the Country. To be able to replace that would be next to impossible. Craig has to have this commence ground and if he sells off part of the ranch, he will lose the commence ground for the permits. This is just part of the problem. The far end of the ranch is as beautiful as what you can see from the Interstate. This is the part he would have to sell in order to be able fulfill the commitment with LaGrand. LaGrand does not want payments; he wants to sell out right.

Commissioner Houpt - this is a serious discussion we need to have with our staff in terms of what kind of funds could actually be allocated. She wasn't aware if the County has money to make a significant impact

but believes we do feel there needs to be a serious discussion about the budget. Partnerships are critical when you're putting this kind of thing together.
Cindy said that's why they are here today, to explain the situation in that Garfield County has been tremendous partners in giving them letters of endorsement for the project and would love nothing better than to go back to Eagle County Commissioners and say that we have financial support from Garfield County, whatever it is, large, small or someplace in-between, as a challenge and encouragement to show this is important to all of us and hopefully they will recognize there are a lot of partners involved now and we've got to make this deal happen.
We need Garfield County to support us, whatever that amount might be.
Craig stated the time lime is October.
Tom Macy – Conservation Fund – following up on Commissioner Houpt's comments, if there is a staff member to explore this with rather than with the Commissioners, the one observation he made was that this landscape we are used to is taken for granted, but it has attracted national conservation group, a local one, a federal agency, which we thought we had this wired because the State BLM approved $4.5 million as their number one priority and then September 11th event and we were lucky to end up with anything. So $1.5 was an indication of the value. Then they went to GoCo. This project beat out many other projects that were turned down. We wanted to get a $1.0 million from GoCo but they only gave $400,000. Many of the projects over the years, Brush Creek in particular were they had new land to Sylvan Lake State Park, were products of "layer cake of funded" and in that case The Town of Eagle put in $500,000 and Eagle County put in $1.5 million, State Parks put in $5.0 million, the Forest Service, every level of government and Commissioner Houpt's comment on partnership is very important. He made the observation where the federal and state agency willing to step forward with money that could go to other parts of the state, we really need to have local support and encouraged the Board to explore a source of funding. The Conservation Fund can bridge the financing if we have a take out over a period of years, or some future pot of money that's coming.
Commissioner Houpt asked if this is what they are doing with Eagle County.
Tom stated they are exploring that possibility. That has not been determined; the open space tax is not ready and doesn't kick in for a year.
Christine if was have a commitment to the back fill, then the Conservation Fund can commit some of it's own dollars, but we must have the commitment.
Chairman Martin – we're willing look into the possibility of a funding source. No guarantee that we have one, it's tough to find money. We're obligated by certain statutes on Road and Bridge and that fund balance has to stay with them; same with Social Services fund balance has to stay with them and then the General Fund takes care of everything else. How do we siphon off $1.0 to $2.0 million dollars to this that without a tax? Eagle County is okay, they have a tax and even through it's a year out, they can go ahead and commit that to this project.
Commissioner Houpt – we'll look at that; we haven't had that discussion to determine whether or not we can siphon a certain amount off and we need to sit down and look at the budget with our staff.
Chairman Martin noted that he didn't know what time limit he can do between now and October to fund because the budget is set in stone right now.
Craig stated that GoCo wasn't here today but they put money in, but what they want to know, is if they have the support of the Counties, Garfield County, Eagle County, the public in doing this, they didn't want to put more money into maybe a sinking ship that wasn't popular. Even with verbal support letting GoCo or anybody know the ones behind it so they can makeup their mind too.
Commissioner Houpt asked if this was something, we could discuss for next year's budget if that's the only way we could identify money? Would this work with your bridge funds?
Tom commented they would be glad to explore the options, and if we have a commitment for next year's budget, then they can go ahead. The reality is if we are not able to go forward, both the Go Co money and the BLM money will disappear. In the case of the BLM, fire season is on us and fires absorb monies like this that are allocated by not spent. The GoCo Dollars also needs to be spent or send it back to them.
Commissioner Houpt – I know that we won't be able to make up the balance you have here, but we'll look seriously at what we do as a partner.
Chairman Martin – what we'll do is direct to the County Manager, the appropriate staff member that he can have you sit down and talk with about this and we'll go from there. We'll work with you trying to make every effort.

Janie Connell– BLM, stated they were disappointed that it only came in $1.5 million, but actually surprised when it came in with anything, because she didn't think they were going to obligate any money. We're restricted from being able to go into more traditional funding and try and get money – similar to Garfield County's position – most of the funds are obligated to other activities. What they are trying to do is spend our traditional funding to support those who are working on the project so we won't have to take away any of the $1.5 million but she is concerned that it could get absorbed that it could get absorbed somewhere in the State if there are extreme wildfires. Therefore, the sooner we can get good information back to Washington to say we have intentions to obligate the funds. Jamie is willing to work with the group in meetings or discussions and participate.

REQUEST TO CONSIDER AN APPLICATION FOR PRELIMINARY PLAN APPROVAL FOR THE NATIVE SPRINGS SUBDIVISION LOCATED EAST OF RIFLE OFF CR 221.
APPLICANTS: JIM AND PAUL LUGINBUHL – MARK BEAN

Barbara Kosal of Petre and Petre, Ron Liston, Carolyn Dahlgren, Fred Jarman and Mark Bean were present.

Carolyn Dahlgren 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.

Mark Bean submitted the following Exhibits: Exhibit A – Mail Return – Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978, as amended; Exhibit D – Garfield County Subdivision Regulations of 1984, as amended; Exhibit E – Garfield County Comprehensive Plan of 2000; Exhibit F – Project Information and Staff Comments; Exhibit G – Native Springs Subdivision Sketch Plan and Preliminary Application; and Exhibit H – Letter from the Division of Water Resources dated May 21, 2003. Chairman Martin entered Exhibits A – H into the record.

This is a request for review of a Preliminary Plan for an eleven (11) lot subdivision on sixty-six (66) acres located less than two miles east of the City of Rifle along CR 210 and 221. Access is CR 221, "Green Lane."

The Planning Commission review and recommended approval by the BOCC. The BOCC did approve the applications with conditions on February 4, 2002 and is memorialized in Resolution No. 2002-11. The applicant had one year to submit an application for Final Plat. The applicant missed the deadline and was required to resubmit the Sketch Plan and Preliminary Plan Application for the Planning Commission and the Preliminary Plan for review by the Board of County Commissioners.

Mark added that the applicant has satisfied many of the conditions of approval originally required as pat of the original approval in February 4, 2002. The applicant plans to seek Final Plat approval shortly after this review.

These are the original conditions of approval and the status:

1. That all representations made before the PC and Board 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.

   "Change Planning Commission" to Board of County Commissioners."

   Access/Roads

   Status: Complete

2. The recommendations of the Road & Bridge Department (including moving the fence and obtaining an access permit) shall be followed. A copy of an approved access permit shall be submitted prior to approval of any final plat. The historic agricultural access along the eastern boundary of the property shall be abandoned, removed, and restored.

   Status: Complete

3. All roads and addresses shall be clearly marked so that they are visible from the road. The covenants shall also state this.

   Status: Unclear as to status. It appears the protective covenants do not contain this language in a final plat subdivision.

4. The covenants shall be amended to clearly state that the HOA may assess moneys for road maintenance, and the HOA shall conduct said maintenance. The following correction shall be made to plat note #4: 'that all street maintenance and associated expenses shall be furnished by the Native Springs Subdivision Property Owners Association, Inc. not by the County of Garfield."

   Status: Complete

   Revegetation/Wetlands

5. Prior to approval of the preliminary plan by the Board of County Commissioners, the section of covenants that addresses revegetation shall be amended so that a particular party, such as the Homeowners' Association shall be amended to state: "The individual lot owners shall be responsible for control of noxious weeds on their property. The Native Springs Subdivision Property Owners Association, Inc. shall be responsible for control of noxious weeds on all common areas." "*Change preliminary plan" to "final plat". Add - noxious weeds on their property vs. on all common areas." The Native Springs Subdivision Property Owners Association, Inc. shall be responsible for control of noxious weeds on all common areas."*

Status: Complete

6. The location of all wetlands shall be surveyed and shown on the plat and construction plans as necessary. A note shall be included which prohibits disturbance of the wetlands, and protections shall be put in place to prevent disturbance during construction.

Status: Complete

Drainage

7. Prior to approval by the Board of County Commissioners, the drainage plan shall be amended to address concerns of Resource Engineering.

Status: At this time, the final plat has not been referred to Resource Engineering to determine if engineering concerns have been addressed.

8. Prior to building, each lot owner shall obtain a professionally prepared (by a licensed engineer in the State of Colorado) grading and drainage plan which ensures positive drainage away from built structures, and to provide protection to the ditch - 3300

Geotechnical

Status: Complete

9. All recommendations made by Hepworth-Pawlak shall be followed. Site-specific studies shall be conducted for individual lot development, and a plat note, and in the covenants: "Site specific studies for individual lot development shall be conducted by a registered professional engineer within the State of Colorado. These studies shall include drainage and grading plans, Individual Sewage Treatment Systems design, foundation design, and under-drain system design. The cost of these studies shall be borne by the individual property owner."

Status: On-going/Complete

Fire/Emergency Access

10. Prior to approval by the Board of County Commissioners, written approval of the proposed project shall be obtained from the Fire District. If the Fire District has additional recommendations or suggested changes, they shall be followed.

Status: Complete

11. All recommendations made by the Division of Wildlife shall be followed.

Status: On-going

12. No more than a total of three cattle and/or horses shall be kept on each lot. The covenants shall clearly state this

Status: Complete

13. All applicable fees shall be paid prior to approval of the final plat.

Status: The applicant has provided the RE-2 Fee of $2,200 and has requested assistance with computing the road impact fee.

14. The covenants/plat notes shall be amended as follows:

a) Plat note #13 states ownership of the mineral rights lies with the Greens. This note, and the covenants, should be expanded to disclose the future possibility of mineral exploration and recovery on the property. This disclosure must also be provided at the time of closing.

b) The covenants should clearly state that no more than 500 square feet of lawn or garden should be watered with the domestic well water. All additional landscape irrigation must be achieved from legal sources.

Status: Plat note #13 has not been amended.

Water

15. Prior to approval of the final plat by the Board of County Commissioners, the applicant must provide a letter from the State Engineer's Office of "no material injury" in light of the questions raised in the staff report, and shall provide proof of adequate irrigation water rights to support the proposal.

Status: A letter has been provided, but the status permit no. 208670 is still unclear.

16. Wells shall be properly designed and constructed so as not to draw from shallow groundwater, and no well shall be shallower than 70-feet. Each and every well shall be drilled, pump tested, and water quality tested for nitrates, nitrites, bacteria, phase II and V inorganic, radiation, and dissolved solids. No final plat shall be approved until the results meet the subdivision requirements, and satisfaction of the Board of County Commissioners.

Status: The wells have been drilled and constructed and all exceed a depth of 70 feet. They have been tested for nitrates, nitrites, and coliform bacteria. This analysis showed relatively high levels of Total Dissolved Solids (TDS) No tests for radiological properties has occurred.

Status

17. The covenants shall be amended to clearly state that property adjacent to the subdivision is zoned commercially. The adjacent commercial zoning shall be disclosed to potential lot purchasers at the time of closing, who should be fully prepared to accept any impacts the commercial zoning may present.

Status: Language to this effect has been included in the covenants on page 20 of the staff report.

18. Conventional ISDS shall be prohibited. ISTS - Individual Sewage Treatment Systems) shall be used. The Covenants shall be amended accordingly. Similar provisions shall be made regarding maintenance of the ISTS as in other approvals of ISTS in the County.

Status: Completed.

Applicant response:

Carolyn - No. 10 – completed for this fire system and asked if this letter would be part of the final plat approval. Mark agreed.

Infusion of the Road impact area – Mark needs to sit down with the applicant, as it hasn't been done yet.

Applicant: Ron Liston, Land Design, the concerns have been addressed in the final set of covenants. He explained that he was on the project and then the applicant proceeded to handle the conditions and consequently filed their report a month after their one-year.

A motion was made by Commissioner Houpt seconded by Chairman Martin to close the Public Hearing; motion c

A motion was made by Commissioner McCown and seconded by Commissioner to approve the Preliminary Plan for the Native Springs Subdivision with the conditions as recommended by staff 1-18 and approved at the previous hearing. Chairman Martin seconded the motion. Motion carried.

REQUEST TO CONSIDER A CONDITIONAL USE PERMIT REQUEST TO ALLOW THE APPLICANT TO OPERATE A CABINET/FURNITURE MANUFACTURING BUSINESS AS A HOME OCCUPATION WITHIN AN PROPOSED 30' X 80' METAL SHOP BUILDING. APPLICANT: FRED BILLMEYER. LOCATION: 0482 COUNTY ROAD 315, SILT – TAMARA PREGL

Catalina Cruz, Fred Billmeyer, and Tamara Pregl were present.

Catalina Cruz 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 – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000, as amended; Exhibit E – Staff Report dated June 16, 2003; Exhibit F – Application Materials; Exhibit G –Letter from Jake Mall, Garfield County Road and Bridge Department, dated June 9, 2003; and Exhibit H – Letter of support from J. Gentry received on May 15, 2003.

Chairman Martin entered Exhibits A - H into the record.

This is a request for approval of a conditional use permit to allow for a home occupation at 0482 CR 315, Silt, ½ mile south on Mamm Creek on a 35 acre site, with access off CR 315. The applicant manufactures cabinets and wood furniture from raw lumber and plywood products called the Woodworks since 1975 and have been located in the Town of Silt for 23 ½ years.

Recommendation:

Staff recommends Approval or Denial, 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.

a. Hours: 10 am to 6:00 pm, Monday through Friday;
b. Deliveries to site will vary from 6 – 8 per year;
c. Vehicle trips, excluding deliveries, vary from 2 to 4 per week;
d. The exterior color of the structure shall be tan, to blend with the other structures;
e. One motion light to illuminate walkway from the residence to the structure;
f. The business will have a limit of one (1) employee;
g. There shall be no appearance of commercial activity on the site.

2. That the applicant shall meet all requirements of the Barfield County Zoning Resolution of 1978 as amended, and shall meet all building code requirements.
3. Any expansion of this use, the home occupation, shall require an amendment of the Conditional Use Permit.
4. In accordance with the Garfield County Road and Bridge Department, the Applicant shall install a paved apron on the existing driveway access in order to bring it up to county driveway standards.

Fred stated his original goal was to have his operation in one place. It is basically quiet and has no other employees. He rented a facility in Silt and would like not to have to pay rent to anyone.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to close the Public Hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the request for a Conditional Use Permit for Fred Billmeyer to allow for a home occupation at 0482 County Road 315 with the conditions of staff; motion carried.

June 16, 2003

REQUEST TO CONSIDER A SPECIAL USE PERMIT TO ALLOW FOR THE STORAGE OF 30 VACUUM TRUCKS, 200 FRAC TANKS, AN OFFICE, AND A TRUCK MAINTENANCE SHOP. APPLICANT: DALBO, INC. LOCATION: APPROXIMATELY 1.25 MILES SOUTH ON COUNTY ROAD 319, RIFLE, CO. – TAMARA PREGL

Nick Richens, employed by Dalbo, Catalina Cruz, and Tamara Pregl were present.
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; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978, as amended; Exhibit D – Garfield County Comprehensive Plan of 2000, as amended; Exhibit E – Staff Report dated June 16, 2003; Exhibit F – Application Materials; Exhibit G – Letter from Jake Mall, Garfield County Road and Bridge Department, dated May 7, 2003; Exhibit H – Email from Doug Dennison, Garfield County Oil and Gas Auditor, dated May 27, 2003; Exhibit I – Dalbo, Inc. response to Doug Dennison's email; Exhibit J – Email from Matt Sturgeon, dated May 23, 2003;; Exhibit K – Watershed Permit, Check and City of Rifle Land City of Rifle Land Use Application form regarding water shed; Exhibit L – Agreement to Amend/Extend Contract, Statement of Settlement, and Warranty Deed; and Exhibit M – Letter from Steve Anthony, Garfield County Vegetation Manager, dated June 11, 2003; and Exhibit N – an email from Doug Dennison in response to Exhibit I.
Chairman Martin entered Exhibits A - I into the record.
This is a request for approval of a Special Use Permit for the storage of vacuum trucks, franc tanks, and office and truck maintenance shop on a 35-acre site located off CR 319 in the A/R/RD zoning. The applicant has been in the oil and gas service business since 1970
Dalbo, Inc. has been in the oil and gas service business since 1970 in Utah, Wyoming, Colorado and California. The primary function is to haul fresh water for drilling, renting franc tanks, filling them with fresh water and hauling of produced water (salt water) to disposal pits.
Tamara continued a review of the staff report. Two of the tanks are over 35 feet in heights but it is her understanding that they will work within the 25 feet height limitation.
Staff recommends that the Board **APPROVE** the Dalbo, Inc. Special Use Permit for the storage of vacuum trucks and frac tanks, office, and truck maintenance shop, 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.
3. The Applicant shall comply with all State and Federal regulations and standards, such as Noise Abatement, Water and Air Quality.
4. The Applicant shall provide a commitment to minimize the spread of cheat grass through any activity on-site. This may include, but is not limited to, 1) a plan to wash items before they leave the site, and 2) a plan that details how cheat grass seed production will be eliminated. These commitments shall be reviewed and approved by the Garfield County Vegetation Manager, prior to the issuance of the Special Use Permit.
5. The Applicant shall comply with the following recommendations from the Garfield County Road and Bridge Department:
    A. A 30-foot right-of-way shall be deeded to the County from the centerline of County Road 319, east onto the property. No fences or structures shall be built within this deeded right-of-way.
    B. The Road and Bridge Department will issue a driveway permit upon approval of the Special Use Permit with provision specific to the permit.
    C. A stop sign shall be placed at the exit of the driveway. The stop sign shall be of the size and located as required by the manual on Uniform Traffic Control Devices.
    D. Truck turning signs shall be located on County Road 319 on either side of the driveway access for traffic going both north and south. The signs shall be of the size and located as required by the Manual on Uniform Traffic Control Devices.
    E. A sign showing the name of the company shall be in a visible location for emergency purposes.
6. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State, and County laws, regulations and standards.
7. The Applicant shall comply with all Local, State and Federal Fire Codes that pertain to the operation of this type of facility.
8. Prior to the issuance of the Special Use Permit, the Applicant shall provide a copy of the actual well permit. In addition, documentation shall be provided regarding the physical quantity of the well for the propose uses. Should the physical water of the well not support the uses, the Applicant shall obtain additional water allotments or a water augmentation plan?
9. Any signage installed on-site shall comply with the County's sign regulations.
10. Any changes to the Special Use Permit for the storage of 30 vacuum tanks and 200 frac trucks, office / maintenance shop, truck wash bay and Potassium Chloride storage, will require a new Special Use Permit.
11. Rehabilitation of the property, shall the use terminate, shall consist of the following:
    A. All frac tanks shall be hauled away.
    B. All vacuum trucks shall be driven away.
    C. All KCI storage tanks shall be hauled away.
    D. Building and structures may stay and be sold to other industrial uses.
    E. Replacement of stockpiled topsoil.
    F. Compliance with all prevailing COGCC and Garfield County regulations governing final reclamation.
12. Prior to the issuance of the Special Use Permit, the Applicant shall provide a copy of an approved City of Rifle Watershed Permit.
13. Groundwater resources shall be protected at all times. In the event of potential violations with respect to water pollution, the Applicant shall provide proof of compliance with respect to water pollution; the Applicant shall provide proof of compliance with applicable Federal, State and County laws, regulations, and standards.

Nick stated that currently Dalbo is renting two facilities one in Mesa County and one in DeBeque. Property has been purchased in Mesa for location of trucks and leasing property west of Rifle on I-70 where they have been renting for several years. They would like to get out of the business of leasing property. Dalbo is currently operating in Garfield County. About 30 trucks are in this area working. Most are driven into the area by the drivers and the attempt is to eliminate some of the traffic going into the site. The business park

in Rifle seems to be congested. They tried to purchase other properties but none are closer than this particular site they are requesting approval for today.
Commissioner Houpt, in trying to understand how the location of this particular property would cut down the vehicles trips asked if the trucks would be traveling down to pick up water and then traveling back up. And in reference to other questions, Nick responded stating they will be and is currently doing that now. There are two functions of the trucks: one function is to go get fresh water each day and another would be going into the field and actually transferring water from one location to location or transferred produced water from a location to an evaporation pond. Those trucks would probably not be coming back down. Some trucks would go for fresh water, but not all trucks would perform that function. Nick said that have 10 wheelers or bobtails and those would be working in the field. We have 15 or 16 transports that are a longer tubular truck trailer and those are the ones that would be going for fresh water. Some of these trucks would be leaving the property to go to some other location, like McClure Pass, yes on demand they could and it depends upon where the wells are being drilled and how much water needs to be moved at those sites. Currently, with the activity, they are involved in, Nick estimates 85-95% of the work; the trucks are not leaving the area, but are working in that area. There might be 4 – 5 trucks working on McClure last week and a few trucks went over to Parachute 10 days ago. The trucks go for fresh water for the most party anytime within a 24-hour period. Yes, the traffic that Commissioner Houpt referenced as a concern by the residents in terms of the school bus traffic he could understand but the traffic from the men going to work would be a savings in traffic. The water has to come from somewhere and currently they are getting it near the river – all of the oil rigs are doing the same thing. Nick clarified that the trucks Commissioner Houpt is concerned about are on the road now anyway. By reducing the trucks leaving the area, they would be cars instead of trucks coming and going morning and night. The lessened traffic would be on CR 319 down south but not up country.
Commissioner Houpt – this is an area that people are pretty sensitive about and felt he was sure of the concerns of property owners up there and the feelings of their view scapes being taken over and she appreciates the fact that Nick is sensitive to this as stated during his presentation. She wondered what was done in the plans to create setbacks or berming so that it's not right on the road.
Nick stated there are no homes in sight of this property, no homes can view this property in anyway that would offend them. What they are hoping to do is to build the storage tanks that store water and the shop and then hide as much as they can behind that. If Commissioner Houpt feels that berms are necessary or site obscuring fence, they'll do that. Nick thinks for security reasons that they would prefer to have nothing hidden behind the structures that they or anyone else can't see – activities they feel that would be offensive are what usually get hidden behind something.
Commissioner Houpt – better accepted if the viewscape wasn't bothered.
Nick – they are willing to do whatever it takes.
Chairman Martin – asked how they would address the water engineer on the Division of Water Resources in reference to the well noting cisterns, gallons per minute, but truck washing of 30 vehicles will take more than 250 gallons. Some other water would be necessary and knows they are hauling water with the augmentation plan, doing the storage, etc. and asked how they would address the water on the wash bay.
Nick – two thoughts – Mr. Dennison brought this up and originally they applied for a water well thought the Division of Water Resources for an inside use only/sanitary use only and the water engineer suggested they drill a well and test it for it's ability to produce more that what they wanted for that use. If in fact, it will, then rather than haul water they would like to use whatever water might be there. Discussion with West Divide folks about augmenting water, purchasing water to do that, and we do have some contracts with them now and we could purchase a contract for that specific reason and then change the use of the water well to that of a commercial use. It's a wait and see how the water does.
Chairman Martin noted the fear of everybody saying there's limited water and you're going to be pumping it all out just to wash cares, etc.
Nick – second thought is – you use less water but a lot of pressure when you wash and they would recycle the water that's there and it's the plan and if necessary they will haul water on site.
Commissioner Houpt now addressed a fear of water being hauled for use at the site if the other failed to transpire.
Chairman Martin inquired if the applicant would be willing, if there was a concern, to setbacks for screening for those passer-bys who are sensitive to the views. This is just for driving by, recognizing the neighbors are quite a distance from this site.

Nick agreed they would. Houpt – need to understand the road impact from this operation because she sees an increase on the Mamm Creek Road.
Clarification was made by the applicant that the property, the old Gert Benzel land, was not sold to them by John. Their property is south of this property.
Commissioner Houpt asked staff's help for her to understand what the road impact would be as a result of this because unless her math is wrong, she's sees an increase in traffic on that Mamm Creek Road, not a decrease.
Chairman Martin noted we do have the designated haul route for the industry and no number was set on the haul route.
Commissioner Houpt – one of the arguments for doing this was cutting down on traffic and felt as though she was missing something.
Doug Dennison, Oil and Gas Auditor, explained when he looked at the application, his concerns about truck traffic was more of the traffic that's coming from West Rifle through Rifle up to the Interstate, big trucks do that everyday. They drive from West Rifle into the field in the morning and then back out at night. So she's right that it may not reduce the traffic on those County Roads south of the Interstate because it is there now. Where it will reduce the big truck traffic is from the Airport Road interchange on I–70 back through Rifle to West Rifle, although it's not County Roads it is traffic that people are concerned about. The intersection at Railroad and Hwy 6 & 24 in Rifle, a lot of the traffic is these big trucks. It won't reduce the traffic that's in the Mamm Creek gas fields, but it will reduce the big truck traffic to and from the interstate to and from other roads.
Commissioner Houpt maintained that is actually increases the traffic on CR 319. They drive up to work, and then they drive the truck back down to get water, and then drive back up.
Nick disagreed.
Doug – it may increase overall traffic but it will decrease the big truck traffic because the big trucks will stay up at the facility in the field. The workers will drive up in their pick=ups, cars, pick up the truck and then go get water. They are doing that move continually with the big truces right now. Clarification was made that it does not increase one trip in the morning; rather it decreases one truck because they will not necessarily pick up water in the morning.
Nick stated the trucks coming to work in the fields do not always come in full every time. If they come to the field empty, they come to transfer water within the field. Nick estimated ½ and ½.
Some trucks will go get fresh water everyday.
Commissioner Houpt asked how the applicant would fee about limiting the time of day that those fresh water trucks could go up and back so we miss the school traffic.
Nick said if the Commissioners want to do that to all the carriers in that area, he wouldn't have a problem with it. To do it to just them is not fair.
Commissioners Houpt – that's another discussion.
Chairman Martin – noted that down the road you would be interfering with agricultural purposes on oversize and overweight trucks.
Commissioner Houpt – but she is hearing that this road is overused already and understand that these trucks are using this road.
Nick – EnCana is trying to have some other roads built off Hunter Mesa back east to Shaffer cut-off road.
West Mann – they are in the process of trying to divert a lot of the traffic off that road into the other direction to reduce according to what Jake Mall was telling them it will reduce the traffic on CR 319 when they get the roads up country cut.
In looking at the map – Commissioner Houpt asked how Nick would feel about setting the building back. He also pointed out where the trucks would be parked with only the pick-up trucks in front of the buildings.
Commissioner Houpt said this is not the least controversial area for this establishing your home base operation and understand the selection of this site, but doesn't want it to end up being "an in your face type proposition for people either" as they are driving down the County road and asked about set-backs. Nick explained how the buildings were already set at 200-feet from the road. She would like to have those 300-feet and she would like to have had a site review in advance of this hearing.

Tamara asked for clarification, if the Board makes this a condition of approval, in regards to the screening, where it needs to be, how high and what form it needs to be in. The other thing, lighting has been indicated to be downward and inward so that would need to be a condition of approval. And also limiting the height of the tanks, if that's something the Board wants.
Chairman Martin stated that would be the standard we have not to exceed 25-feet because of the zone district. The applicant will figure that out.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to close the Public Hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin
that we approve the Dalbo SUP for storage of vacuum trucks and frac tanks, an office, truck maintenance shop and truck wash with the conditions presented in additional No. 11 of staff's condition, I would like to see full rehabilitation, I don't believe this is truly an industrial area that should be kept up after the job is done, I would like to have periodic review no less than every 6-months to make sure that things are going as planned up there, like to have lighting be inward and downward without outside glare, and I understand that there won't be lighting on trucks and tanks, I would like the buildings and the truck parking to be set back and I don't have the dimensions, but I would like them to be moved back off the road more than the 200-feet required at this point,
Chairman Martin explained the dimensions, saying you're asking them to put it back, and if you move it back you're going to put it way back here and that's the issue we had with Pryor, I would like all the back to the – there seems to be a natural break, say 300-feet with appropriate screening and berming, location, I would say berming in front along would work along with the other proposed fencing,
Tamara asked for clarification, do you want that on the east side, north side, and south side and how high do you want that berm to be. Sorry, the screening not necessarily berming. Just need a height limitation or a minimum/maximum.
Commissioner Houpt asked if Tamara had a recommendation.
Tamara – in regard to fencing, you can have it up be up to 6-feet in height and berming, you can have berming with vegetation on top of it as well. There are different types of screening; it's just what your preference is.
Chairman Martin – remember you're traveling down that road and 6-feet is not screening very much, if you're coming down the road and looking off to the side, it can be 20-feet high and you are still seeing it in different areas. You can't hide it that way.
Nick – in fact there's a berm …. Testimony wasn't allowed.
Commissioner Houpt asked Tamara where the berm is located on that property.
Tamara – there may be a berm on the EnCana site, but not a berm on the subject property.
Chairman Martin – berm, this is a hill that sits right here and that's screening coming uphill and you wouldn't be able to see it that way; downhill you can see right into the backside. But again,
Commissioner Houpt – the berming I would want in that front portion so that there's not an immediate view of the building and parking understanding that it's a huge flat area and it won't all be hidden, and one more condition, and that's the trucks that are parked up there, trucks that are being used up in that area, and that it doesn't turn into a regional parking and storage for the whole region.
Chairman Martin – seconded the motion for discussion. I think you're extremely restrict and very expensive to the applicant even though they may be able to do it financially, I think it's unfair to them to have to go through as much as you did on the restrictions, I that a 200-foot set back on that building, placement of that building, and a driveway properly designed will suffice on hiding just bout everything that would be visible; other than the wash bay and the commercial building, which is their office, which they need to be seen anyway, and you're getting it off the road so far that the driveway improvements and the emergency response is becoming an issue, I think getting it back 300-feet plus, plus getting through all that, but some fencing can be used and used properly and I think design criteria or a vegetation plan of some sort, even though it's pretty remote and pretty dry and not a lot of things are growing there, but a proper fence in the proper location would do a lot more good that a berm. A lot of earth moving a lot of dust, and a lot of other things and then we're talking about some type of vegetation to hold the earth down, and the wind does blow up there. I think that
Commissioner Houpt – there are natural grasses, sagebrush, things that hold that down.
Chairman Martin – well you're out there with the old hay fields and everything else and too much sage brush is not very good and if you start re-transplanting that then we get some other property problems. That's where I'm out; I think we can work it out.

Commissioner Houpt – where would you put fencing and fencing is not very pretty.
Chairman Martin – I would put back just so that you can have visibility of some sort so that you can see a certain area for security purposes, and I know that the security force will be going up there and also assist the Sheriff in vandalism if there is any theft, be a deterrent, use some good common practices for crime prevention which are crime prevention through design which you would have to work with which I know that Nick knows and we can work that out, but I think if we try to totally isolate and hide everything to appease some folks, it just won't work. And I think we'll be challenged on it, because I don't think our regulations would go ahead and support it, in my opinion.
Commissioner Houpt – And I don't think I went overboard on that.
Chairman Martin – so that's my comments and called for the question.
All in favor – Martin – nay – it's too restrictive; Houpt – aye.
Try again.
Chairman Martin made a motion that we go ahead and approve with the conditions that have been set forth in the staff's report, making sure that the height requirement on the tank does not exceed 25-feet, that partial rehabilitation of the property be allowed at the end, the buildings and concrete would not necessarily have to be removed but that would be up to the owner of the property if they wish to sell it or to retain it in that position, or the next owner would want it, I think we can do that, I think that water issue must be resolved either a commercial or an augmentation plan be put in place in reference to the truck stop; that the industrial standards be followed in references to all chemicals on the site, which include motor oil, fuels, potassium, chloride, and anything thing that has not been identified as yet, follow the industrial standards that we have and can enforce, that no higher than a 6-foot fence put in a proper location to screen from the roadway next to the office area will provide security and also partial screening but not totally enclosed and have screen all the way around the property and the best utilizing the hillside to place tanks and trucks so the visibility is at a minimum; and all the things the applicant agreed to in testimony, etc.
No second to the motion. Motion dies.
Chairman Martin – okay we'll go ahead and then we'll continue the discussion until the three Commissioners – the best we can do – have to put the action ahead of time, take for consultation at our next meeting…
Commissioner Houpt – I would like to make a motion to re-open the public hearing because the applicant had something.
Chairman Martin – seconded. Martin – aye; Houpt – aye.
Public Hearing reopened for testimony.
Nick – I have a suggestion. Just came to me. I didn't have it with me when I came. What if we fence and put some trees up along behind the fence to use as, granted it may take a year or tow for the trees to grow. We're not going to buy the smallest trees we can find. Buy some nice trees, put them along CR 319 back across to the north where it maybe would site obscure that area that I could screen, I don't care. Hopefully our water well will suffice to where we could water the trees whether they be a cotton less Cottonwood, or Aspens or something that could be used as site obscuring. There is a berm on the neighboring property and frankly it is offensive to me and I think to a lot of people - it doesn't work. The berm is not working. There's got to be some other way but the berm is not working.
Chairman Martin – the only problem I see in reference to your suggestions is the water because you're limited right at the present time with the information that you provided us you can't do that with the well that you have. That would have …
Nick – we do have water trucks.
Chairman Martin – I realize that but again you would have to go ahead and submit some kind of vegetation plan for review and if you can come up with a watering system not using that well at present, or until you get your commercial well in place, we would accept some kind of solution that way but water is the issues at the present time with the information, but if you're truly dedicated to going to do that and then come up with a secondary watering system for that vegetation, that would be above and beyond what has been asked prior.
Nick – this is just an idea to try to suffice on the site obscuring.
Chairman Martin – If you're able to get that through the head office for that purpose, I could accept it.
Commissioner Houpt – and I always willing to have other suggestions for obscuring things, if the berm doesn't work.
Nick – I would really like it to look nice up there, we're not trying, and I promise you we're going to look at lot nicer than the evaporative pit next door. We're going to look ever bit as good as anything down in the

Business Park – we will. You do not know us, that is okay but if you go look in the Business Park that is east of the Wal-Mart area, the Rifle Industrial Park, there is a lot of big trucks and bid equipment in that area. The people pass by everyday.
Commissioner Houpt – I know, that an Industrial Park.
Chairman Martin – so you're submitting that you go ahead and do a vegetation plan with some type of watering system to do a camouflage of some sort or another.
Nick – if you so desire.
Chairman Martin – that's what he's offering if you wish to think about that.
A motion was made by Commissioner Houpt to close the Public Hearing; Chairman Martin seconded; motion carried.

Commissioner Houpt – so what would it take you, if I took the berming out and did the fence and the trees, but only I don't want high water trees, it would have be something that wouldn't need a whole lot of water cause I hate to increase the traffic, but if a plan it put together, for
Chairman Martin – if a vegetation plan was put in place and approved by either staff or the by this Board that would be acceptable.
Commissioner Houpt – Okay, so would you – is there anything else you had a problem with my motion:
Chairman Martin – 200-feet setback is adequate ad I think we can't require them to go back another 100-feet. Two hundred from the property line is far distance, I think it's pretty much standard. A commercial building that's going to be sitting out there, or a office building, a steel building with some parting I front won't be that intrusive or offensive. The wash bay and things that will be back behind it plus all the tanks and all the other parking trucks should be okay.
Commissioner Houpt – I see parking up to the road, I believe…
Chairman Martin – The parking you're eliminating is this particular island of parking.
Commissioner Houpt – lets push everything back
Chairman Martin – no parking in front of your office building except for the office personnel to go ahead an park there as a regular way of doing business – you're talking visitors, you're talking about other folks that are doing business at this and I think that is totally acceptable. If you want to go ahead and limit on-site parking for company personnel behind an imaginary line of this building that would be fine. A dozen spots.
Commissioner Houpt – behind the building, all of the parking that is created on the south end of the property should be moved back to be aligned with the building.
Chairman Martin – because you wouldn't want the evaporation pit to have any over spray on those vehicles because that's what's up here.
Commissioner Houpt – that's right.
Chairman Martin – the heights of the tank still remain at 25-feet.
Commissioner Houpt – periodic review, lighting downward and inward, no glare off the property, not a regional parking and maintenance facility, the trucks that are being used up in that area, I will go along with the 6-foot fence
Chairman Martin – well that would be within the in the vegetation plan and the screening plan that would come forward; give the applicant a chance to work that out with through office.
Commissioner Houpt – and I would really like to see full rehabilitation so that we do not turn the area an industrial area for the rest of our lives.
Chairman Martin – that's a special use permit and it will go along with that property it can be used for that once it's established. If I was to go ahead and own that piece of property and have the requirement of a full removal of everything, I would just keep the special use permit in place and still own the property in one way or another and not have to withdraw that special use permit still being allowed to use it but utilizing it therefore I was not required to remove it. So therefore, it wouldn't be useful to be on there.
Commissioner Houpt – so there are no teeth for rehabilitation.
Chairman Martin – I think if he's agreed to go ahead and do partial and the items that have been put forward in the staff report, I think are sufficient. I think that he's agreed to go ahead and do those, he has not had an objection to do those, and those are standards we can all live by. If the building becomes derelict and what have you, we have other ways of dealing with that through the zoning and safe building acts.
Commissioner Houpt – okay if you'll take my other conditions, then I take that one. So there's my motion on the table.
Mildred requested that the motion be restated.

Commissioner Houpt made that we approve the Dalbo, Inc. Special Use Permit for storage of vacuum trucks and frac tanks, an office, truck maintenance shop and wash subject to the conditions outlined by staff and additional conditions including a screening and landscaping plan, the set back of all proposed parking on the south end of the property to be in line with the building; limited height of tanks not to exceed 25-feet, periodic review of the business, lighting to be inward and downward with limited glare off of the site, and the final one, not making this a regional parking and maintenance facility, but only sighting trucks and tanks that are in use upon the mesa.
Chairman Martin – second.
Houpt – aye; Martin – aye. Motion carried.
Nick – that's reasonable.

ABATEMENT – GLENWOOD SPRINGS GOLF CLUB, INC. – SHANNON HURST
Shannon stated they are in negotiations and asked to continue this discussion until the next Board meeting.

DISCUSSION/CONSIDERATION TRANSIT SERVICES AGREEMENT – RFTA – DON DEFORD
Don DeFord, Renee Black, Dan Blankenship Chief Executive Director and Mike Davis, Planner were present.
Don submitted copies of the Intergovernmental Agreement and a memorandum of June 16th. Renee stated they tried to put an update as there is a need to address the transit agreement with the County but also brought general information about the Great Hog back service that we're operating that goes between Rifle, Silt, New Castle and Glenwood Springs.
Proposed IGA
Renee – basically we're asking for permission to site our bus stops according to transit needs in places in unincorporated Garfield County without having it limited to specific named stops as it is right now and the concern at present is the Bair Chase bus stop.
Mr. Huber wants it on its side of the fence instead of across the street at Sander's Ranch. In 1993 Mr. Huber made that big plea to please put it in there if it was going to be considered and the Board considered at that time that it needed to be there, both with support of Ms. Coffman who is the citizen representative on that issue as well as Bruce Christensen so that's when all of those were all determined and put in place. The other issue is we put some 1041 powers that are in place not to review those particular ones and referred back to the agreement made in 1993, says we only limit the authority to Pitkin County to do certain things. And we still wish to exercise our rights under the State Statute on transit and review. There's a land use process that comes through and that we can consider those once it's put in place and wondered why we need a new IGA
Renee – the current IGA says only the stops listed could be used and so there couldn't be a change in location or another stop if it was acquired by the number of riders who are interested in that stop.
Chairman Martin – we keep in place our own ability to go ahead and do that and have our land use plan in there so that you could go ahead and follow that language plan in our 1041 Powers to spot and locate and request those to be put in place, which would be fully within the agreements that we have and follow our own statutes and regulations to review it on a case by case basis. So, again, you don't need a new IGA, just follow that process and let the BOCC see what's going on.
Don – We have the IGA that was put in place many years ago by Ordinance, and we do have a land use process on transportation issues that needs to be followed. But in addition to that we have the IGA that was adopted by Ordinance and is very specific on stops within the County. The Bair Chase questions really brought that back to the table again. That also has to be altered in addition to compliance with the land use process, the transportation ordinance itself, which was adopted has to be changed to accommodate. So, using Bair Chase as an example, they are following the land use process and getting approval for a stop but before that can be approved, you must also change the Ordinance that adopted the IGA to include that stop, it this is what the Board wants to do.
Chairman Martin – it's a catch 22, you approve it but it isn't approve yet. You put in your IGA so that you can go forward so that you're going to give initial approval of it without having a hearing on it. In other words, change my Ordinance saying that I will allow it at that site, therefore, I can open up the public land use hearing and then have the public hearing to allow that site, and if I deny that site for some reason, I've already go it in my Ordinance that says I an have it there, so again, we're chasing ourselves.
Don – well there are ways to accommodate both of those concerns. What's being proposed is a general alteration that would allow and it may be broader than Renee intents, but from Don's prospective it would

allow RFTA to stop whatever they felt would be appropriate for transportation purposes in unincorporated Garfield County. You may wish to limit that for instance, and by way of example, you can say you can have this broad authority subject to our approval of site-specific issues in the land use process. There are ways to approach that if you want to do so.
Chairman Martin – that's exactly what we put in place when we had our 1041 Powers saying that we would have a site-specific review of each one. Now if we wish to go ahead and appeal that, then and say that now we repeal all of this, we would need another IGA but we would is rely on those 1041 Powers and therefore allow them to do a site by site review and application and if we wish to approve or improve the site we would be able to do that and you wouldn't be limited to that language.
Don – you will still need an Ordinance dealing with the transportation issues, that's required by State law. That's why we did it in the first place is under provision completely separate an apart from your land use authority. You're required to address the transportation issues for an operation as RFTA by Ordinance. You can do both, and they can be harmonized, but you cannot eliminate the requirement for an Ordinance. You need something like the IGA that accommodates this statutory requirements for an Ordinance and that can be done and simply recognize your land use authority. That is what Chairman Martin is talking about. They work together that way.
Chairman Martin – then you have one, and then you have your regulations that you refer back to and it's real simple and you don't need the Intergovernmental Agreements.
Don – that's correct if you change the one you have now, yes.
Chairman Martin – just do away with it.
Don – no, not entirely, you still need to have an Ordinance that it may incorporate your existing land use authority.
Chairman Martin – an Ordinance, not this particular one.
Don – that's right. Now what we're talking about really doesn't get to the issues brought by RFTA to the table – they were seeking a broader authority, which may not be something you can accommodate under your land use authority.
Chairman Martin – the BOCC discussed several times is that we wish to have land use reviews and control in Garfield County within Garfield County and not dedicate that to someone else. And, if the position of the Board has changed, then I need to know. The position of the Board has been that we review land use and not outside agencies within Garfield County.
Renee Black –the way that I was looking at this, you have an existing Ordinance out there that talks about who's been doing transportation in this County and it allowed you to make a change by written agreement, so my proposal was to leave that current Ordinance in place, use this IGA to take the site specific part out of the agreement and then have a site specific procedures for each proposed location after that. Her understand of the 1041 Power was that it would not required for the "sign on a stick" kind of bus stops, but it would be for some kind of structural building.
Mike Powers – My understanding is that the 1041 Regulations kick in when there's a 50-car parking lot at a transit station.
Commissioner Houpt – so this would cover a lot of the other situations. Is there specific language in there?
Chairman Martin – Yes, I think we should open it up for any kind of competition in the future and this agreement is with one agency and it needs to be open and far for all that wish to provide transit services. Dan has a monopoly on the entire situation at the present time. In the future, down the road, 20, 15, 10 years we don't know that's going to be here and if Mr. Santos' predictions are right, we're at 140,000 in population in Garfield County there may be need for another transit but our agreements only one.
Martin – open up for competition to those that wish to provide transportation. Down the road, we don't know.
Commissioner Houpt – I'm hoping that in a shorter period of time we're really part of this authority so there's no question as to how great our involvement will be, so I'm looking at this as an obvious partnership that we need to continue to support and I didn't see issue of concern in the IGA.
Chairman Martin - it's changing the entire philosophy of the Board, good or bad and we need a full board to make sure that if it's a philosophy change and we wish to make a different statement then we need to do so. I think we need all three sides. I've always supported the bus system in that it needs to be bus system and these guys need to have the flexibility to operate. Again, another issue is that is needs to be fair, from one end or the ridership to the other and that means if it's free at one end, it needs to be free throughout so

if you would entertain that you wanted to be a partner and it was free to the rider, no matter where you go on or off, the he would consider it.
Commissioner Houpt – well, lets take a ballot question to the voters and get a tax going so we an afford to make transportation free in this region. She doesn't think we could make that recommendation without really coming to the table and bringing the kind of funds necessary to make that happen.
Chairman Martin – there was a question and Garfield county opted out of it.
Commissioner Houpt – well they'll just have to keep pursuing it.
Chairman Martin – okay but that's a different issue. The request is to make a change to this IGA and to enter into a new IGA. I understand some of the details; I don't agree with all of them, I'm concerned about some of the others in reference to the philosophy of the Board at that time when we made the stand that we will review and approve all sides and what have you, if we still have that, that's one thing.
Commissioner Houpt – But I understand even through with this agreement in place, we would have that review process.
Renee Black – I believe that the way Mr. Davis understands it, that would review would be in place if it was something covered by your 1041 Regulations. If it was enough impact.
Chairman Martin – So you could have a stop and ride at any point down the road, ½ mile, 1 mile, along either Highway 82 or Highway 6 & 24 in the unincorporated area of Garfield County and not review, and I'm not willing to give that up. I think that if we have a partnership with RFTA, we should have a full partnership and if we're able to review certain things, maybe obligations back to your question, needs to come forward to. But we haven't got that yet. We are not able to go ahead and contribute and my willingness not to allow this to disappear and say we only have site specific areas, because that's the only ones that we have, and not review of all the stops that could be established up and down the corridors, give that away, I'm not willing to do so. So I think it needs to be fair on both side, because they're getting short changed because they aren't getting any money for the process either.
Commissioner Houpt – it wouldn't be an issue if were at the table and hopefully some day that will happen. Is there some language you want to include that would bring it back into that review process but open it up for the stops that they deem necessary?
Chairman Martin – well, I think we would have to go through a public process and go ahead and to revise our regulations that we would have full review on any stop, not just established by 1041 Power which Mike is very familiar with because he sat in the room when we were discussing them and he gave input in them and he knows the ins and outs. If we're able to go ahead and approve those stops, no matter what the size, then maybe we could consider going ahead and doing that but that's not what we have in front of us today.
Commissioner Houpt – yeah, but isn't there something we could put, I'm asking counsel, in this IGA that would bring that review.
Don – yes, if you - you can take this IGA the way it's drafted and put in a provision that any stop would still be subject to review under our land process. To go to the questions that John's raised, Don wants more of an opportunity to see exactly how far our regulations go his understanding that has been stated here, that it's a 50 vehicle parking area or more that would be subject to regulation. There is also language in here that could be interpreted to require it to be more restrictive. So, the short answer on this IGA, this Ordinance, if you make it subject to your land use and 10 41 regulations that's all you need to do, but you do need to take a closer look at your land use issues.
Chairman Martin – and again, I think the request is to take care of Sanders Ranch there and keep Hayden a call at Bair Chase, but Sander Ranch there, from one side to the other, is pretty much what we're looking at. It is a structure and a few other things

Mike – basically as part of the Bair Chase Development review, they have already committed to improving the bus stop because the development is going to create more demands on the bus stop, so as part of improving it, we're moving it to a better location that's safer with a new signalized intersection coming into play as well and again his understanding of the IGA is to notify this Board of this change and if you have concerns to let us know about that as well, and that's why we've included the letter to get your feedback on it as we don't want to make a change that's not agreeable to everyone.
Chairman martin – I think it needs to be changed from one side over by CMC there because you've got the hand signal and nothing else.
Mike – those changes need to be made as well and we thought we had CDOT's help to make the bus pullout near that CMC exit but we have not been able to get money to complete that bus stop and built an actual shelter.

Chairman Martin – I think we need to sit down and work out this agreement with the full board and make sure we get everything covered, especially down at Rifle area too, because that's a future issue on funding. We need to talk about funding, we need to talk about a tax if necessary if we could get one passed, and still the issue is with Sanders Ranch
Commissioner Houpt – but we also need to address the current issue of necessary stops and so I guess you would not support my motion.
Chairman Martin – not at this time. I do have another questions and that is in reference to RFTA and deals with the impacts in reference to Snowmass Village. I was very intrigued that RFTA's requesting $3.4 million from the Town of Snowmass Village because of the imparts of the new transportation system because of one development and the rebuilding of the road from Snowmass on through, and then also the different structures and replacement of buses, etc and I find that interesting that you have now become a developer which you're requiring things and therefore requiring impact fees from other folks, but what about impacts from you guys to other agencies that affect the different roads because of you enlargement, have we talked about that one.
Dan Blankenship – we are a referral agency and whenever developments are being proposed, all the communities ask us to refer and comment in terms of what we think the impacts on transit might be, we do that as a courtesy because we really have not teeth to require anybody to do any mitigation if in fact is imposed; it's really the discretion of the jurisdictions that are the primary bodies that are reviewing the proposals. In Snowmass, we have made some preliminary estimates that the impacts on transit might be in the neighborhood of somewhere in the neighborhood of $600,000. The County is proposing that there will be impacts on brush creek road that they would want of mitigate through some paving, some reconstruction of Brush Creek Road so our estimate of the impacts is limited to $600,000 and that's still a significant sum and we're not certain that any mitigation will be provided. The best we can do is to say this is what we think it's going to be. The County will probably negotiate something with Snowmass Village because it's a County Road that leads into Snowmass Village that the County is responsible for maintaining and if somebody approves a development in their community that affects County roads, it's probably no different than you do, you just went through something with the developer that is going to have some impacts in the County and you extracted some mitigation.
Chairman Martin – This is truly an impact on the County Road system providing the impacts from transit of the buses and there's housing issues, etc., plus the $600,000 per year subject to the use.
Dan – it's not likely because his understanding of impact fees are general tied to capital and the capital is intended to offset a future need that is caused by the development. All we are saying is just saying this is what we think the impacts will be; on their side, they are coming back and saying that sales tax will offset some of the things and there may be other ways to address it, but again we do this as a courtesy and believe it am important service that we provide to communities to let them know what the impacts might be on them, us and that's our role.
Commissioner Houpt – What do you need from us today. We're going to have to talk more about this IGA as a Board, but do you need support on the Bair Chase bus stop relocation.
Renee – that would help but didn't know that it will work with what we have now unless we make some agreement in writing.
Chairman Martin – we still have the ordinance, It's in place and has site-specific locations that are deemed to be the only places allowed.
Don – that's correct and the Board as recently as last year confirmed that position so from a staff perspective we need to know on a limited basis whether you're willing to amend the existing agreement either by an amended agreement or by ordinance to include the Bair Chase bus stop as being proposed and on a broader basis, whether you're willing to amend that IGA to include generally locations throughout unincorporated Garfield County to the extent RFTA fees appropriate for transportation needs. That's what they're asking in two areas and further, given what he's heard, do you want to limit, if you go forward on that basis, do you want to limit either of those to make them subject to your land review process understanding that I have had a chance to look at this and it is clear to me that your land use process will apply only to facilities to 50 or more vehicles.

Commissioner Houpt made a motion that we amend the agreement that we have with RFTA to include the Bair Chase bus stop and structure so that they move forward on that project.
Chairman Martin – second.

Chairman Martin – it's not that simple for RFTA and the board. I would love to just go ahead and say built that down there at the other end, two reasons: one – you're promoting more and more growth, you're promotion more and more stop lights, promoting more and more use that we are all saying we don't want to happen, you're also asking for a total life change for a lot of people that won't make that life change and that is to use mass transit. There are only a certain percentage of folks that are going to do it and are they going to be at that development.
Commissioner Houpt – they could very well be.
Chairman Martin – because even if they do or even if the development doesn't go forward. We have a nice facility, no body's using, and they've wasted their money. That's one of my concerns.
Commissioner Houpt – at what point will that bus stop go in, after the development starts.
Chairman Martin – and also the light has to be changed and the access has to be granted and the cuts have to be made and CDOT also has to move forward and right at the present time, everything is on hold.
Commissioner Houpt – didn't you approve a bus stop there, it just needs to be moved?
Chairman Martin – well, there was an agreement that they would put that in with the RFTA's approval, etc, they did originally say that it had to be on the Subdivision PUD process within he boundaries – that was changed. And now it's out of CDOT's right of way. There's an existing bus stop that can be approved at that particular area across the street and it's already designated within that.
Commissioner Houpt – so, what would be the difference in moving that? What would that change need in terms of your position?
Chairman Martin – well, you have the folks that are using it right now on the same side as the highway as the bus stop, now what you're doing is putting everything in front of the new development and they will have to cross the street. That issue has not been resolved. That light has to go in; crosswalks have to be established, etc. So that's an issue we need to look at on review. If the improvement goes there, and the light goes in, then the folks from Bair Chase can walk across the highway instead of the other folks around. And therefore we don't have to change the Ordinance. But, is that the best convenient way and we don't have a public hearing to find that out. That's my issue
Commissioner Houpt – a strong support of public transportation.
Mike Davis – well, just to clarify there's a bus stop right now on the east side and the west side of Highway 82. The relocation of this bus stop is a lee near side west side of Highway 82 to the far side west side of Highway 82. so it's not.
Commissioner Houpt – it's to get me on the road
Mike Davis – it's to move it on the far side of the new entrance to the development so that people will walk back behind the bus to cross Highway 82 and that is really the issue. Again RFTA does not plans to build this bus stop, the bus stop would be built by the developer as part of their development process and again it's subject to review as part of the development as well. Hopefully that's further clarification.
Commissioner Houpt – so we could say subject to review during development process.
Chairman Martin – Oh, Ms. Tresi, you're a pro-developer now.
Commissioner Houpt – No, I'm not, I'm a strong supporter though of public transportation.
Chairman Martin – only way that you can have it in the unincorporated areas is to develop and that's what we've always said, more development, more transit.
Commissioner Houpt – John, that's already happening. No, simply because you don't have public transportation doesn't mean that, I mean you've approved a lot of development over the years John and I'm not, I don't think it makes me a pro-developer by being …
Chairman Martin – well, I'm not willing to give up of the control of any issue we have now so, we can debate it all day or call for the question.
Houpt – aye; Martin – I oppose. So we need to have a workshop, we need to work that out as soon as possible and we need to have these guys at the table to answer all the questions.
Commissioner Houpt – Absolutely.
Chairman Martin - There's still issues out there, I still have reservations. I've got to watch my purse strings. I've got to see what I'm committing into for the future and I looked at some of those estimates close to $400,000 a year to go ahead and have a bus system from Rifle to Glenwood Springs and that's a major commitment especially in economic times that we have now with no tax in place to do the backfill. If we commit to that, where does it come from and who doesn't go with what they have now. And I want to help these guys, but I want to do it in the right way.
Dan – and you've been a big help John over the years so we appreciate that very much There is some more information on this Grand Hog Back Update that you ought to be aware of, we've got the ridership levels

from March, April and May and in March we hit 3,794, in April 3,400 and may 3,100 riders – year to date – 17, 500 and last year we did 19,004 – people are using the service.

CONSIDERATION OF THE APPOINTMENT OF MEMBERS TO THE BUILD CODE BOARD OF REVIEW – MARK BEAN

Commissioner Houpt made a motion to appoint Steve Boat from New Castle, Jeff Simonson from Rifle, Dwayne Newman, Bob Fuller and Clem Koff from Glenwood Springs to serve on the Building Code Board of Review. Chairman Martin seconded. Motion carried.

HUMAN SERVICES COMMISSION

Jane McAllister was unable to attend to give the presentation.

Ed Green stated they had finalized the grant applications; advertising will go out this week for applications for grants.

CONTRACT RENEWAL LETTER – 2003-2004 PUBLIC HEALTH NURSING – MARY MEISNER

Mary Meisner presented the contracts for approval.

The contract is going through the routing system and Ed has reviewed it. Denise Young has reviewed the contract; Mary notified HIPPA of some changes and these were faxed this morning. From here, they will be worked on by the contract lawyers and get back to Garfield County. This will need to be approved for signature before July 1, 2003. She requested approval to sign once all the changes are through and the County Attorney's office is comfortable with the contracts.

Commissioner Houpt stated the Board hasn't seen the contract and because she is new, she would like to see and review those. A change in the routing system was suggested. She did understand the deadline and there made a motion to approve the Public Health Nursing Renewal Contract Letter No 2 in the amount of seventy-six thousand five hundred fifteen and ninety seven cents ($76,515.97) and authorize the Chair to sign after the changes have been made and approved by the County Attorney's office. Chairman Martin seconded; motion carried.

EPSDT OUTREACH PROGRAM CONTRACT – MARY MEISNER

Mary mentioned previously that this was moved from CDEPHE - the contract is going through the routing system however these are not ready for signature and requested the Chair be authorized to sign due to the deadline on June 1, 2003.

Commissioner Houpt would like to have the rerouting process streamlined. Carolyn explained that these contracts are the same year after year and clarified that these contracts would be within the Board's packet.

A motion was made by Commissioner Houpt and seconded by Chairman Martin to authorize the Board to sign the EPSDT contracts after review and approval of the legal staff; motion carried.

HIPPA BUSINESS ASSOCIATE AGREEMENT WITH CDPHE & HEALTHY BEGINNINGS – MARY MEISNER

Mary will be brining this back to the Board on July 7, 2003.

A motion to go into the Board of Health was made by Commissioner Houpt and seconded by Chairman Martin; motion carried.

BOARD OF HEALTH

PUBLIC HEALTH PROGRAM UPDATES (HOMELAND SECURITY PRESENTATION) – MARY MEISNER

Yvonne Long presented a Power Point on the Public Health Homeland Security in Garfield County.

Good public health is good domestic preparedness and consists of exercises, education, leadership, contacts, communication, collaboration, threat awareness, organization, public trust, surveillance, media understand and support, stockpiles, training and equipment. Public Health role in the event of an emergency including a bio terrorism event, public health's role becomes an extension of our general mission: to prevent disease and promote healthy behaviors remains the same day by day. We can do this by continuing to build up our public health infrastructure and following the 10 essential public health services: 1) monitor health status including; 2) Diagnose and investigate infectious disease and environmental health problems and health hazards in the community; 3) Inform, educate and empower people about specific public health issues; 4) Mobilize state and local partnerships to rapidly identify and solve public health problems including issues related to the Strategic National Stockpile; 5) Develop policies and plans that support individual and community health efforts; 6) Enforce laws and regulations that protect public health and ensure safety; 7) Link people to needed personal health services; 8) Assure a competent and trained

public and personal health care workforce for rapid response to a threat or event; 8) Evaluate effectiveness, accessibility, and quality of personal and population based health services available to respond to a threat or event; 10) Participate in research for new insights and innovative solution to public health problems; and Show us the Money – Focus areas in seven (7) areas – preparedness planning and readiness, surveillance and Epidemiology, laboratory capacity, health alert network, risk communication and health information, education and training; computers T-1 lines, phone lines and training. FEMA/DOJ Grants for equipment, multi-agencies, and PPE Grant for public health gear. In the Future – continued federal funding, Phase II of Small pox vaccinations and continued trainings by satellite, web casts, videos, conferences, tabletop exercises in the state, regional and local areas. A State of Readiness (the big blue bag) will include Tyek suits, two types of nitrite gloves, work gloves, two types of rubber boots, hard rubber booties, hard heat, safety goggles, N-95 masks, tape, bio-hazard bags, PAPR's including blood pressure cuff, stethoscope, flashlight, ICS vest, multi-purpose knife and miscellaneous items such as pens, notebooks, various manuals, phone lists, water line, and personal de-con kits. In order to be ready, we must be aware and we must be prepared.
Small pox vaccination is being discussed for use for the Monkey Pox.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to come out of the Board of Health; motion carried.

BOARD OF SOCIAL SERVICES

PLACEMENT CONTRACT ADDENDUM

Lynn Renick presented.
The Department is requesting approval of a placement contract addendum for one youth, M172036 in the total of not to exceed $15,500 at Cedar Springs Residential Treatment Center. A prior contract will be voided.

A motion was made by Commissioner Houpt to approve the replacement contract for a not to exceed $15,600 during the contract year; Chairman Martin seconded; motion carried.

APPROVAL OF MAY 2003 DISBURSEMENTS

Commissioner Houpt made a motion to approve the client payments through the benefits for $85,371.58 as submitted by Lynn Renick; Chairman Martin seconded; motion carried.

CONSIDERATION AND APPROVAL OF CONTRACTS: PLACEMENT CONTRACT; MOU FOR THE COLORADO WORKS AND CHILD CARE ASSISTANCE PROGRAMS; CDHS CHILD CARE LICENSING AND IGA BETWEEN EAGLE, PITKIN & GARFIELD COUNTIES – LYNN RENICK

COLORADO WORKS/COLORADO CHILD ASSISTANCE MOU – this MOU allows the Department to continue providing TANF funds and programming to eligible clients as well as low-income child care assistance.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to continue with the Colorado Works and Child Assistance Program for the year as presented by Lynn Renick; motion carried.

CDHS CHILD CARE LICENSING AND IGA BETWEEN EAGLE, PITKIN & GARFIELD COUNTIES – LYNN RENICK – the contract is from July 1, 2003 through June 30, 2004 for the provision of inspection and investigation of child are home facilities in the amount of $17,085. This contract covers Garfield, Engle and Pitkin Counties. An IGA is being proposed to allocate out the projected total program expenses over and above the amount of the contract based on the current number of licensed homes per county (Garfield – 70%; Eagle – 25%; Pitkin 5%). The initial proposed cost allocation was: Garfield County - $37,645; Eagle County - $13,334; and Pitkin County - $2,688 for a total of $53,778.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the CDHS child care licensing for inspection in the amount of $17,085 from the State and authorize the Chair to sign the contract; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the IGA agreement between Eagle, Pitkin and Garfield County for the Child Care Licensing Program for the State fiscal year; motion carried.

ASPEN VALLEY MEDICAL FOUNDATION GRANT REQUEST

Carrie Podl presented a grant application that extends the current Nurse Consultant visitation program to child are setting in Garfield County. The Grant amount requested is $9,000 for 2003-2004.

CORE SERVICES CONTRACTS

The department met with the 9-county Social Services Director's ground and Colorado West Regional Mental Health Center regarding the 2003-2004 Mental Health and Substance Abuse Core Services Contracts. The dollar amounts will remain the same with a few minor changes to the contracts. (Mental Health $132,498 to Garfield for 4-county area and $132,498 to Moffat for five-county area; Substance Abuse - $37,000 to Garfield and $37,500 to Moffat). Approval has been received from the State to provide day treatment services in the amount of $69,996 through Mountain BOCES and Intensive Family therapy and life skills through Child and Family Counseling of $12,190. No contracts are before the Board today. Additionally, the department shall continue to provide home-based/intensive family services and sexual abuse treatment funded at 80/20 in the amount of $136,438 and Special Economic Assistance (100% funding) for $4,000.

A motion was made by Commissioner Houpt and seconded by to approve the replacement contract for a not to exceed $15,600 during the contract year; Chairman Martin seconded; motion carried.

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

Commissioner Houpt made a motion and Chairman Martin seconded to reaffirm all motions made in the Board of County Commissioners under the Social Services Agenda topics under the authority of the Board of Social Services; motion carried.

Commissioner Houpt made a motion and Chairman Martin seconded to reaffirm all motions made in the Board of County Commissioners under the Social Services Agenda topics under the authority of the Board of Social Services; motion carried.

Single Entry Point

Jonie Goodman, ½ time employee working on the program has requested to work only 8 hours instead of 20 hours per week. Lynn is reluctant to fill this position at this time due to the budget needs. Carrie Pohl could carry this on a temporary basis until the new budget is known from the State.

Child Care Licensing

Still hoping to have a Worksession within the next month.

Informational Only

The additional of the CHI – Single Entry program – not getting a satisfactory applicant pool, but they met with Lee Snyder and Pam Wallace who has been doing this job. Lynn will be looking at a short term or long term contract with Colorado West to handle the case reviews. It breaks down to $2000 per month in a contract. This is a potential stopgap but Lynn may come back and recommend continuation for services.

SINGLE ENTRY POINT CONTRACTS

The department received information that the Single Entry Point Contacts would be in the mail prior to the BOSS meeting today. The not to exceed contract amount is anticipated to be $434,618.

DISCUSSION OF REQUEST TO AMEND THE CHILD SUPPORT CONTRACT WITH PITKIN COUNTY – LYNN RENICK

The request is for Pitkin County to maintain their incentives for a period of time. More information will be available at the next meeting.

UPDATE ON END OF YEAR PROJECTIONS

At the end of April, child welfare projected over expenditures appears to be $263,000, which includes Child Welfare Block and EPP expenses. There is not information regarding mitigation or possible surplus distribution amounts as of this date.

The Child Care Assistance Program is projected to be over expended at approximately $100,000 and will be covered through closeout process. Regular administration shows a projection of approximately $72,000 over as of 4/30/03. Surplus distribution may offset a portion of this coverage.

Colorado TANF is showing a projected surplus and the department plans to request the transfer of 10% of federal funds to Title XX – Child Welfare and the transfer of 20% of federal funds to Child Care. The transfers may assist with over-expenditures in 07/03-closeout process or in future program expenses.

Transfer Dollars for TANF

Lynn attended a meeting on Friday and the Child Welfare Projections and the mitigation and from information from the State representative and one of the committee members, and a state financial auditor stated that Garfield County is not as bad as once thought. This means we probably will not have to take funds from the general fund into County only money for Child Welfare. She couldn't state specifically the dollar amount. With TANF left over money, they are projecting they will have approximately $125,000 to $130,000 – Colorado Works area. There are some choices as to what to do with that money. We can move approximately $127,000 or 10% of the federal TANF dollars into Child Welfare to assist with closeouts,

also some for recoding and corrections and that came up to another $35,000 in child welfare TANF transfers. This will significant impact the close out numbers. Mitigation – Lynn estimated $50,000 to $75,000. $50,000 on surplus distribution and she believes we are able to clear out Child Welfare.
Due to the $127,000 additional TANF monies, they will not have any up to the 20% for Child Care. This is subject to change. This is very complex. This money will not be available for future spending however, with the return of the out-of-state kids this has helped. Today Lynn stated she received the allocations for child welfare and there was only $1000 decrease in the 100% in 80/20% blocks. We made up plus in RTC allocations and our TRIP allocations and ended up $50,000 plus in their total child welfare block allocation. Jesse stated the first of January they were seeing $800,000 short and this is a vast improvement.

PROGRAM REPORTS

The standard reports were submitted for the Board to review.

Bad News report

Over $75,000 in regular *administration coverage*. Typical for counties in general due to over budgeted, and no surplus allocation. This is to show that this is an under-funded area in all counties. This includes Medicaid coordinators, directors, and staff. This also had to do with some of the recoding. This deficit may need to come out of the general budget. At the end of April, the cash fund balance was $1.4 million for the Social Services.
Email – at the end of CCI last week, Director/Commissioner meeting put together regarding the *work process with the elimination of specific programs*. Lynn will advise the Board when the meeting is set. The list includes adult protective services.
Medicaid, non–emergent transportation draft regulations - the budget has been reduced and the impact on counties has not been defined. Lynn anticipates this may hit the County hard and hurt many people especially those taking foster care children for treatment, including staying over in Denver for treatments. This begins July 1, 2003.
Mesa County's Director and Lynn are looking at trying to coordinate for meetings in sharing information.

Information: Lynn updated the Board relative to a specific child support case. $26,000 in their social services due to a tax error. The director Kate asked if Lynn would allow them to keep the incentives until they can recoup the lost. This is about $2000 per month. Lynn suggested Kate come before the BOCC and present. There are still some legal remedies.
Carolyn stated this also includes a probate case and have asked the Judge to take another look and have filed appropriate legal filings.
John Bernhardt and Lynn discussed this at CCI relative to Child Support funds.
Pitkin County is willing to wait until this case is heard in District Court.

Core Services Contracts

9-Counties are interested in maintaining the Mental Health Contracts and should be in draft form by the end of this week. This will be disseminated very soon and Lynn advised the Board that she may come before the Board the first meeting in July.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to come out of Social Services; motion carried.

ADJOURN

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

Attest: Chairman of the Board

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JUNE 23, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Workshop with Board of County Commissioners and the Community Corrections Board began at 8:00 A.M. on Monday, 23**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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.

Sheriff Lou Vallario, Guy Meyer, Dale Hancock, Al Maggard, District Attorney Mac Myers, Probation Dale Snearly, Municipal Judge Colleen Truden, and Citizen Member Marian Clayton were present.

Community Corrections:

Al submitted the following information to the Commissioners for review and discussion. Rough outline of Community Corrections, Concerns Screening – Executive Committee meeting held June 16, 2003; Screening Committee Criteria – form that goes to the Probation for the Pre-sentencing Report; Adult Review Committee; and a list of the most frequently asked questions about Community Corrections from the Newsletter last year; and Outline of what the Community Corrections is, and a copy of the most recent Newsletter.

Program Update:

Guy provided the Board with an update summarizing that this program will provide residential services to offenders under the Contract with the Division of Criminal Justice. What that will look like is, when an offender is referred, accepted into the facility, there would be an assessment process that would take place to identify needs, risk for the offender, then to have those services available in-house provided for the offender, then as he progresses through the different phases of the program, he will eventually work himself into non-residential status. Still being managed and supervised by our department but in a non-residential setting. Those programs would include: mental health needs, substance abuse, cognitive skills training, and basic standard program in the criminal justice industry.

Staff wise there will be a total of eight (8) people. One existing staff will be moved over into the facility that does the probation services currently, two (2) other case managers and five (5) security staff. This program will be housed in the Work Release portion of the jail and houses up to forty-six (46) total. The offer to the Sheriff was to take over the Work Release and manage his work release inmates for him and we would open the remaining facility beds for the contract folks we have placed in other facilities now.

Sheriff Vallario stated he didn't have a problem and Community Corrections wise, bringing people back into the community rather than shipping them out to other areas is a good thing, managing the work release goes hand in hand with that as well. The long-term goal is obviously to eventually move the program to out of the jail regaining that space if we need to in the future. As for the project right now, he is fine with it.

Immediate Impacts on the Jail – Lou stated this would be advantageous for him – he can take the five (5) deputies assigned to work release and assign them back into the general population, as they are short-handed in detentions. Other than that, they have worked out all of the details as to coming in and going out, tracking, food, laundry, and all of those daily needs.

District Attorney Mac Myers has no concerns and supports the program. He would like to see a Community Corrections here in Garfield County.

Commissioner Houpt asked for Mac's input into the role he sees the Community Corrections Board playing would be in terms of screening, monitoring, program development, who is going to be an active player and how that will work now that we are planning an in-county program.

Mac stated he had received a letter from Al Maggard last week. He felt that the Commissioners should keep the two functions – screening process and the funding process separate because they can influence one another. The existing Community Corrections Board certainly has the expertise to make the screening decisions. However, in terms of who makes the funding decision is the Commissioner's call.

The size of the Board: The Commissioners increased the size from 6 – 9 members plus the required members per the Statute.
Al acknowledged that as far as the screening, this would be sufficient. As we fill the vacancies and obtain active participation from the regular members, we could possibly have two screening committees so no new would be overworked.
Date of implementation of the program:
Guy will implement the program in two (2) phases: the first phase will be to take over the security portion of the work release and provide training for the new staff; and 2) then take the case managers and implement the secondly. There will not be immediate referrals from the onset of the program.
Referrals: David Snearly, 9th Judicial Probation, currently there are many cases on hold that attorneys are looking at for community corrections and there is a backlog. Cases have been set over for July. At this time, we have eighteen (18) in treatment and the new contract is for thirty-one (31). They expect a number of cases to come through over the next three months.
Budget: Dale Hancock stated we are contracted for thirty-one beds and is an increase from the twenty-six (26) beds that we had in the last fiscal year. This is a substantial increase. The budget was based on twenty (20) as far as our presentation to the Commissioner financially because we wanted the district to realize if they wanted to refer special needs offenders such as sex offenders to the Com Core Program and specific substance abuse types to Pier 1 in Denver and not hand string them in any way as far as making the most appropriate considerations in their sentencing.
Funding and Contracts:
Dale stated the numbers are between $105,000 to the positive impact to that budget.
Commissioner McCown - would hold true for next year or was it because we only had personnel costs for 6-months this year.
Dale Hancock - it was actually over $200,000 when he figured the budget so it's the 6-months is $105,000 positive. For the year, it would be $210,000 theoretically.
Monitoring the Program and Program Accountability: Commissioner Houpt these are huge components. In reviewing the materials and discussing this with people who have been involved in Community Corrections, the citizen and multi-department representation is critical to this type of program.
Al Maggard – according to the Statue, the board can be, may, or should be charged with monitoring the program and supervising it to make sure it works properly.
Colleen Truden researched the Statute and stated we are talking in the difference to functionality versus advisory and even in an advisory capacity the Statute allows the Commissioners to authorize the Citizen Board or the members so delegated to oversee, supervise, help operate and give guidance or directions. Guidelines to Guy, his staff and Dale. There is nothing inconsistent with that, it is a good idea because the entire concept of community corrections is to have your community involved, which is what the Commissioner recognizes. So if you don't want the community involved then you don't need the board. If you do want them involved to provide insight and direction on how you want your program to run, then you want members of the community to assist you in doing that. The board, through the screening process as well as working with Guy and his staff in helping them at arriving at the best solutions maybe as to how to run it, this is staff and they are paid to do this, none of the members of the board want another job. We are very happy to let Dale and Guy run the facility. However, as far as help in looking over things, guidance on what is going on in the State, what is available, certainly people can provide some insight and direction. That would be the role when you talk about operating, supervising, monitoring that the Commissioners want to limit it to. You certainly do not want citizen board members in they are running up and down the facility telling people what they should and should not do. That is just very inappropriate. That is not what Al believes the board is even suggesting. Auditing, working with Criminal Justice Services and some of the other organizations in how can we make this the best and most efficient program and help staff in ways that staff might not otherwise be able to do things.
Al Maggard – the board would operate similar to the Commissioners, we wouldn't do any day to day supervision or try to run the operation, we're only looking at the overall operations similar to how this Board does with their departments. As far as the funding is concerned, the contract authority has been delegated to the Communication Board, the BOCC has had it, and the Commissioners want it now that is fine. There is no problem there; it is a matter of signing the contracts with the other facilities throughout the State and with the State itself. Dale handles that anyway.
Chairman Martin – it would come to the Board at a regular meeting on a regular basis and no problem was perceived with this arrangement.

Dale Hancock – another technical part of that, it would be visually different in how transactions are recorded. Much of what you see happening in the future is if we took the posting corrections from the budget as opposed to checks being written.
Commissioner Houpt – Understanding your numbers right now Dale, but as we open our own Community Corrections program she was wondering if everybody's budgets being impacted by the economy whether there won't be a time when we'll have to subsidize this program as a County and when that happens, if it happens, it'll be important that the financial entity be a part of the budget process. For that reason and because we have a County program opening, it makes sense to me to have the BOCC take care of the funding component but a Community Corrections Board should be doing the screening and the monitoring of the programs and if programs need to come on line in the County, that's a part of what the board brings to the table as well if funds are available. This has been a real education in a short period because there is a lot of history with this board and she stated she did not know that a few weeks ago when this came to us. In looking at the list of participants and I am in awe because it is a very dynamic board. There are great members on this board but it is only a great board if everybody is participating on a regular basis and making the decisions that are a part of your jurisdiction. How do those who have been serving on this board feel about that dynamic?
Al Maggard – A lot of the members will continue working on the board and personally sent a letter to each member of the board or communicated with them personally, asking for their participation, telling them what would be involved so that we would know who would be willing to continue as an active member of the board. If they decide not to participate for various reasons, then we will be asking them to resign and recruit some new members and bring them to you for appointment. We do need active participation and we are going to search for and attempt to get it from everyone on the board. Judge Craven was at the Executive Committee meeting held on June 16, and advised us that neither he nor Judge Ossola wish to be members of the board. Even if the BOCC make that stipulation in the Resolution that we have presently two judges from the 9th Judicial District, there will be no participation. Whether this is left in for the future or taken out is up to the Commissioners.
Commissioner Houpt – How do you think that will impact decisions by the Community Corrections Board?
Al Maggard – This will not have an impact as neither of the Judges has participated in the past other than to attend every occasionally just to discuss funding and that is about all we could expect in the future. They are welcome to attend the board meetings anyway because all our meetings are open.
Chairman Martin – Judge Craven brought a new program forward and the board supported that program. That was his participation as well.
Al Maggard – Definitely and the Criminal Justice Services Board both supported the program very highly.
Dale Hancock – Judge Craven referred to the bench having their needs met by their techies (probation department).
Commissioner Houpt – this shows he has great confidence in their representation.
Lou Vallario - I am neutral on this idea and providing a facility in order to get the program back in Garfield County. There are two issues I see: 1) as Colleen Truden stated, the community should be involved in community corrections issues. Al has been around a long time and he certainly the expertise and interest on this board. Lou attends the meetings once a month, there are many members who regularly attend, and there is interest in the board. He suggested a tier system where you do have an advisory board containing these people who are experts in their field and then a smaller screening committee. The more people involved the harder it is to get things done. The State recently passed legislation with respect to returning parole violators into the community corrections program and one of the stipulations of that bill was that the community corrections board had not say. The response to that when Lou inquired, was that it takes too long to make a decision. This is suggesting that it is a matter of efficiency sometimes. You have to wait 30-days for a guy that is looking to return and now you have 30-days that you have lost for community corrections time. A tier level and then whatever the BOCC decides to do as actual financial and contractual, I have not preference. Commissioner Houpt – the decision making structure should be created by the board. Committees work well, there is obviously a timing issue but the board is the one dealing with those issues. The BOCC should not demand the structure of the board in a way that we might think it works best.
Dale Hancock – For the record, this needs to be very specific and it's already been alluded to and that is the wording on monitoring and oversight versus supervision is night and day. The idea of the community corrections board having the monitoring and oversight of the program is great because it ties back to the standards for community corrections. I don't want the board to be involved in the daily operations because

that will be a County function with County staff and they will be held by all typical County personnel policies and procedures.
Commissioner Houpt - It's the board/staff relationships and good boards do not do the day to day supervision and agree with Dale that there is a difference.
Al Maggard – The board does not want any part of the supervision and daily operations.
In arriving at the duties and authorities, a great deal of discussion was held.
Carolyn Dahlgren - In order to be perfectly clear for the resolution, an outline of the BOCC duties and authorities were submitted and the BOCC and members of the Community Corrections Board went over the seventeen various specific statutes included in Section 17-27-103.
Al Maggard – the Court is the ultimate authority on placement and there does not seem to be a conflict.
Commissioner Houpt – spoke with Jan Kaufman, a very active member and expressed the concerns of the board being advisory versus functions. In getting a feel for how the board members felt that were present, it was clear that the BOCC should have the financial and contractual issues and to remove the word "advisory" would solve a lot of the problems.
Commissioner McCown – did not even see the need for today's meeting because all of this was resolved on June 16, 2003 in his opinion. All the Commissioners agreed that the Resolution could be hanged if the future need for more delegated authority should be given to the Community Corrections Board, but for the present time, the designations would be set forth as in the list below.

- **Statute – Section 17-27-103 - CHECKLIST**

Duties *Responsibilities*

Note: All of these duties and responsibilities that say BOCC are with advice from the Community Corrections Board and does not remove the CC Board from the loop. This wording will be included in the Resolution to define it specifically.

		BOCC	CC Board
1.	Approve or disapprove the establishment and operation of of community corrections programs within the jurisdiction of the BOCC.		**X**
2.	Enter into contracts with the State of Colorado.	**X**	
3.	Receive grants from governmental sources.	**X**	
4.	Receive grants from private sources.		**X**
5.	Receive court-authorized expense reimbursements.	**X**	
6.	Designate a program to contract with the State of Colorado to Provide services and supervision for offenders.	**X**	
7.	Establish programs to be operated by a unit of local government. Discussion: [Shared - (staff oriented and the board monitor and oversight delegated to CC board]	**X**	
8.	Establish programs to be operated by an agency of State Government. Discussion: [Example – a lot of discussion is being held in building Pre-release centers in the pre-parole population and it's not In conceivable they may want to expand the Rifle facility or build another one somewhere else – this would be a State program that the BOCC would have the ability to say yes or no. Parole could sent regressive parole violators into CC. Parole would actually contract with the BOCC for a number of beds to regress their offenders rather than DOC. The BOCC could say we only have 3-beds and then Parole has the ability to Place their offenders in and out and by-passes the CC Bd. The option is that the BOCC could not contract with Parole. (the CC board could advise the BOCC on this possibility but the BOCC has the final decision.]		**X**

9.	Contract with other units of local government, other community corrections boards, state government or any community corrections program to provide supervision and services.	**X**		
10.	Establish and enforce standards for the operation of any Community Corrections program located within the physical boundaries of Garfield County.	**X**		
11.	Monitor community corrections programs (within the Garfield County and oversee compliance with state and local standards, including assessing the number of offenders who have escaped from custody, based on reports prepared by programs administrators; determining compliance with the recommendations made in audit reports prepared by DCJ.		**CC** **X**	**Bd**
12.	Accept or reject any offender referred for placement in a program in Garfield County. Discussion: [Mac Myers – that is a Community Corrections' Board function but there are certain members, including himself, public defenders, members of the organized defense bar do not have a place in making those screening decisions based on when we are in a courtroom and generally people are generally polarized as to what they think the sentence ought to be, and if a prosecutor is going to recommending the DOC somebody from his office could be making a decision or influencing the screening board in a decision is unfair, but at the same token, the defense side is in the same situation. Therefore, those members of the board who are in an adversarial position of the court should not have a part.) (Al disagreed because at this stage in the proceedings the offender has been found guilty and we're all looking for the best possible result, punishment or rehabilitation and the board needs the advise of both the defense and the prosecution in their analysis of this offender to see which program or DOC and their advice is very valuable to the screening committee. These two offices are intimately acquainted with the offender. Whether the prosecution and the defense vote or not, that's up to them, but to participate in the discussion is critical. Many times Judges are involved in the discussion but they abstain when it comes to the vote. This could be included in the By-Laws of the Board. Mac doesn't have a problem advising but not making the actual Decision. An advisory position but not a vote – make it clear. Colleen - Philosophically this judicial district historically and currently members of the criminal justice program believe what Mac stated and that's appropriate. In other communities they participate in the opposite viewpoint philosophically. Leaving the opportunity for those involved in it to change their opinion as the positions change and new people come along is appropriate. She didn't want to exclude them and By-Laws can be set up to allow for this flexibility.]			**X**
13.	Provide, in writing, acceptance criteria and screening procedures to each referring agency.		**X**	
14.	Establish conditions or guidelines for the conduct of offenders placed in a community corrections program within the physical boundaries of Garfield County and provide written copies to offenders.			**X**
15.	"Reject after acceptance" the placement of any offender in a program within Garfield County		**X**	
16.	Provide an administrative review process for an offender in "rejected after acceptance" status, if the referring agency does not provide an administrative review process.		**X**	

17. Serve in a planning and coordinating capacity, advising the BOCC and consulting with officials of the state criminal justice agencies to improve local Community Corrections Services. **X**
[The BOCC determined they did not have a problem of conflict with number 14 and number 17 with the CC board.]

Community Corrections Board Involvement:. On receiving grants and entering contracts the BOCC wants the Community Corrections Board come forward with their reasons for supporting or rejecting their position. They will not be left out of the information. If there is an issue the BOCC wants specific direction on as in the past with the other boards, they would particular give that as a duty to the Community Corrections Board to do, meet and give direction. Look at this issue and give us some advice on. A strong partnership is the goal.

Motion

Don DeFord framed the motion saying, the Board needs to direct the staff by motion confirming that they would like staff to prepare a Resolution that delegates or retains responsibility consistent with the checklist prepared by Carolyn Dahlgren.

Commissioner McCown – so moved. Commissioner Houpt – second. All in favor – Martin - aye, McCown - aye, Houpt - aye.

Membership

The Resolution requesting from 6 – 9 citizen members as defined also understanding that the judicial branch, the judges decided they did not want to be named as members of the Board. This includes the four (4) that are designated by Social Services, Mental Health, County Manager and the Ex Offender, plus five (5) other general citizens. Membership is defined as to who and what is involved and some of those have not had the time to participate. The statute does not require the Community Corrections Board to have an ex-offender, it has been difficult to fill this position and it can affect the quorum needed to conduct business. Taking out the judicial officials and the ex offender leaving 8 citizens who are appointed by the BOCC, 1- mental health, 1- social services and changing it to read 1- "a chief of police" still having the terms at the pleasure of the Board and the elected or appointed officials is by title and the ex-officio member and eliminating the voting of the probation department and defense representation in the screening process, equals fifteen (15) members on

Motion

Commissioner McCown made a motion we approve fifteen (15) members to the Community Corrections Board; Commissioner Houpt seconded. Discussion: by taking the judicial district out, a new Resolution can be designated for future if so necessary. The record will reflect the decision by this BOCC for future reference. Motion carried.

Contract with the State:

Don DeFord – we have a pending agreement with the State to fund Community
Corrections for fiscal year starting July 1, 2003. The contract is currently drafted for signature for the Community Corrections Board and there will need to be some alterations made to this contract.

Motion

Commissioner McCown made a motion to make the corrections to the contract allocation letter as discussed in this meeting today attaching the new Resolution along with the contract for the Attorney General's office review authorizing the Chair to sign the contract allocation letter for this year, a base contract that will be amended originally signed in 1999 to reflect the action taken in designating duties and authorities today. Commissioner Houpt seconded. Discussion: Commissioner Houpt would like to make sure that the Community Corrections Board is kept in the contract loop and that they understand what the contract is and what they are receiving in numbers of beds and financially. Motion carried.

Al Maggard – thanked the Board for the workshop today and is happy with the outcome because we've resolved the issues that came up before and everyone is clear now as to what direction we're going and how we're going to get there. We will work on our membership and bring recommendation for appointment to the BOCC as soon as we can.

Chairman Martin – Let us make it work and be the best in the State.

Commissioner Houpt thanked the members of the Community Corrections Board for taking the time to work this out with the BOCC.

Signing Capabilities of the Administrator for the County Fair on the Extreme Promotions Inc. - $18,000
Don determined that this agreement has not been reviewed by the County Attorney's office and that the item could be held until the next regular meeting of the Board. The discussions regarding the agenda items and the routing system through the County Attorney's office has transpired and since the time element is such that it can wait, it should be placed on the agenda and only after property review of his office.
Executive Session – Litigation Update and Property Acquisition
Don DeFord requested the session for direction in terms of litigation. He informed counsel for our co-plaintiff that we would probably be taking this discussion around 10 a.m. today and he needs to be here to explain to the Board on the latest developments.

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

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

Attest: Chairman of the Board

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JULY 1, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 2:00 P.M. on Tuesday, July 1, 2003 with Chairman John Martin was present and Commissioner Larry McCown via telephone. Also present were County Manager Ed Green, County Attorney Don DeFord, Guy Meyer, Emergency Coordinator, Jim Sears from the Sheriff's Office and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 2:00 P.M.

FIRE BAN ORDINANCE

Don DeFord read the Fire Ban Ordinance into the record. This includes citronella candles, open flames, abode stoves such as burn barrels are included as part of this ban.

Guy Meyer reported that the weather report for July 1 shows between 9 and 10 of the 1000 hour fuel moisture content. Utah, Nevada and Western Colorado have high to extreme fire danger.

Guy met with Hal Combs of the Forest Service, the Fire Departments, and the Sheriff. This will also include the banning of the use of fireworks unless like Ross Talbot, you have a permit.

Glenwood will not be having a fireworks display on July 4, rather they will have the show in December as they did last year.

The Ban will be in force until July 30 but the Board will review the Ban at the July 21st meeting.

A motion was made by Commissioner McCown and seconded by Chairman Martin to reschedule the review of the Fire Ban until July 21, 2003; motion carried.

Other discussion items included:

Roan Plateau – meeting that Commissioner McCown will be attending.

Promotional spot at the Fairgrounds; Senior and Nutrition at the Fair; and the Ribbon Cutting Ceremony for the Traveler through RSVP.

Drainage Issue on Four Mile - T-Intersection

Until the City holds their election, this is an unknown figure on how much it will cost the County for their part of the drainage and what will be done at the T-Intersection of Four Mile and the Airport Road. The County committed $90,000 toward the project however until we have the design of the intersection nothing can be done. The Board gave Don the authority to request the design approval so the County can move ahead on the drainage issue regarding the size of pipe.

The water draining onto the school property will be looked into by Jeff Nelson. Karl Hanlon, City Attorney for Glenwood Springs noted the storm drainage on Three Mile Creek has some concerns for endangered fish.

Adjourn

Attest: Chairman of the Board

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JULY 7, 2003
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 7, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Steve Domm – Sonlight Four Square Church – over sight when receiving their 10-07-02 on the site for the Church, but when putting a sign, we did not have authorization. The request was to have the over-site corrected and would like this to obtain this without a variance. The definition of a church in the code may have the sign permitted as a use by right; or by correcting the oversight. The original permit was processed by Kim Schlagel. The location of the Church is off Mitchell Creek on a 9-acre site

COUNTY MANAGER UPDATE – ED GREEN

a. ***Pedometer Challenge Winners – Ed Green***

Trophy awards were given to the winners. Christine Singleton was present with winners Judy Osman, Sandy Horn, Cathi Edinger, Lyn Messersmith and Teresa Baker who won the trophy with 993,258 steps for a two-week period.

Challenger – Individual Champion – John Martin in the field of walking. Certificate was given for his walking a total of 331,772 steps in a two-week period.

Ed explained that the trophy will be passed to the wining team every two weeks.

b. Fairgrounds Issues (Personnel and Capital Expenditures) – Dale Hancock

Dale submitted the position description for the Facility Maintenance Technician and requested the position to be reclassified to a pay grade 4, which would place the position slightly above the minimum of pay grade 4.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Facility Maintenance Technician to a pay grade 4; motion carried.

Dale also submitted a request for approval for some additional bleachers, etc. at the fairgrounds.

c. Colorado West Broadcasting & MD Extreme Promotions Contracts – Dale Hancock – this is an income recognizing their broadcasting of the events. A correction needs to be re-done as it named the Fairboard as the indemnification authority and that was not acceptable.

Fee - $18,000 for one – three/hour show – Two Metal Take off Ramps and Dirt Landings

Dale submitted the contracts stating it was reviewed by the contract. Don verified it was standard language.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Contracts; motion carried.

d. Questar Lease – Dale Hancock

Dale submitted the agreement for a one-year lease with Questar. Commissioner Houpt was not comfortable with signing the lease without first seeing it. Dale clarified that it was an annual renewal.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the one-year lease with Questar. Commissioner Houpt stated she would support this one, but not for the future. Motion carried.

e. Promotion of BJ Howe – Assessor's Office – Shannon Hurst

Shannon submitted the request and explanation for the request. BJ has been the coordinator for the administrative staff for the last three years. A position description was submitted in conjunction with this request promoting the position to a pay grade 4, salary of $14.86 per hour.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to allow the Assessor to promote BJ Howe as the Administrator Coordinator; motion carried**.**

f. General Trash Removal and Recycling Services for Various Garfield County Building – Tim Arnett

Derrick from BFI, Tim Arnett and Richard Alary presented the recommended board action to award the collection of trash and recycled products in the not to exceed amount of $9,000 to BFI commencing on or abut July 8 through December 31, 2003. This is a combination of all collection of trash and recycling. White paper and re-cycled products will be picked up once a week to begin and additional pick-up times

will be added if there is a need. No newspaper. This will be a $5,000 savings. Waste Management purchased BFI last Tuesday and the contract will need to reflect the name change.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the Trash removal and recycling services to Waste Management for a not to exceed amount of $9.000 with provision to renew; motion carried.

g. Road Bore and Trench – Marvin Stephens

Michael Johnson with Comcast has made the request for a road bore and trench at #4860 to #5351 CR 233 Miller Lane and CR 233 – (Silt Mesa).
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the road bore for Comcast; motion carried.

h. Agreement for Probation Services – Guy Meyer, Ray Combest and Don DeFord

Don submitted a memo stated he had reviewed the proposed agreement and commented on a number of issues to bring before the Board with some recommendations for alterations in the contract: 1) the Board of County Commissioners is not a private provider; 2) the contract amount is not $60,000 rather it is stated that the county will be reimbursed from the probationer and allows for indigent persons to pay on a sliding scale and therefore the County must develop a schedule of fees for them that may very well be less than actual costs; 3) The County is required to execute this agreement as an independent contractor and should be as an agent or representative of the State and this particular item will need additional discussion with the State Judicial Department. 4) Insurance – Don recommended that the Board should verify that CAPP an provide the coverage required by this contract; 5) the State should justify the County's ability to collect a statutory Probation supervision fee if we are not acting as an agent of the State; 6) Guidelines for Indigent Offenders requires a sliding scales for those unable to pay the full cost of services. This is a renewal contract and Don and Guy reviewed this last week.
This was discussed in Executive Session due to some comments by Don. Guy explained there may be 2 – 3 per month that would qualify as indigent.
A motion was made by Commissioner and seconded by Commissioner to approve the agreement for Probation Services and giving the Chair authorization to sign the contract, adding the paragraph for the insurance to be sent it to the State and not to CAPP; motion carried.

i. Out-of-State Travel Request for Vicky Martinez – Lynn Renick

This is to attend a NACAC's Annual Conference in Canada that deals with multiple adoption/past adoption issues that will assist with building our post- adoption program to prevent failed adoption placements. The request is for a maximum total of $1000.00 from August 5 – August 12 and Vicky is combining a personal vacation time with this conference and Vicky will pay for her own plane ticket.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown in Vancouver, Canada. Motion carried.

j. Selection of Airport Engineering Firm – Brian Condie and Brian Condie

Through the evaluation process, two qualified teams were identified: Olsson Associates and Armstrong Consultants. The recommendation is to engage the firm of Olsson Associates due to the point system and the innovation and forward thinking that set Olsson apart.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to negotiate a contract with the highest evaluated firm and if that firm should not accept the terms, then to negotiate with the backup, Armstrong Consultants next highest evaluated firm identified as Olsson Associates and Armstrong Consultants in that order for the 5-year renewal contract; motion carried.

k. *County Employee Appreciation Picnic*

Cathi Edinger, Vickie Black, and Suzanne Braswell were present from the Employee of the Month. The Employee of the Month Committee submitted a request to have the county picnic held on Thursday, August 14, 2003 from 11:30 a.m. until 1:30 p.m. in the Courthouse Plaza Open Area in front of the Detention Center. Additionally, the EOM Committee requested that consideration be given to the approval of 10 gift certificates in the amount of $25.00 each to be given to those attending the picnic if their name is drawn. There are also (7) remaining T-shirts with County logos and these would be given away as well. The menu includes a total of $1425.56 for food. The pins and plaques have already been approved for purchase.
Commissioner McCown made a motion to approve the projected budget for the employee of the month picnic for food in the amount of $1425.56 and (10) $25.00 certificates totaling $250 to be given to employees names drawn at random from those in attendance. Commissioner Houpt seconded and requested an adequate amount of notice to the public of the office closures. Motion carried.

Work session – Budget Session
Commissioner Houpt requested that this be a public meeting and a noticed hearing. Thursday, July 10 at 8:00 a.m. – County Attorney's Conference Room.

Pitkin County Joint City/County Meeting – Noon, Tuesday, July 8, 2003.

COUNTY SHERIFF UPDATE: LOU VALLARIO
Lou Vallario gave the monthly update. The new uniforms were displayed and Lou stated he had money left over in the line item budget. Personnel changes – promoted Ray Hensley and filled the Civil Deputy with April Milhorn. Patrol Staff is technically up to the correct numbers and finalizing background checks. Still 4 – 6 staff short in Detentions. Major computer change with dispatch and communications. This cost was approximately $20,000 but the next step can be implemented where all law enforcement on the system can communicate, plus they did an overall of the entire computer system in the jail.
Liquor License Renewals – Lou is familiar and asked Mildred if there was any law enforcement input. Lou and Mildred will work together and make comments in the process. Mildred stated that in the past she did not have cooperation and had to call on the State Liquor Enforcement.
Lou and Fire Chief Mike Piper took a tour on the Gondola and discussed response, alarm systems, etc. The road is assessable 24 – 7, 365 days a year for emergencies.
Fires – over the weekend there were several small fires that are all contained.
Continued concern – Hunter Mesa and Grass Mesa speed limits
Lou stated they have been ransoming doing speed checks and are stopping and writing tickets.
Animal Control – Lou has been reviewing other animal control policies and is hopeful to have this in operation in the month of August.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Approval of Subcontract with Colorado West Regional Mental Health Center for Home and Community Based Mental Illness Assessment and Case Management for Single Entry Point

Lynn Renick, Denise Young, and Don DeFord were present.
This is for the Counties of Eagle, Garfield, Grand, Jackson, Moffat, Pitkin, Rio Blanco, Routt and Summit Counties for its responsibilities on the HBS-MI programs for a fixed monthly amount of $2058.42 commencing on the 1st of July, 2003 to the 30th of June, 2004.
Lynn cautioned the Board that Single Entry Point may not want to include Eagle County as there are no cases currently. This is a $950 per case times the number of cases however, the fixed amount of $2058.42 will remain.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the 12-month subcontract with Colorado West Regional Mental Health Center for Home and Community based mental illness assessment and case management for single entry point in a fixed monthly amount of $2058.42, for signature authority only until approved by the Single Entry Point agency; motion carried.

b. Executive Session – Litigation Update – Pending and Assertion of Claims - Agreement for Probation Services- Facility Purchase and Potential Contract

Don requested that the Board, Guy Meyer, Ray Combest, Carolyn Dahlgren, Mark Bean, Jesse Smith, Ed Green, Mildred Alsdorf, and he remain for the session; motion carried.
Authorize the Chair to sign all necessary documents for the closing at 4:00 p.m. on the sale of the Glenwood Springs Road and Bridge Facility at Land Title. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action Taken:
Parking Lot – 8th & Pitkin Streets - pending the signature on the contract by the City of Glenwood Springs at the next City Council July 17, 2003, the Board decided to proceed to open the lot under the County's liability until July 21; to pursue securing an IGA with the City to continue this as a one-hour public parking lot. If an IGA is not signed, then this will resort to a County parking lot and will be so signed.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to sign the agreement for use and development of the parking on the Southwest corner of 8th and Pitkin. Don will follow up with a letter to the City of Glenwood Springs; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Roan Plateau tour last week – this is included in the Getts Wilderness Designated Areas. BLM agrees with the areas. Doug is putting together a tour on the Roan Plateau. Randy Russell and Houpt attended a meeting discussing a trail along the Railroad Corridor. A committee has been formed to work on this proposal. A funding mechanism might have to be developed to use taxpayer's money. She would like this to be a part of the budget discussions for 2004. Opening luncheon for Youthzone Kiss and Squeal Fundraiser. Wed. Rural Resort Housing Needs Assessment in Summit County. Mentioned there was a committee to establish a better system for setting up the agenda and favors two business days for added legwork by staff is needed.

Commissioner McCown – met with the group for the Roan Plateau last Tuesday night; Associated Governments – Thurs Rifle City Hall; Jim Evans better and recovering; Luncheon with Pitkin County on Tuesday; and Budget Workshop on Thursday a.m.

Chairman Martin – Library Board Meeting on the 10th in Silt; going to Milwaukee on the 11th and will not be here on July 14th for the regular Commissioner meeting. Workshop on Transportation on July 16th at the Community Center – evening meeting and concludes on 17th in a public meeting to show the people the 20-year plan; then the plan will go to the Intermountain TPR.

CONSENT AGENDA

a. Approve Bills
b. Wire transfers
c. Inter-fund transfers
d. Intra-fund transfers
e. First Parole and UA Screening – Guy Meyers
f. Community Corrections Contracts 04-00014 & 04-0027 – Guy Meyer

Don DeFord explained that the contracts with the attorney for the Department of Corrections agreed to make some alterations as requested and explained in a previous board session allowing the BOCC to be the 1) contracting party; 2) basing payment on an individual inmate basis; 3) chemical testing to be arranged; 4) alterations were made to the indemnification provision; 5) the attorney for the State declined to alter the term of the contract currently set at 5 years stating even with the Tabor limitation he believed the contract was lawful because it contains a submit to appropriation provision and a 30-day termination clause.

g. Authorize the Chairman to Sign the Resolution of Approval for the Billmeyer Conditional Use Permit and Sign the Conditional Use Permit – Tamara Pregl
h. Authorize the Chairman to Sign the Resolution and Final Exemption Plat for Edward &
i. Referral of the Ironbridge (Rose Ranch) Amendment to the Planning Commission pursuant to section 10.04 of the Zoning Resolution – Tamara Pregl
j. Liquor License Renewal – Shadetree Enterprises
k. Liquor License Renewal – Kum & Go
l. Authorize the Chairman to sign the Baby Bean/Sage Properties Amended Plat – Tamara Pregl
m. Authorize the Chairman to sign the amended plat of Lots amended plat of Lots 29 and 30, Block 4, Townsite of Cooperton. Applicant: Heidi & Harmony Hendricks – Fred Jarman
n. Authorize the Chairman to sign the Resolution approving the Preliminary Plan for the Native Springs Subdivision. Applicant: Jim and Paul Luginbuhl
o. Authorize the Chairman to sign the Special Use Permit for an Accessory Dwelling Unit (ADU) for a property located at 4151 CR 117 and owned by Don Seaton – Fred Jarman
p. Authorize the Chairman to sign the Resolution for the Dalbo, Inc. Special Use Permit – A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a - q; carried.

PUBLIC HEARINGS

ABATEMENT – GLENWOOD SPRINGS GOLF CLUB, INC. – SHANNON HURST

Shannon Hurst and Ronald Wilson presented the abatement request.

Shannon explained the golf course and golf club house were both put on the tax roles but after clarification, only the clubhouse can be taxed because there is a lease in place with the City of Glenwood Springs for the golf course. A refund correction of $6,098.84 will be submitted to the Department of Labor, Property Tax Division. This is a reverse Promissory tax.

Ronald Wilson explained the lease with Glenwood Springs guarantees this to be a public course.

Commissioner McCown moved to close the public hearing; Commissioner Houpt seconded; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement in the amount $16,129.00 and the Chair be authorized to sign; motion carried.
Executive Session – Continued for Ed Green's Items
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW FOR THE STORAGE /WAREHOUSE OF PIPING, FITTINGS AND AN ASSORTMENT OF PLUMBING FIXTURES, PARKING FOR ASSOCIATED VEHICLES AND OFFICE WITHIN A NEWLY CONSTRUCTED BUILDING. LOCATION: 0566 CR 113, CARBONDALE. APPLICANT: CAPITAL CONSTRUCTION, LLC. – TAMARA PREGL
Tamara Pregl, Don DeFord, and Douglas Mackery were present.
Don DeFord reviewed the regulations for noticing and the submittals from the applicant. He determined that all of the requirements were met with the exception the green receipts were not submitted and it would be up to the Board to make that determination. The Board so chose to proceed. Chairman Martin swore in the speakers.
Tamara Pregl 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, as amended; Exhibit E – Staff Report dated July 7, 2003; Exhibit F – Application materials; Exhibit G – Copy of Garfield County Individual Sewage Disposal Permit issued on the property June 23, 1993; Exhibit H – Copy of Garfield County Residential Property Appraisal Record for the subject property; Exhibit I – Comments Bobby Branham, Garfield County Road and Bridge Department, dated June 24, 2003; Exhibit J – Copies of the Special Use Permit documents for Pine's Stone Yard (including Resolution No. 91-078, a staff memorandum dated August 10, 1992, (written correspondence from January 14, 1992 to April 11, 1994); Exhibit K – Comments from Steve Anthony, Garfield County Vegetation Director, dated June 26, 2003; and Exhibit L – Comments from the Carbondale and Rural Fire Department dated June 17, 2003. Chairman Martin entered Exhibits A - L into the record.
This is a request for approval of a Special Use Permit for an office, storage and warehouse and associated vehicle parking on 2.899 acres located at 0566 CR 113, Carbondale. The applicant requests to construct a 12,000 sq. ft. structure. The applicant has been in business in the Aspen area for over 20-years and has indicated they have established a reputation for being very organized, clean and professional.
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.

A. Hour of operation: 6:30 am to 5:00 p.m. Monday thru Friday;
B. UPS deliveries daily, and Tuesday and Thursday supply delivers from Denver;
C. No semi truck deliveries to the property;
D. The exterior of the structure will consist of natural finishes, such as a rusty metal roof, rough sawn beams, split rail fence and neutral siding colors;
E. Company truck parking shall be located on the lower bench adjacent to the structure;
F. No retail sales or traffic on site;
G. The exterior color of the structure shall be tan, to blend with the other structures;
H. A 6' beam will be installed along County Road 113, approximately 10' back from CR 113. Xeriscape will be utilized on the remainder of the property;
I. Only one light will be installed at the entrance of the structure for safety purposes. This light shall be directed downward and inward;
J. Only one 24" x 18" sign will be installed at the structure. There will be no signage along CR 113.

2. Any changes to the conditions of approval must be specifically altered by the Board of County Commissioners through the appropriate land use and public hearing process.
3. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978 as amended.

4. The Applicant shall comply with all State and Federal regulations and standards, such as Noise, Abatement, Water and Air Quality.
5. The Applicant shall comply with the recommendations outlined in the letter from the Garfield County Road and Bridge Department dated June 24, 2003. All improvements shall be inspected and approved by the Road and Bridge Department, and written confirmation shall be provided to the Planning Department prior to the actual issuance of the SUP.
6. The Applicant shall comply with all Local, State and Federal Fire Codes that pertain to the operation of this type of facility.
7. Prior to the issuance of the actual Special Use Permit, the Applicant shall determine if the existing septic system is capable and sized accordingly for the proposed new structures and existing uses. A new Garfield County Individual Sewage Disposal Permit shall be obtained prior to the issuance of the actual Special Use Permit.
8. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide a final copy of the actual well permit. In addition, the Applicant shall provide the following updated information regarding the waters supply to the uses: a) updated permit with the proper property owner's name, b) a determination from the Colorado Division of Water Resources as to whether an exempt commercial well permit is required for the proposed use; c) whether there is adequate water for irrigation, and d) a pump- test to determine the physical water supply and the water quality. The well shall be tested for 4-hours and shall pump no less than 350 gallons of water per person, per day (3.5 people per dwelling unit, using 100 gallons of water per person, per day).
9. Groundwater resources shall be protected at all times. In the event of potential violations with respect to water pollution, the applicant shall provide proof of compliance with applicable Federal, State and County laws, regulations and standards.
10. The illegal residential unit shall either be removed or rendered inhabitable.
11. Waste created by the use shall be stored in wildlife-friendly garbage receptacles and disposed of regularly.
12. The applicant shall comply with the following vegetation management.

a. The applicant shall manage any Garfield County listed noxious weeds that may occur after the construction of the berm. On-going weed management of the property shall occur.
b. Prior to the actual issuance of a SUP, the applicant shall provide a plant material list of all species that will be used in xeriscape mix. This material list shall be approved by the Garfield County Vegetation Manager.

13. Any changes to the SUP for an office, plumbing material storage and warehouse, and associated company vehicle parking, will require a new SUP.

Tamara pointed out that since the comments were received after the staff report, the Board may want to include those in a condition.
Don – it would be helpful for the Board to provide the perimeters on the word "storage".
Douglas Mackery did not have anything to submit other than the contents of the staff report as reviewed by Tamara.
Commissioner McCown – this property lies in a plateau and this is to be on the lower bench, yet a 6' berm was being discussed. Questions about the sign and the berm were asked because the berm would hide even the roof section.
Douglas explained the berm was to hide the view of the business from the public as well as the sign to only give notice that this was a business if someone did approach it. They do not want salesman, etc. therefore, the placement of the business behind the berm.
The recommendations from the Carbondale and Rural Fire Department were acceptable with the applicant.
Public: Pam Pine stated they have been doing business in the adjacent property and have tried to control the traffic on the road; otherwise it is fine and working under a SUP is appropriate. She also noted that they own a well on the property in question and invited participation in a plan with Douglas. Pam stated that she and husband Paul Pine were in support of this new business.
Commissioner McCown clarified that the well mentioned by Pam Pine was not the well in question for this application.
Discussion was held with respect to storage and the need for a definition.
Commissioner McCown viewed this storage as being part of the business, which the applicant purchases in quantity for savings and does not store items for sale, rather stores his materials on site in order for his crew to stock their trucks in the morning on the way to work. It fits the criteria in this particular instance.

Don DeFord clarified that his concern was not the storage, which is clearly something that is allowed by special use, it's the business which is not permitted either as a "use by right" or as a "special use" so that keeping in mind that A/R/RD is a zone district that covers 90% of the County, when someone comes in and asks to store equipment or materials of whatever kinds, are we also then permitting as staff to look at and include any business that is associated with the storage even though it's not otherwise permitted?
Chairman Martin – it deals with two other properties that were that, Mr. Morrison had a business that he was running out of there, he was also storing parts and things and ran it as a commercial business. In addition, the Pines only sell to contractors and have a staff person working there, so does this apply or not apply. Then Mr. Rudd is just across the other side, which is actually a storage area, but he also has an office in that area. Is it going to fit, are we going to allow that to happen or not.
Don – and the question is not just the intersection of Cattle Creek and Hwy 82, you're talking about a zone district that applies to most of Garfield County.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a for Capital with conditions of approval 1-13 adding number 14 including the conditions set forth by the Glenwood Springs Fire Department as in Exhibit L.
Commissioner Houpt – we are not answering Don's question specifically. Don stated by approval of this special use permit, it is giving direction to staff that this it is acceptable in the County. Commissioner Houpt asked then if this was this presented to the Board in a proper manner and wondered if this was the correct action to take. She also stated that she would like discussion on this at a separate time. Houpt – aye; McCown – aye; Martin – nay due to a Zoning question not resolved. Motion carried.

CONSIDERATION OF AN ALLEGED VIOLATION OF THE CONDITIONS OF APPROVAL IN RESOLUTION NO. 2002-101, MAMM CREEK SAND AND GRAVEL – MARK BEAN

Mark Bean, Don DeFord, Steve Wood, David McConaughy, Eric McCafferty, Doug and Dan Grant, Dan Roussin and Mike Smith, Access Manager of Region III for CDOT were present.
Mark submitted a memo with the alleged complaint issued by Eric McCafferty stating that "after watching operations at the new pit, the owners are in violation of conditions of approved in Resolution 2002-2101, Section 6 – maximum of 200 ADT's per day. Section 17 – non compliance of State Permits, C-DOT and DMG mining regulations." Mr. McCafferty requests proper enforcement, traffic counts, etc.
Mark wrote a letter to Steve Wood of LaFarge North America, Inc. regarding the verbal complaint given to John Martin regarding the vehicle traffic and noting that the BOCC may establish a date to consider the alleged violation. They may also suspend or terminate the permit depending upon the likelihood of continued violation and endangerment of the safety or welfare of the residents or property within the county.
David McConaughy submitted a response to the comments and shared research he conducted on the issue. The current edition of the Highway Access Code does not use or define the term "ADT" – average daily traffic volume. "AADT" means the annual average two-way daily traffic volume. It represents the total traffic on a section of roadway for the year, divided by 365. It includes both weekday and weekend traffic volumes. He also maintained that passenger are equivalents referenced in Section 2.3 (4) (e) come into play for asphalt design rather than traffic volume. The traffic studies submitted by High County Engineering as part of the SUP application identified the 200 ADT's for the Mamm Creek Pit as primarily truck traffic. Grant Brothers' representative raised the issue of passenger car equivalents at the hearing and the BOCC could have included this concept as a condition of the Resolution, but they did not. By approving the permit application with the representation that the 200 ADT's would be primarily truck traffic, the BOCC rejected any "multiplier" to cut the traffic by half or by two-thirds. If CDOT or the BOCC meant 100 truck or 66 trucks, they could easily have said that. Therefore, in summary, LaFarge West should be in compliance with the permits so long as no more than 200 vehicles and enter and then leave the property on average, per day computed over a 365 day period.
Mark stated that C-DOT representatives Dan Roussin and Mike Smith are present to explain that it appears there are three different notices of non-compliance that he submitted to the Board that relate to the access permit for the Mamm Creek Gravel Pit. This is additional information being provided to the Board. The intent here is, the Board per our Zoning Resolution, Section 9-01-06 may establish a time for consideration of an alleged violation. Our regulations allow notice of not less than 3-days but suggested that legal counsel may advise that the notice should not be any less than the period of time for the original permit, which was 30-days. Assuming the Board decides to establish a date for a hearing, you can consider at that hearing,

suspending the permit or terminating the permit after that notice has been properly complied with as far as meeting the notice requirements.
Chairman Martin noted that the CDOT information was just received today, July 7, 2003 and contains information we did not have before this meeting that deals specifically with CDOT on compliance.
Mike Smith, CDOT – Access Manager for Region III which includes Garfield County, confirmed that this information was faxed to the County this morning. As a matter of history on this access situation, it was started under Roaring Fork Resources three or four years ago and through iterations we've discussed different design ideas and they were finally issued a permit to Roaring Fork Resources in 2001. Part of the stipulations of that permit included some additional re-design of the interchange ramps and the bridge, etc. recognizing that even CDOT doesn't go into these changes on interchanges without having some pretty good forethought to it, they're very expensive, they're very difficult to do. What we were looking at trying to accomplish with the permit that were issued, was to allow us to stage this. They could prep the site, get a little bit of work going on the site, so we limited their volumes basically to allow them to open for a certain period and then once they were ready to make the next jump, complete some more design criteria. Basically, our notice of non-compliance isn't so much based on the volumes of traffic in that were in the complaint, our notice of non-compliance stemmed solely from we haven't completed the procedure to get the permit completely fully and active. Now where we are at is, we have issued a permit, they have a valid permit for accessing the site at three different locations and we had some conversations with LaFarge in light of some pending development. Mainly the Wal Mart situation and things like that that approval of this, although we couldn't give it directly without seeing the plans for the upgrades to the Frontage Road. We could allow them to, we basically made the determination that traffic going on and off the site for prep work to get the pit prepped to open would not violate the Access Code and so, basically we talked to them and said, you need to have the notice to proceed and construction done before we start doing any commercial hauling or before you're open to the public. As far as the notice of non-compliance came out, we've received some information from local people in the area that the LaFarge Pit was way above where we anticipated they would be at this stage and it took us a little while to do some investigating. Once we did do the investigating and started to culminate, we were able to issue the notice of non-compliance. Basically, where we're at here is they're in non-compliance for not receiving the notice to proceed to construction and for being open to the public without having that notice to proceed in place or the construction in place. And so that's where we're working with LaFarge to try and get that in place so that we can issue the notice to proceed and allow them to complete the construction to make that Frontage Road safer.
Commissioner McCown – where are you in that negotiation?
Mike Smith – at this stage you have the notice of non-compliance, it officially didn't go out until this morning and we've given them until July 18 to respond in writing as to how they're going to attempt to complete this situation. Right now there's also another letter that was attached to this and I don't – on the last three pages there was a letter in which I reviewed their construction plan submit the plans and lined up some phases that we need done to the construction plans and then there's an additional list in there which gives them instructions on how to complete the notice to proceed process and if the Board has a copy of that, it's at the bottom on page one, there's a copy of the completed highway access permit, which everybody has a copy of and number two is a completed and corrected construction plans – those are in the works. Like I said, I have reviewed their initial plans and they are aware of what they need to do to get those redesigned. Number three is the schedule your pre-construction meeting, and so far that has not been scheduled, but they are in the works trying to get people's schedules together. Number four is the Certificate of Insurance, I have that. Number five is the permittee needs to submit a detailed schedule of the construction activities and that needs to be specific as to when are we going to have traffic controls in place, when are we going to have lane closures if they are warranted; when are we going to get it paved; all those steps need to be in their schedule and I haven't received that, but generally, we receive it at the pre-construction meeting. And the traffic control plan I have received. So basically we're out on two items but they are coming in pretty quick.
Commissioner McCown – what is their status until July 18th as far as operations?
Mike Smith – well, the operations officially from the Department of Transportation, their operations are supposed to be site preparation and things to that nature. Once the notice to proceed is in place, we have had conservations with LaFarge that as part of this design and construction we require pavement from, they need to pave the entire front interchange all the way down to their western most access point and we are going to put the paving of the Frontage Road off until we get our completed, we have a highway paving

project, the Silt West Project, and once that project is completed, then LaFarge needs to pave the whole Frontage Road. It didn't make any sense for the department to have us pave 4" of asphalt on the Frontage Road and then run heavy trucks over it and have to go back and repair it, so basically at this stage, officially, we're in the, they can have trucks go on and off for prep of the site, getting their pit up and running and stuff, but we never officially really opened it for commercial use.
Dan Roussin, Region III Permit Manager for CDOT, the only thing I need to add is we are in the process of negotiations with LaFarge and at this point the negotiation has been very, once they realized they were in non-compliance, negotiations have gone off pretty well. They've been very approachable and I want to give you that, yes, they are not compliant, but they've been willing to work thought those issues that we have with them. And that's something that I feel the Board needs to be aware of.
Chairman Martin – Now this is public meeting and there's not taking in testimony and what have you at this particular time; we're just gathering information to see if need to go forward or not. Anyone from LaFarge who wish to make any statement at again, this is just information gathering.
Rob Johnson, operations manager for LaFarge. It came a bit of a surprise that we're out of compliance. I visited with CDOT and my pitch with Darrell Erwin probably back in March and we visited extensively about opening up the pit and preparation of the road to the Access Permit. And, per my conversation with Mike Smith was that we could open, or we could proceed as long as we maintain the road, gravel it. We spent $22,000 a couple of months prior to even opening, shaving and watering maintaining that road and my concern was about three-fold as we wanted to get in there, get the prep work done, we had some customers, Wal Mart and a couple of others and that was part of the conversation that we could get the doors open to service certain customers and with a verbal agreement I didn't feel that we were in non-compliance. And through the whole process we're had documentation where we've been working on primary pavement designs with HP Geotech and High Country and we've also been working on getting the plans redlined and reviewed and to this point we do have the insurance in, we've got the traffic control, we've got probably 95% of the completed set of plans for paving. Part of the conversation we had in March with CDOT was, when would you prefer that we put that pavement in? We've agreed from the west end of the property all the way to the Interstate. But, do you want us to do it right away when we open the doors or do you want to wait until after the other highway job is done to extend the life of the project. And their concern with that was, let's wait, keep the road dust free, and maintain it and we can work out a schedule for paving. So, in all fairness, we've been working diligently and we've been in contract since March with the parties on this project. So, I guess I'm a little concerned that it shows we're out of compliance when we've been working diligently to work towards this process.
Scott Clark –an attorney with the Firm of Bernstein and Will, appearing here today on behalf of Grant Brothers Ranch Limited Partnership, which is the entity or the agents of which filed the original complaint in this matter. I'd like to begin by stating that I do have some submissions that I'd like to present to the Board for their further consideration in this matter. Some of them are right here, the other one is a document prepared by Eric McCafferty and we also have a document prepared by Doug Grant. The first thing I'd like to address if the issue about paving the Frontage Road. The State Department of Transportation has already testified this morning that they found that the Mamm Creek operation is not in compliance with the State Access Permit in particular in that they have not paved the Frontage Road as required by their permits. I'd like to point out to the Commission that the State Highway Access Codes were obtained more than a year ago and required paving prior to any operation. The State Highway Regulations also require paving prior to operation. In addition there is another permit that is relevant to this issue that is the Rifle Watershed Area Permit, which was also obtained more than a year ago, which provides that during operation of the pit, the Frontage Road must be paved. That is in order to protect the Rifle Watershed District. So the representations about being surprised about violations are a little disingenuous. The operators of the pit have known about these issues for a long time and have known that the paving had to be done before they began operations. On the second issue, which has not specifically addressed here this morning is the 200 ADT limit on traffic at the points of access for the Mamm Creek Pit. There are three highway access permits. Each permit provides for a separate point of access from the Mamm Creek Pit and each permit provides that, in combination of all three-access points, traffic is limited to 200 ADT in and out of the facility. There are a couple of people here with me today, Eric McCafferty, Dan and Doug Grant can testify they have observed operations at the facility and on numerous occasions including four or five days in a row, that 200 ADT has been violated and has reached as many as over 400 ADT. The Special Use Permit itself states in paragraph six, that a maximum of 200 ADT shall be allowed for the property in accordance with Colorado Department of Transportation Highway Access Permit. As I

stated, the Highway Access Permits state that the traffic impacts from all points, that access shall not exceed 200 ADT. In addition, Resolution No. 2002-101, which provided conditional approval for the Special Use Permit, states that 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. And I would point out that during the hearing and this is contained in the materials I've provided you, that during the hearing there was a question about how to count the ADT. The people from the staff stated it should be counted the same way as the Highway Department Transportation counts it. Eric McCafferty testified on behalf of the Grants that the proper way to count traffic under the State Highway Access Code is though passenger vehicles equivalents, which provide that certain vehicles over a certain length are counted as three trips; certain vehicles over another length are counted as two trips, generally that breaks down tandem trucks are, trucks with tandem axles are two trips, some trucks that are three trips. After that discussion, Tim Thulson, who represented the applicants, stated, with regard to some of the comments more specifically with regard to Mr. McCafferty, the computation of vehicle trips, I think that's no longer relevant because we're capped at 200 a day. If we in fact, if we're going over that, we come back before you, we get an application amended along with our access permit. That's what we stipulated to, that's what we're bound to. So it was contemplated and stated by the applicants that they were capped at 200 trips per day. There is also a question of whether the applicants could meet that 200 trips per day based on the volume of gravel that they're proposing mining. And Commissioner McCown raised the question regarding this stating in conjunction with the trip generations, if you are looking at 200 to 400,000 ton a year; I guess I have to ask the obvious questions, how are you going to get that off the property with a 200 a day permit. In response, Leslie Hope, from High Country Engineering representing the applicants, stated that it could be done because the only mining was going to occur on 30 acres at a time. She did not address the count issue; she did not address any other issue regarding ADT, something that they could meet that number. In addition, the gentlemen from the Department of Transportation this morning, made a statement that the 200 ADT was based on assumptions about allowing them to use the gravel road before paving for simply preparing the pit for operation. Once the pit went into operation, it had to be paved. Well, it hasn't been paved, it's in operation and it's exceeding 200 ADT right now. So, we feel it's more appropriate to shut down the operation immediately until this paving can be done and these issues can be worked out. I'd also like to address a letter received by the attorney for LaFarge, which states that what really should be considered on the daily trip issue is an AADT measurement, which is short for Annual Average Daily Trips. Initially I will point out that AADT is not used in any of the permits anywhere. ADT is used. Second, I think that it's the Department of Transportation people who are here today will represent that AADT is not what they are following stipulation. Third, there is an analysis in that letter about what all of this means with AADT or ADT means. Beginning with the statement that this is an average, well, I don't think we have an argument with that, it's average daily traffic, the daily issue obviously we don't have an argument with that either, it's per day. With the traffic, we do have an issue. They state that we should not consider the definition of trips in the Access Code. We should go with traffic, whatever that means. Well, if you're counting traffic, I don't know how you do it without counting trips and the Access Code provides that a trip is one movement of a vehicle from the highway into the point or across the point of access. Another trip occurs when that same vehicle comes out of the property back on the highway. The applicants also cite a case claiming that you should only that movement from the highway into the property and back as one trip. The case doesn't say that. The case just states that ADT means Average Daily Trip and states that in that situation they calculated traffic going both directions. There wasn't an access permit issue it was an issue regarding travel on a stretch of highway and there was no discussion of whether there was a calculation of some vehicles going one way one part of the day and coming back the end of the day and how they calculate that. They simply counted all traffic going all directions. Finally, in the same analysis, there is a statement that ADT somehow applies to just traffic related issues, sorry engineering related issues for construction of pavement, etc. and not traffic related issues. The permit doesn't make a distinction; the permit says 200 ADT. In addition, the Code says that in calculating criteria when you define criteria pursuant to the Code, you'll find passenger car equivalents. It doesn't say go five passenger equivalents when you're looking at traffic flow patterns but now when you're looking at construction issues, it says any criteria. So, the passenger car equivalent issue remains the same for this permit.

Commissioner McCown – the one question that you brought us was in your interpretation of average daily trip, you're saying that average does not apply what would the A stand for in your interpretation of ADT?

Scott Clark – average, obviously average is part of the term and we don't have any argument with that, it is an average.

Commissioner McCown – but is it averaged over one day, two days, what- it would have to be more than one day considered to get an average.
Scott Clark – that's a good point, that's a problem with the permit, I think that's a problem that was addressed early on when this permit was being considered. I think, and the Board can determine that we're going to live with what the Department of Transportation says. Frankly, the Highway Access Code doesn't explain. I think that while we've got the guys from the Department of Transportation here it would be helpful to have their input on this issue to find out how they plan on calculating ADT.
Mike Smith – on calculation, well the first, we were taking notes as we were going through there and what we were looking at and one of the things we run up against and we take into consideration, the County's permit did indicate that our ADT's were to be counted the way that CDOT counts ADT's. And the problem that we run into there, is that not only are there multiple ways for CDOT to count ADT's but there's multiple ways that are accepted by ASTO, the American Association of Highway Interpretation Officials; there's numerous ways they count ADT's as well. One issue we run into is which definition do we use, the Access Code is a little bit more specific in the way we determine ADT's for individual access points based on the permits. The three permits that we have are tied together in that we have a cap of 200 ADT based on the combination of all three access permits and in using those we would probably go through and count the ADT's over a year. And, understanding that when CDOT does an ADT and the definition in on our web site we also use the 30th highest percentage so you count everyday through a year and then you take the 30th highest one and that's what we determine as being our ADT and it basically gives us a better spread over what we're looking at as far as was pointed out by the lawyer. It's very difficult to go out and take a single day count and say, you're over your ADT's. We really don't know that. And what of the other things I needed to point out that I failed to when I was talking before was, on the notice of non-compliance it's pretty clear on that one, basically, the stage that we're at is, this notice hereby advises to the apparent violation of the 1998 State Highway Access Code, suspension may be warranted. We're at the stage right now where LaFarge is on notice officially they've been notified that we feel there may be a violation of their access code permit. It's pretty clear that there's some heavy traffic out. We've got the four points on here, the ones, if I was to make a determination today, number one, they can be considered non-compliant. One number two, they could be considered non-compliant on because we have not issued the notice to proceed; and three and four as we're going through the paving, the actual design considerations with this approach on the Frontage Road are going to be, those are still part of the negotiations that we do as part of the construction review and the plans review and the staging and the scheduling. So at this stage, we're still in the fact finding mode and that's why we've given them to the 18th of July to address those issues. To go back to the specific question on the ADT's, for the access permit itself, the ADT's will be determine with the passenger car equivalent and that are in the Access Code.
Commissioner McCown – Mike, did you know that and did whoever, Roaring Fork Resources know that at the time of application when both of you agreed to the 200 ADT? Did everyone know this was going to be computed later? When we as a Board approved this, we approved the ADT because that's what the Access Permit was for.
Mike Smith – Understandable. And what we were looking at and had conservations with Leslie Hope over this, it was probably clouded some of the issue a little bit when we said the traffic impact analysis that was originally provided to us and we reviewed it, indicated a 200 ADT in the traffic analysis and the definition they used, which is acceptable under ASTO was one for one vehicles and stuff. And what we looked at, looking at impacts to the structure, looking at the dust situation and turning movements, we also fell of the 200 ADT but it was based on our Access Permit definition and whether or not that was clearly discussed between us and Roaring Fork and High Engineering. There have been some assumptions there that they knew what we were talking about, and we knew what they were talking about. As far as the permit goes, we knew what we were after and kind of what we were after, we're getting back on track but we have not been on track. And kind of going into what Rob Johnson from LaFarge was saying, we were in communications as far as talking back and forth, it was kind of a surprise to us the volume that was coming out of the pit, so I think there was a misunderstanding between the department and LaFarge Corporation as to what we meant by allowing them to prep the site and things like that as to the volume of traffic that would be acceptable and there was a concern and that did start Mr. Grant, from the Grant Brothers had brought that to our attention. We've had conservations with them and the problem that we run into is that we did issue a license; it's a license procedure that we need to go through and it's not something we can revoke or change without going through that procedure. And this is the direction that we're taking. At this time I said there's an apparent violation, I think that's pretty clear, and we're in the investigation stage and

from the Department of Transportation's point of view, they have until the 18th to decide how they're going to handle it, get that to us in writing and comply with it. After the 18th, it starts another process with us that unfortunately it will still take a little bit of time but that is when we start to seek suspension of the permits and things of that nature. And then we have remedies that include closure, or us rebuilding and charging that back to the company, stuff like that. We haven't determined how far that's going to end up happening to go yet.

Commissioner Houpt – So, Mark, are your trips determined by a one way trip, or
Mike Smith – The trip at the access location is a one way, so a trip in and a trip out is two trips and as they indicated, where the break is, is it's passenger cars and trucks shorter than 40-feet, single unit trucks or the 40-feet equal one; single unit vehicles in excess of 40-feet are worth two passenger car equivalent and multi-unit vehicles in excess of 40-feet are worth three passenger car equivalents. And so a trip on and off for a vehicle in excess of 40-feet would be six trips.
Commissioner McCown – But again, your trips are based on a year of compiling data and then taking the 30th highest to see if it is in complies with the ADT, is that right?
Mike Smith – Correct.
Chairman Martin – My question then Mike, is who's doing the count?
Mike Smith – That's where it comes up, it's the applicant's responsibility, the permittee's responsibility to remain compliant with the Access Code. When it comes down to a situation like this, CDOT will come back if it's a situation where we feel they're non-compliant and the applicant deems they are compliant, we're probably do the counts and then proceed in that direction. Where we're at in this stage is, we don't have enough information really to go forward with the counts yet. The access isn't even properly constructed yet.
Chairman Martin asked Doug Grant to explain the photos and information and the hand written material submitted to the Board in a packet. Again no testimony, we're just gathering information so we can make a determination, so.
Doug Grant - there are photo copy pictures in your each letter but those picture pictures I gave you there and they are pictures of a stop sign and a delineator post by it with two standing and one leaned over and then after it got into operation and trucks got going that entered that, is right at the intersection of the Frontage Road coming from the west and the stop sign entering the Frontage Road that goes east west and then on up to the Interchange. And I want to make it perfectly clear here, you'll see that the big picture shows that the delineator post by the stop sign are knocked down. Now the truck drivers that drive out there are excellent professional drivers, they're dealing with the physical constraints of that road and they take both lanes at that intersection of both Frontage Roads to make that corner. And the pictures show that go clear out and yet their trailer trails over at time and it's knocked down the delineator post. The car there by the mail boxes is right in front of our house, post person and four other people have to get their mail at that site with trucks going by at that narrow section. The only one is a picture, but in the packet, it just shows the scale house and like an office trailer and a Now Open sign. I might add that it was my understanding the road would be hard surfaced before there was any traffic coming out of it, any trucks after prepping the mine and everything, there wouldn't be any sales or trucks coming out until the road was hard surfaced and that is what I understand was the intent of the Rifle Watershed Permit. And also, Mr. Rob Johnson that was just up here spoke to my cousin Bill that lives in the house at the on-set of preparation, there was truck traffic going in and out, the road became a little dusty so I asked him when he was going to do dust control on the road and in their conversation about dust control, which they substitutable did dust control and water and he informed my cousin that there wouldn't be a truck going out selling gravel until the road was paved. Also, we have been counting trucks also and by our count, the way they told you, 1, 2, 3, counts in and out, they've exceeded the count and some days done all days anyway – they've exceeded and some doubled over 400 ADT, the way we calculated it by the access code. Also, might point out in the Special Use Permit and discussions at the public hearing that the truck traffic was supposed to go egress and ingress from the pit east west on I-70. And I think the logic behind that was too that there wouldn't need to be impact assessments on the County Roads, they wouldn't be using CR 346 or CR 315 across the Interstate. I wonder, these trucks, they're coming out of there are going across the Interstate down the Frontage Road to the west to Wal Mart, Rifle Business Center and we've seen a few go up CR 315. That hits some of the high spots. The letter says a lot of the things I see, but we're concerned about the road, the traffic and I want to point out that at that intersection particular, it's not the truck drivers fault, it's physical the size, the

lanes of the road that make it, they're taking the full road clear over into the wrong lane to come out and going into the wrong lane to make the turn and trucks and cars are stopping when there's traffic coming both ways to make that corner, and it's because of physically the way the road is constructed. It was three farmhouses in a residential neighborhood, not heavy truck traffic to a commercial site with all the associated uses here. The truck drivers are not a bunch of wacko's, they're professionals and they are doing the best they can. You see what's happening here.

David McConaughy – Attorney for LaFarge – just a question about the process and maybe a suggestion. What I understood we were doing here today was to determine if you were going to set a public hearing to consider violations and I think Mark say we're entitled to a noticed public hearing. It seems there are two different issues, one is the CDOT issue and the other is the compliant by the Grant Brothers. I would suggest with respect to the CDOT, since the State asked us to respond by the 18th, to try to determine what the position is there, that at this moment it's only an apparent violation that the Board give us the opportunity to make that response and then see if there really is an issue between LaFarge and CDOT as to that permit. Then, if you are going to set any hearing on that, give us the chance to work through that process. We had similarly set up a meeting last week with Mark for this Wednesday to talk about the other complaint and specifically what ADT means, you've heard some discussion about that already and I guess just to further muddy the waters, I got a letter from Phil Moslen, he's at CDOT that said something completely the opposite of what I just heard from Mike and I'm not to ask dispersion of one or the other, but just to point out that there is some confusion there and we'd like the opportunity to try work through that. The other things I'd like to say is just I guess I have to objects to what's been going on here this afternoon, you said you weren't taking testimony but just gathering information, what we've just heard 45 minutes of testimony complete with exhibits and hand outs and a lawyer apparently came up from Denver to make argument, and yet this is not a public hearing and I think if there's going to be a public hearing, LaFarge is entitled to due process and notice and I don't know how we can get that due process if there's going, because given what's going on, how any of you could possibly not be considering what you've heard and that means making a decision outside the context of a public hearing. So, it's up to you to decide what to do, but I would just like to noted that for the record.

Chairman Martin – so noted and also we're not making a decision on the permit itself which would be your client if we were going to suspend that or not. What we're doing is trying to determine if there's enough information to go ahead and work with CDOT and also the possibility on non-compliance which is tied together with our Special Use Permit saying they must be in compliance with all CDOT regulations as well as the other agencies, and if they are not, then our Special Use Permit comes under review for possible removal or hearing or change. So that's what we're trying to do David; I appreciate your position, what we're trying to do is see if we need to set a hearing so we can go ahead and take testimony and exhibits that will again be followed by all due process rules, this is just to see if there's probable cause to go forward.

David McConaughy – I guess my only request is that you give us until after the 18th before making the final decision on whether you even need a hearing.

Eric McCafferty – You two gentlemen remember at the hearings in October, the whole exercise I went through about truck traffic specifically of 200 ADT. The whole point of that was to show that this land use was not possible with the Access Permit that CDOT had issued. And so, because of that, additional work should have been done before you gentlemen approved it. I sat out in the Grant Brothers Ranch driveway and counted trucks for 4-hours and it clearly exceeded the 200 ADT no matter how you want to define it. In just four hours, they're open for 12 to 14 hours accounting to the special use permit so if we could take that forward then maybe they had 800 ADT on that particular day. I think it is necessary that forthwith someone get a traffic counter out there so they count, at least count axles so we can figure out what average is going to mean. One final thing, if this were in the context of a building permit and I pulled a building permit and I didn't construction my building in accordance with the permit and code, the building official would come out and shut me down and I wouldn't be able to build my house or whatever it was. You have the same authority at this point before any kind of hearing because this is clearly a non-compliance to shut this operation down and that should have been done two weeks ago.

Scott Clark – I'd like to follow up with a few comments on the procedure. As to scheduling any hearing upon question of violation, Section 9.01.06 of the Zoning code clearly states that such a hearing can go forth upon only 3-days notice to the permit holder or the property owner. So the comment earlier that there should be 30-days notice, because that's the amount of time provided for application for the permit, I don't think is correct. In this situation I would urge that you set a hearing as soon as possible clearly this site is and has been in violation for quite some time. It is a continual violation issue, it is a serious violation, not

only is the paving not done but the ADT far exceeds what even CDOT anticipated and in addition this is a violation of three permits: it's a violation of the CDOT Access Permit, it's a violation of the Rifle Watershed Permit and by virtue of paragraph 17 of the Special Use Permit, it's a violation of that permit too. So, regardless of whether there is negotiation going on with CDOT about how to handle this, it remains in violation of the CDOT Permit, it remains in violation of the Rifle Permit, there's no discussion of any negotiation with Rifle. I think it's appropriate for the Board to move on this quickly and to suspend operation under the Special Use Permit until the requirements of the permit are complied with.
Rob Johnson - LaFarge – I guess I'd have to ask that Mike, did we or did we not have a conversation in March regarding being able to utilize that access for establishing our pit and servicing certain customers.
Mike Smith – Yes we did.
Rob Johnson – Okay, we did and it is a CDOT right of way and this whole thing is about our CDOT access permit. Aren't they the ones that govern how we can and the time frame we establish to gain the project completed. When they have asked us not to pave the road prior to the Silt highway job, so basically where we're at is we've got a pavement design of 6" of gravel and 4" of asphalt, all we're lacking is the 6" of gravel which we'll get put on it shortly, so it all boils down to 6" of gravel, means we have site visits, we add water to the road, we've shaped it, we keep it dust controlled, keep is watered, and when you were up there did you see any issues that concerns you. So we've agreed to a certain schedule, we've kept that schedule, if we want to talk about the City Watershed, it was expected to be chip sealed, a 3/8 chip seal put on the road prior. They came out, had a talk, meeting with them last week, and Bill from the City of Rifle, we told them we were going to pave it versus the chip seal, and they said, all they would like to do it see paved by the end of the year. So, we're been pro-active on that part. As far as ADT's, my concern is that it's hearsay, we've got weight tickets, which are certified by the State, you can take a look at our weight tickets. We've been opened 30-days, the first week I don't think we sold a pound of gravel, and last not any, so we probably had two weeks that we had some peaks. You should go once again and you average that out, however you want to average it, I think that you'll find that we haven't even exceeded our ADT's yet and that's all verifiable information.
Chairman Martin - again it would be evidence gathering if we have a hearing. We need to go ahead and make a determination if we're going to go ahead and have a scheduled hearing, if one is necessary.
Commissioner Houpt – it seems to me that since CDOT is in negotiations with LaFarge that a 30-day period would give them an opportunity to get pretty far down the road and it would be important, there's a great deal of information and information haven't received from everybody.
Commissioner McCown – the 18th would fall immediately before our 21st meeting that would the Friday prior to our 21st meeting. The 18th deadline that CDOT has given LaFarge and I don't know that we would have the opportunity then to get the information back from CDOT or if we would need to set and we know the rest of the month we're tied up with BOE. I would concur, I would like to whatever the CDOT window is to meet the Access Permit, I would like to at least give that opportunity before we hear if they have or not.
Commissioner Houpt – But I'd like to set a hearing so that give them a specific date today too.
Commissioner McCown – That could be for any day in August.
Chairman Martin – So we're deciding that we're going to hold a hearing to determine if there's a violation or not of any non-compliance of any permit on the LaFarge or the Mamm Creek Gravel? So we have found that there's probably cause to determine do that to set a hearing?
Commissioner McCown – I have not found that. I have found that there are three notices of apparent violations, no specific determination has been made yet, and they have been given until the 18th to determine if in fact there has been a violation of their Access Code. There's an apparent, but they have not said there is. I don't want to take any action until we're sure there is a violation of the Access Code which will be determined after the 18th of July if I'm reading this letter right.
Commissioner Houpt – Well, and however when you look at how differently people are defining ADTs, I'm wondering how.
Commissioner McCown – But ADTs was not an issue with any of these apparent violations.
Commissioner Houpt – Well, it was in the initial packet that we received, it was a concern, and it wasn't the CDOTs. They had other issues, but this was brought to us as an issue or non-compliance. It think it makes a, I'm going to make a motion that we do set a hearing because it's in everyone's best interest to know what time constraints people are working with to comply with the Special Use Permit that the County gave to them and to comply with CDOT. Otherwise, we just drag it out forever.
Commissioner McCown – do we have the authority if we grant this to override the CDOT Access Permit?

Chairman Martin – Only on our recommendations. We can't override CDOT.
Commissioner McCown – They forego the paving, our Special Use Permit says it has to be paved before any operation takes place, who has the priority?
Commissioner Houpt – That's a legal question.
Commissioner McCown – Does a CDOT Access Permit, CDOT has agreed to forego the paving before the beginning of operations until after the paving job is done, that's a violation but it's been endorsed by CDOT.
Mark Bean – not of ours. Our permit did not require paving, it was tied to permits that did.
Commissioner McCown – that's right and so what the ADT's.
Mark Bean – Right.
Commissioner McCown – that is not a violation of the Access Permit. The ADTs are not an issue on the Access Permit.
Chairman Martin – In reference to the question, if there's a change in Access Permit recommendation by CDOT they need to come forward because of either tying into other issues. The permit that was issued at the time needs to be followed. Until that has changed, that's what's in place. Am I correct? Mike. If there's an additional change, CDOT will make that change and bring that through the process to notify us, to the Applicant, and to the public that this change has been made. That hasn't been done yet and I think needs to be done if it's going to be done.
Commissioner McCown – That was exactly my point on the violation, until CDOT comes to us and says, well, July 18th we have found there is a violation, and then we call our special hearing to look at revocation of the Special Use Permit or whatever.
Chairman Martin – I hear what you're saying.
Commissioner Houpt – Well, I don't completely agree with that, I am going to make a motion that we set a hearing for August 4th because I want to give CDOT and LaFarge time to get everything in order because there are specific permits in place to consider an alleged violation of the conditions of approval, Resolution No. 2002-101.
Chairman Martin – Do I have a second.
Commissioner McCown – No.
Chairman Martin - seconded for discussion. Your justification is that to make sure that the timeline has been followed, LaFarge has the time they're working with, we get the proper information from CDOT as well as information that may be at a hearing, if that proves to be all within approval, or conditions of approval have been met, at that time would you vacate or make a motion to vacate the hearing, if they're all in compliance?
Commissioner Houpt – If they're in compliance, I would.
Commissioner McCown - whose compliance?
Commissioner Houpt – The County's within our jurisdiction.
Commissioner McCown – that's my initial question, do we have the authority to govern the Access Permit.
Commissioner Houpt – There are certain permits in place right now and I, this was brought to us for our consideration so that we can make certain that those permits are being complied with and what I'm hearing and seeing and without taking it to the point of holding a public hearing, because we really haven't received, I don't think you were prepared for the amount of information that was given today, I think we need to set a hearing to make sure that it is in order and if we hear from CDOT, from our staff that everything is in order, then I would be more than happy to vacate that hearing, but I want to have it on the calendar.
Chairman Martin – That would also include a letter from the Rifle Watershed.
Commissioner Houpt – Yes.
Chairman martin – all those in favor of setting that for the 4th of August?
Houpt – aye, Martin – aye; McCown – nay.

Mark suggested this be set for the last item to be considered on the agenda.
Don will discuss notice with Mark.

Doug Grant – I'd like to know what is the status of the pit today – at one point Mike Smith, they were given permission to prep the pit and not sell any gravel. Mr. Johnson got up here and spoke to Mike and he said he would service his customers, and Mike said that was okay. So what is the status, are they going to be able to sell gravel today before this meeting or what are we doing here?

Chairman Martin – I think we're bound by our conditions of approval and that is they are able to go ahead and prep and what have you and follow that permit and at the time they meet all conditions of approval from CDOT, they're in commercial operation, am I correct?
Mike Smith – I guess as a point of clarification, when Rob asked if we had had a conversation in March as to the status of the pit at that point, and we did indicate that they could haul for that Wal Mart site, that was one of the sites that we had indicated and it was all verbal but it was on the condition they did the had surface Mag chloride situation and maintained that roadway surface, but, so verbally the only one that we allowed them or said that would be okay with us would have been Wal Mart site until they got the rest of the permit in line and then we've had some scheduling issues where we haven't preceded with that any further, which we're taking care of now.
Commissioner Houpt – So that will be all the activity that's done until you get this cleared up.

Chairman Martin – well at least until the 18th.
Mike Smith – well, then, that's kind of the issue was, we need to spend some time watching the traffic, seeing what they have out there, I think in light of some of situations that's been going on as part of our negotiations, we're probably be requesting some of those scale tickets to determine where our ADT's are, like I said earlier, right now we're at a point where it's hard or us to determine ADTs in operation perimeters and stuff. We issued the permit based on, if you will nation-wide studies that indicate certain amounts of volumes for certain sizes of the gravel pits and things of that nature which is very common place with issuing the access permit. We'll issue the permit, but the compliance is still on the applicant, we'll issue the permit and allow it to go into operation and then if after operating for a certain period of time, we determine that they're above what we anticipated, there's are ways to take care of it, so at this stage we're not in any real concern other than and we did indicate to Rob with LaFarge earlier that the dust situation, stay on top of that and we need to look at the linear of those stop signs, traffic equipment, etc.
Chairman Martin – and the layout of that intersection. Are you then, putting you on the spot here, are you going to go ahead and review then all the scale tickets to make sure over a 30-day period that's what's happened so far to get an idea, before you're here at the 18th?
Mike Smith – That's one of the directions we're heading, yes.
Don DeFord – As the access sits today, do you consider that a field approach?
Mike Smith – Yes, to a point, yes.
Don DeFord – Well, I'm trying not to be equivocal on this because we have a number of people who are hotly contesting use of that access and you're letter categorically, or your notice categorically says that commercial use of a field approach is a violation. So, it would help everyone if we knew directly and unequivocally is the commercial use of this access a violation of your code or not?
Mike – the open and continued commercial use if they are open to the public yes that would be a violation of the code, but that determination technically hasn't been determined. Where we're at with the field approach is all three of these access points were historical field approaches and under the notice that we gave, it was basically in the intent that it cannot continue as a field approach and be under the Access Code. Where we're at here is we're kind of in that limbo stage where we have a permit in place, they're allowed to construct it, so I you deem it as, it's permitted as a commercial access permit so on the legal, on paper, if we were to make a determination, it's permitted as a commercial access point, it has not been completed constructed as a commercial access point yet. But that's what we're allowing to go forward right now.
Don DeFord – what are you allowing to go forward?
Mike Smith – We're considering the design, we're considering the construction, we're at that stage, we're evaluating all their design and stuff to allow them to go forward. So technically it's a commercial access at this point, all three of those access locations.
Don DeFord – Even though they haven't been constructed, you're considering it a lawful commercial access?
Mike Smith – Well, you have to look at where we're at with definitions there again, and it's a commercial access by permit. It may be determined that it's a non-compliant commercial access. That determination hasn't been completely made yet. So is it a commercial access – yes it a commercial access; is it compliant, that's the process we're in right now to determine whether or not it's compliant and to deal with it once we make that determination.
Commissioner Houpt – So, until you make that determination, will they be hauling to other, I mean will they be in business? Or will they still be building their business? I'm not following what you're requirements are going to be.

Mike Smith – Well, that's kind of what we need to determine to, is the volumes that they've got out there, what are they doing, is it going to be detrimental to other traffic out there to the people that live next to it, we're definitely looking into that, so as far as we did talk to LaFarge and requested that they take that "we're now open" sign down and that they don't conduct any more commercial business, we did have the verbal conservation with LaFarge that allowed to service the Wal mart site, so from that, service to the Wal Mart site is I guess would be deemed okay at this stage, we have until the 18th to make the final determination on how we're going to proceed with getting the design built and things of that nature. It is possible to, I have most of the information, like I said, all we're really missing is a schedule for a pre-construction meeting which in the normal course of things would identify some of the dust and traffic control and things like that and we would be able to address them at the pre-construction meeting. We're missing that and the schedule for how they're going to complete things. If those were to come in, if we were able to receive those today and review those, the notice to proceed can be issued as earlier as tomorrow. That's kind of the stage we're at. The design has been submitted, there are only minor changes to the design, I have the traffic control, we have the insurance requirements, and basically all we're missing is the pre-construction meeting and the schedule. So it is very possible that they could be open and operational fully under construction by the middle of this week.
Don DeFord – Do you issue some follow-up document I you think that they're in compliance?
Mike Smith – Yes. We'll issue a document outlining our findings.
Chairman Martin – Well, we're in a hard spot there. I think that Mike has put it pretty straight forward, the sign has come down, that the commercial operation can only be to the agreed Wal Mart site and that's about it. I think that you're in control of that particular issue and until you have the notice to proceed and construction documents. That's bad news for LaFarge and it's not the best news that – that's what we'll hold it to until we have the outcome of your hearing and the information that comes through and then we'll hold a public hearing if necessary.

KAUFMAN VIOLATION – BUILDING WITHOUT A PERMIT –ADY SCHWALLER
A building permit has been obtained and the agenda item was removed.

REQUEST FOR CLARIFICATION FOR CONDITIONS OF APPROVAL FOR THE PARRINGTON EXEMPTION: JOHN AND NILA PARRINGTON
Fred Jarman, John Savage, Nila and John Parrington, Lavonne Snyder and Linda Hanson were present. Fred submitted a staff report stating that this exemption for John and Nila Parrington was approved on June 17, 2002. The main issue to be clarified for a boundary line fence issue and whether or not this was required as a condition of approval for the exemption request.
Staff submits that the explicit condition of approval listed with the other conditions of approval in the Staff memorandum, is considered testimony admitted during a public hearing and therefore constitutes a condition of approval and should be resolved as part of the Exemption approval for the following reasons:

1. During the public hearing, Mrs. Linda Hanson raised the fence line dispute as an issue to be resolved. John Savage, representing the Parringtons, indicated the Parrington's desire to rectify the fence issue, which would ultimately determine whether the fence was located on the Parrington property or the Hanson property, or if it truly reflected the location of the property line separating the two properties. Specifically, he stated: "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… as an amendment to the west boundary line."
2. While this request by Mrs. Hanson to have the fence line issue resolved as a condition of approval was not required as a specific condition of approval by the Board, Commissioner McCown made the following motion:
   I'd make a motion which that we approve the exemption from the subdivision and the amended plat for the exception lot for John and Nila Parrington with conditions 1 – 13, thirteen being the boiler plate that we use on our water restrictions on quantity and quality. and that all testimony of the applicant and the attorney be conditions of approval."
3. Staff included the following condition as condition Number 11, listed in the Staff memorandum and approved by the Board.
   "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."

Conclusion: Although fence-line disputes such as the one discussed here are generally considered civil matters to be resolved between two private parties and not regulated by a governmental interest, the applicant did assert, as testimony on the public record, to move towards a resolution with the Hanson's on the west property line fence line dispute.
It is clear, the motion made by Commissioner McCown included all testimony provided by the applicant to be considered conditions of approval. In addition, condition Number 11 of the approval requested that all representations of the applicant and the attorney be considered conditions of approval. Therefore, while the list of explicit conditions did not specifically include a condition to have the fence line dispute settled between the Parrington's and Hanson's, it was represented that it would be cleared up as part of this Exemption approval. Fred stated that either the fence rectifies the line or the lines move to meet the fence. This is very common in western United States to have fence lines that are put in place and then when the property is truly surveyed years later, they don't match up.
Attorney John Savage for the Parringtons stated this was another case of Exhibit A as to the problems of this provision that quite frankly governing authorities seem committed to include in land use planning that we adopt everything else by reference and then we can second guess it sometime later whether that was intended to be a condition or not. Quite frankly he asserted that by adding "all representations made by the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval" was sloppy; drafting and makes it impossible for people to know what the rules are on down the road. And it shouldn't happen. Today is for clarification one way or the other. Under the provision of the rules and the way they are written the Board can do it. It's not fair to categorize his statement, although probably correctly quoted and he acknowledged his mistake and didn't equivalent it that we were going to attempt to settle it and not settle it in two weeks. And quite frankly the issue was not addressed. Mrs. Hanson stood up and said I want you to make this a condition of approval and it was agreed under the all encompassing "statements made during the testimony." This was not addressed in the staff memo following the meeting; it was not addressed in several meetings afterwards. That's not the real argument; the real argument is should be an express condition of approval. What we have is neighboring properties where there is a title boundary line and a fence that's not on the title boundary line. This is a very normal situation. The fact that there is fence that is not on the title boundary line does not mean that is the real boundary line. There are the legal analysis of whether a fence is intended to be a boundary line is what courts are for and this Board is not equipped to make that determination. The real argument is that this Board's determination particularly in the context of a subdivision exemption, which this is not a subdivision, it a division exemption, it's merely the County's permission for the Parrington's to divide their property into three pieces when it results in less than 35 acre parcels. It does not create subdivision lots, none of this property is being dedicated for a public use or public purpose; it is just allowing them to split up the parcel on the Assessor's records and be able to convey those separate parcels. He stated that he didn't believe a purported boundary dispute with a neighbor that that neighbor should be able to use the leverage of this non-subdivision exemption as a bargaining tool over the neighbors over a possible boundary dispute. In fact the parties did attempt to resolve it but for whatever reason, that didn't happen; they couldn't come to terms. The Hansons have had the proper course for one side or the other to file a quiet title action. If the Hansons file a quiet title action and say the boundary line is the fence and not the title property line or the Parrington's do the same thing vice versa. The Hansons have had more than a year and express notice of this issue since sometime in June of 2002. If there is a quiet title action, this exemption doesn't go forward because the Parringtons don't have good title to that property. If the quiet title action is filed it has to be resolved before the County will sign off on splitting the lots. But barring that, despite the fact that there is a dispute in the Hanson's mind, they shouldn't be able to come here and use this Board's decision as leverage in that private title dispute. This is our position. It wasn't made as an express condition; we were not advised of it otherwise; and at this point it shouldn't be made an express condition. And if it is they we ask for a substantial extension. We may be able to get it worked out otherwise with that being a condition or maybe it requires a quiet title action and that may take a long time.
John Parrington stated he received a notice in the mail and there's another hearing next week for Rankin on the same situation. They wanted to divide their property. I'm within the boundary line so they had to notify me. Are you going to hold them to fence lines, or title work? When they apply how do you know what they're going to do? We're in a situation and after we looked at it, Hansons have redone six or seven hundred feet of the fence, they've moved fences etc. So the fence isn't an original fence. It is in panels now. You can't go back and say this is an original fence, because eighteen years ago it had wood stubs in there and the pictures she supplied in that information given to the Board today, you see it's a wood post.

John submitted photos of what it looks like now today and explained them to the Board as to what they were looking at in the photos. A hay stack and a road were pointed out and explained as never being there before the Hanson's purchased the property. They took a hillside and flattened it and now the fence goes on the inside of the fence post. They replaced 600 to 700-feet of fence.
Craig Hanson, some of Linda and Hal Hanson's fence line has always been there. What they are talking about here with the fence line being changed, we put panels up next to it in order to have our cattle there. The stack yard was flattened out and there are panels now to keep their horses from eating our. The fence has always been there and it was when we purchased the property. The Parringtons purchased their property with the fence line as it is as well. This is not an issue of Hansons changing anything. It's been an issue of whoever changed it before we purchased the land. The fence now along the other part of the ranch is cedar posts and really permanent. We did not change 700-feet of fence. I would like it noted in the record that his statement is an outright lie.
Commissioner McCown clarified that since this is informational gathering and I made the motion, he would shed light on this issue. When I placed the statement or the boiler plate in my motion that the testimony of the applicant and the attorney be considered as conditions of approval, I did in fact clearly have in mind the fence dispute. There's no doubt that I had this in mind because the question was raised as to whether it was an appropriate condition of approval as John Savage argues it wasn't. Anytime you're involving a land action that's against neighbors and it affects neighbors I think it is appropriate and maybe I should have been very specific and said Condition No. 14 would be that the fence line dispute be cleared up. I don't know the best way to resolve this problem. It's one of those historical conditions that exists all over Garfield County where the fence was build in the easiest position and if it was down through the gulley then it was built upon the level and until a land use action occurred and it was just two neighbors sharing the same fence, it never came up. But this has come up now and it needs to be resolved and so I stand behind my motion that whatever action needs to happen to get it resolved, I don't care who initiates a quiet title or whatever, I don't think this land action should go forward until that dispute is settled because it would conceivable, even though there is a survey present, it could be conceivable be miss-presented to owners that their property stops at the fence line and it goes beyond that.
Commissioner Houpt wasn't at that meeting and was waiting for Commissioner McCown to let the Board know what his intent of that motion was and it's consistent with the staff's recollection as well.
Commissioner McCown – I'm willing to grant whatever time extension that the applicant may need to rectify this problem, but it does need to come to some resolve.
Linda Hanson – one of the other parties and for the record stated the reason they did not file a quiet title suit within the last year is we understood from that hearing that they were going to work with us to straighten it out. It's historic for 40-50-years and we both bought our places that way and now that we know there is a problem it behooves us to work this out while there is only two parties. That's the only reason we didn't file, it's costly, it's time consuming and it makes it harder for their process to go through. We remain committed to try to work it out, we've tried for a year and nothing has happened.
Commissioner McCown commented on the time it may take if a quiet title action is the necessary method to use in this situation and asked about the time extension needed.
John Savage – estimated it could take as much as 6-months. If it comes to a quiet title action it will not be completed in 6-months, but in that time they could report to the Board on the progress of this exemption. A quiet title action could take a long time especially with the budget cuts and courts today.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue the approval of the plat for the Parrington Subdivision until the first meeting in February 2004. Discussion: Fred Jarman noted that February 2, 2004 would be the first meeting date. Commissioner McCown amended his motion to include February 2, 2004 as the date certain. Motion carried.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

JULY 14, 2003
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 14, 2003 with Commissioners Tresi Houpt 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. Chairman John Martin was absent attending a convention in Milwaukee.

CALL TO ORDER

Chairman Pro-tem Houpt called the meeting to order at 8:00 A.M.

COUNTY MANAGER UPDATE – ED GREEN

Consent Agenda Item – CR 214 – Fiber Optic Issue

Marvin Stephens and Lee Stevens from Sturgeon Electric were present. This is a new fiber optic issue will be going in County Road 214 in Peach Valley going east 2600 feet along the road right-of-way. If they can't drill it, then permission is normally given to cut the road right along the edge. This is similar to the issue last week.

Commissioner Houpt is interested in expanding the shoulders of County Roads in the future for trails and other access. Marvin assured her that this type of utility would not affect any widening of the surface of the road.

a. Agenda –Formalization of the New Process

Ed submitted a memo from Chairman John Martin regarding the timely submittals of agenda information in order for the Board to have 3 ½ days to review. This would allow time for the Commissioners to review and request additional information. Ed said they anticipate this being in effect on August 4, 2003. A discussion and training session will be held on Thursday afternoon July 24, 2003 at noon.

b. Update of the Fires in Garfield County

Dale Hancock submitted a report that the fire in western Garfield County near Brush Creek has burned 4500 acres and it is only 35% contained. The total cost thus far is at $913,000. An investigation is underway. The possibility exists that someone was burning brush when the fire started.

c. Garfield County Courthouse Carpet Replacement – Richard Alary

Richard Alary and Tim Arnett presented the carpet replacement to include the first floor for the County Court, Court Clerks Office, and First Appearance Room; second floor for the Clerk and Recorder and the Treasurers old office; and third floor for the Building & Planning old offices, District Attorney, and Drug Evaluation in an amount of $67,504.72. This has been ongoing process for three years. Work Release and Work Enders will move the furniture. The fourth floor will be re-carpeted next year. The recommended award was to Abby Carpet who was the lowest bidder.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the contract to Abby Carpet for the various offices as outlined by staff in an amount of $67,504.72; motion carried.

d. ASMI Professional Service Contract – Brian Condie

Brian Condie and Carolyn Dahlgren were present. This is a sole source provider and the one the County has used for several years. Brian Condie requested that the Board authorize the Contract Navigational Aid Maintenance Service to ASMI who is the sole source provider. This year's fee of $27,720 represents a 10% increase from the previous three years of $1,050 and will be $210 for the remainder of this year. The amount requested today for approval is $11,550.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the renewable contract to ASMI for navigational aid maintenance
services in the amount of $11,550 for the remainder of this 2003 fiscal year. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

Authority to Forward Proposed Resolution Adopting a Comprehensive Policy for Use of County Roads to CDOT – DRAFT NO. 3

Don explained that this is the 3rd and last draft of the new regulations for permitting use of County Roads. By Statute once this is in semi-final form, we are required to send it to CDOT for their review, get the comments back from CDOT and this has to occur at least 30-days before a public hearing would be held where the Board could consider adopting the regulations. There are several additions suggested such as

table of contents for easier use, previous Resolution did not have this kind of detail. Section Four was left blank and Don plans to provide the Board for review changes to the Access Permitting Regulations and it would put all the County's regulations in one place. There are two other things that is not included and will need to be addressed before public hearing: one is road construction standards, which are now 30 years old; and two, a number of maps that have to be adopted as official documents, weight restrictions, designated haul routes that are interval to enforcing this Code, and as we move toward the public hearing we will need Rob and Marvin will need to work on this as well.

Commissioner Houpt reviewed the contents of the Resolution for adopting a comprehensive policy for use of County Roads including overweight, oversized vehicles, temporary closures of County roads, use of County roads for special events, and use of County roads for other extraordinary purposes and appealing all provisions of Resolution No. 98-77 and previous Resolutions that conflict with the provisions set forth herein.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the County Attorney to send this 3rd draft to CDOT as requested; motion carried.

Discussion

Jesse added that all the ratings of the roads is needed in order to be in compliance with GASBY and should have it by the end of this summer as to what each road is grade is and a decision by the Board as to what level of maintenance they want to maintain on roads. If a road is graded as X, Y or Z and the Board wants to maintain it at 70%, then this type of decision is needed for compliance.

Don added that one for the main functions the Board will have to undertake in adopting maps a County primary and secondary road map. On an annual basis the Highway User Trust Fund but this is not the same document being discussed here. This is a separate Statute that requires designation of county primary and secondary roads and as part of that when you designate County primary roads it fits in with what Jesse is talking about. Construction standards are in the Statute for county primary roads that in the words of the Statute are proximate state standards of roads of the same use.

Jesse received a preliminary report from Rob but it didn't include a cost per mile to construct the road. We actually have to value the cost of actually constructing the road, then the cost of maintenance and the level that the road will be maintained. The roads will not be depreciated, we will maintain them. The new Controller attended the GASBY training in order to be prepared for this undertaking.

Alternation for use of the Parking Lot

Don reviewed the IGA on the parking lot stating the City requested a change on the 2nd page of the IGA, the original draft included 14 spaces at the corner of Defiance and 8th Street as well as 7 spaces in the parking lots behind the Detention Center. This was supposed to be 7 and 7 parking spaces and 3 spaces for Social Services at the Pitkin and 8th Street. This was confirmed to be correct. Don requested authorization for the Chair Pro-tem to sign the IGA with this modification and forward it to the City for their review. The agreement is still in place on the maintenance issue.

Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

Contents 2003 to the County Development of the Midland Avenue and Four Mile Road

Don received a letter dated July 10, 2003 from the City to the Board regarding development of the Midland Avenue and Four Mile road intersection. The letter states the City has not received a deed to property they we acquired on the City's behalf. In reviewed the files on this matter, Jim Leuthueser worked on this acquisition and it was a complicated and lengthy process because of a number of property owners involved. This was consummated and sent a letter on July 17, 2001 to former City Attorney Teresa Williams indicating that it says Garfield County is now in a position to provide the City with right of way as per the IGA. The City did not respond since July of 2001. Therefore a deed was not sent. The City didn't respond and it wasn't clear if they wanted a quit claim deed, a warranty deed and when they wanted it. Indeed there was a point and time when the City didn't want the property until they were ready to proceed with development of the intersection.

Don will sent a letter with a copy of the letter to Karl Hanlon and the City Council stating the County has not received any additional communication and when the City notifies the County as to what type of deed and when they want the deed for the right of way, it will be given them.

Commissioner McCown noted this is a complete shift of responsibility to us and the school district absolving them of any basic responsibility.

Commissioner Houpt regarding the school drainage issue and the school district, it was her understanding that the school district's concern was with how the City had engineered the drainage that ultimately goes to the bottom of the Four Mile and her understanding is they had two pipes going off in the direction of the

school district property and it didn't feel like a very complete plan for channeling the runoff. In discussions over the past several months about County staff and City staff working jointly on making sure that the engineering plans for taking care of the drainage interface well together as the City designs their roundabout and as the County designs a method for handling the drainage coming off of Four Mile, it was an assumption that the City was well aware of their responsibility in helping create the best possible drainage system when it to their roundabout. How follow does the County follow the water that we're responsible for from Four Mile? Is it to Three Mile Creek, their need deeded property once it's deeded? Don guarded his comments due to the result for potential liability on this drainage issue, but as a general proposition we are required to deal with the County's alteration of historical drainage flows. Over time there is no question that the roadway has somewhat altered historical flows but when the City annexed the intersection, it became a City street and with all City streets they are responsible for dealing with drainage. There is still liability of the joining property owners including the school district. The City needs to be involved otherwise how they can design a City street if they're not involved with the designing of the drainage.

Commissioner McCown – this is all we've asked since day one was while you're designing your roundabout or whatever, let the County get the proper size pipe underneath there to handle the water that's coming off Four Mile.

Commissioner Houpt – the school district wasn't questioning who was taking care of the water as it came it, it was just concerned how it was piped out onto their property once it hit the roundabout. There is some confusion in the July 10th letter from the City about who needs to be involved in the discussion and would like to see the City, County and school district back into those discussions for a comfort level once the drainage system is designed.

Ed – Mike Copp has requested a meeting on Friday at the site with the engineering staff and he will attend.

The Board directed Ed to call Mike Copp to see if he invited the school district to the meeting on Friday.

Don was asked to write the letter addressing the narrow issue of deeding. This will be further discussed in Executive Session.

Executive Session – Current Litigation Update – Legal Advice on Land Use Issues, Drainage Issue at Midland and Four Mile, Legal advice for the necessity of retaining an advisor for Building Code Board of Review and advice on Liquor Code Enforcement

At the request of Commissioner Houpt, Don invited Doug Dennison and Mark Bean to participate in the Executive Session regarding legal advice on land use issues.

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

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

A motion was made to authorize authority to hire Judge Carter on the Board of Review issue. Commissioner McCown so moved; Commissioner Houpt seconded; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – RFTA meeting on the 16th in the morning. Tuesday, July 8, met with Pitkin County Commissioners – very informative; Budget Work Session on Thursday July 11, 2003.

Commissioner McCown – Nothing scheduled for this week.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - none
c. Intro-fund Transfers - none
d. Changes to Prior Warrant List - none
e. Road and Bridge Trench – Marvin Stephens

Mildred informed the Board there were no wire transfer, intro-fund transfers nor changes to prior warrant list. The only items for consideration were a and e.

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

PUBLIC HEARINGS

THIRD SUPPLEMENTAL TO THE 2003 BUDGET AND THIRD SUPPLEMENTAL TO THE APPROPRIATIONS – JESSE SMITH

Jesse Smith and Carolyn Dahlgren were present.

Jesse submitted the proof of publication for the record and explained Exhibit A was noting changes in salary. A Resolution and Supplemental information were submitted for the Board's signature. Carolyn advised the Board they were entitled to proceed.

Chairman Pro-tem swore in Jesse Smith.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Co-Chairman to sign the Resolution regarding Third Supplement to the 2003 Budget and Third Supplemental to the appropriations; motion carried.

Financial Report – Sales Tax – Jesse stated the sales tax report is two months in arrears. It starts picking up in May. For budget purposes, Jesse is figuring 5.5% for the sales tax revenue.

The terrorist attack on 9-11 killed tourism and for the most part the tourists are from in-state Colorado. They spent time in the hotels, fish, and raft but not to purchase tee shirts and mugs.

This is not unique just to this area. Fear is still gripping tourists nationwide.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Citizens Complaint regarding the Shame of County Road 100 - Blue and Hughes Properties – Missouri Heights

Lee Leavenworth appearing as a citizen member, property owner in Missouri Heights and a representative of his Homeowners Association in Kings Row. John Lauck a property owner from Lions Ridge and represents that Association; Rebecca Donaldson and Barbara McElnea property owners on County Road 100 were present. The group was before the Board to talk about what they call "the Shame of County Road 100" and specifically the Hughes and Blue properties. Photographs were submitted. The history of this situation relates back to an effort made because of the expanding nature of the Hughes junk yard. Mark wrote a letter to them in 1987 advising Mr. Hughes that it appeared his was expanding his non-conforming use by bringing more and more junk onto the property telling him he was limited to the amount of material and acreage that was in use at the time zoning was enacted in 1970. Lee and Mark dealt with Mr. Hughes and Lee entered into an agreement with him in which he made certain promises and which he has never kept. The big problem is that the situation has become worse and worse. When Mrs. Hughes died the son moved into the log home just to the north of what was then the junk yard and has now created that property as a junk yard as well. Photos submitted show this as well. Lee said they believe also that there are selling top soil off the upper property and he knows they are doing commercial operations at the bottom as well. The situation is intolerable. We believe it presents a wildfire threat as well a health issue. There is so much junk there just has to be a health issue. The property across the street is owned by Mr. Blue, it is a residential lot and assessed residential and it is just covered with junk. There's an old boat, an old jeep, junk everywhere and it is immediately adjacent to the road. Back in 1987, Lee pointed out to the County and has copies of the cases that are right on point that make it clear that you cannot expand in size or intent the scope of a non-conforming use. Today, this group is here to request the County take some action regarding this situation. It is completely out of control. Back in 2001 Lee had several conversations with Steve Hackett about the Blue property and it became clear that the County did not have on its books any type of Ordinance or Regulation that it could use to try and abate blight. There was a draft of an Ordinance that was written and it seemed to die; Lee said since the County is in the process of revising some of their Codes, they would like to Board to consider inclusion of this Blight Ordinance as part of your code adoption so that situations like this can be remedied. On the Blue property this is on a residential lot and it is zoned and assessed as residential; it was subdivision exemption lot that was split off and if you look at the type of stuff in the photographs, it has noting to do with ranching, agricultural, farming and knowing the County has been sensitive to not wanting to stifle or hurt the ability of ranchers and farmers to operate historically the way they have and we're not here to ask the Board to do that, but it's very clear to this group that the situation on the Blue property has noting to do with a ranching or farming operations. Lee added they could have packed the room with concerned citizens over this situation but didn't feel the need to do that unless the Board thinks that is necessary.

Commissioner Houpt – the photos speak more words. The timing is good and we are working on our rewrite.

John Lanck – Representing the Lions Ridge Homeowners Association and we have the property just east of the Hughes property and all but about one of the homes looking from the front doors looks at this junkyard. Most of the people except for two of the homes have to drive out their driveway and drive down the grade as the land form goes up from the start of our terrace so that the prospective from some of the pictures show that off the road from our subdivision. That perspective every time they leave their house they are looking at the junkyard. He has owned his property for 10 years and has seen an increase in volumes of things in the area in which he has encompassed in that 10 years has not shrunk. It appears as thought it has grown. There's new rocks, new soil, new earthmoving equipment that is doing something but nothing is being done to reduce the volume and the blight. We have the views looking down to the west at Mount Sopris and Carbondale that we can direct ourselves away from the junkyard but it a considerable blight and impacts us all in a negative way. All the homeowners are trying to clean up our properties with the potential fire hazard that we're all dealing with and here is a major source of potential fire and volatile fluids, batteries, etc. that could create a tremendous health hazard it this were to be set on fire. John said he couldn't understand how the Carbondale Fire Department or the County could even fight a fire that might occur on this property. Their axis would be blocked because of it's proximity to County Road 100 and essentially the fire fighting techniques make me wonder if they wouldn't let it burn. That means that probably most of our homes would burn with it due to the direction of the wind from that area as well as all the gases and fumes that would be result of a fire that would engulf the junkyard. There's another consideration and have been before the County in the past regarding the safety aspects on County Road 100. As the Missouri Heights growth continues, to pass that location and to have the distraction of the junkyard with trucks moving in and out and vehicles in that configuration with a severe grade change and a severe road alignment at the curve at the corner of their property, the County put guard rail because the County felt it was unsafe as far as the road alignment. As that traffic increases we not only have the health hazard from the junkyard but now we have an unsafe road condition on County Road 100. This needs some attention and hopefully we can get some positive action.

Barbara McElnea, a property owner on Missouri Heights, CR 100 for 20 years and it is visible obvious that the junkyard has probably doubled and the doubling occurred after Mr. Hughes agreed to limit his operation. This has become intolerable and hopes the Board will find some action to take.

Rebecca Donaldson, live in Los Pionisis a subdivision above the junkyard to the left. The junkyard affects property values when someone is trying to sell a lot and prospective buyers come through and responsible how terrible it must be to live with a junkyard and it's not conducive to selling property. As well, the sharp turn with poor visibility and never knowing what equipment may be coming out of this property makes it very dangerous. The County should think about what should be done with the road as well as the junkyard.

Commissioner Houpt – we will share this information with staff and look into it and will have this discussion when we're going through the re-write of our Code, which has started.

REQUEST TO CONSIDER A SPECIAL USE PERMIT TO ALLOW FOR THE INSTALLATION OF A PEDESTRIAN BRIDGE OVER AN APPROVED TREATMENT WATER POND AND ASSOCIATED SUCTION TOWER, AND MOTOR CONTROL BUILDING AT THE HUNTER MESA EAVAPORATION PIT. LOCATION: HUNTER MESA AREA APPROXIMATELY 1 MILE SOUTH OF CR 322 AND 1 MILE EAST OF CR 319, RIFLE. APPLICANT: BENZEL LIVESTOCK COMPANY/ENCANA OIL AND GAS (USA).

Tamara Pregl, Catalina Cruz, Carolyn Dahlgren, David Grisso with EnCana Oil and Gas, and Jim Plessey with Coyer Air and Compliance Services were present.

Catalina Cruz reviewed the regulations for noticing and the submittals from the applicant. She determined that posting was on CR 319, the notices contained two posting without dates therefore the County Attorney was unable to tell when it was mailed and received, and two notices were not picked up. Catalina noted others were received June 19 and beyond. One notice held by a citizen in the audience was stamped June 18th. The proof of publication was adequate. The Commissioners discussed this and accepted the notices as adequate. Chairman Pro-tem Houpt swore in the speakers.

The following Exhibits were submitted: Exhibit A – Returned Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Garfield County Comprehensive Plan of 2000 as amended; Exhibit E – Project Report and Staff Comments; Exhibit F – Applications with Attachments; Exhibit G –Resolution No. 2003-02; Exhibit H – Staff Report dated January 6, 2003, with associated exhibits; Exhibit I – Letter from Garfield County Road and Bridge Department dated June 24, 2003; Exhibit J – Letter from Doug Dennison, Oil and Gas Auditor, dated June

30, 2003; and Exhibit K – Photographs of the tanks, the evaporation pond, the high salinity pond, and the treatment pond.
Chairman Pro-tem Houpt entered Exhibits A - K into the record.
Tamara - This is a request for approval of a Special Use Permit to amend the SUP granted pursuant to Resolution No. 2003-02 to allow for the addition of a Motor Control Center ("MMC") building, a treated water pond bridge and associated Suction Control Tower at the Hunter Mesa Evaporation/Recycling Facility (Facility) for the property owner Benzel Livestock Company, John Benzel representatives EnCana Oil and Gas USA, Inc. The subject property is located in the Hunter Mesa area approximately 1 mile south of CR 322 and 1 mile east of CR 319 in the A/R/RD zone density. The tower and pedestrian access bridge have been designed to enhance the facility operations and to make maintenance activities safer and easier for the facility personnel. The Bridge will be approximately 30-feet high and 120-feet long from the edge of the pond. Tamara submitted Exhibit L - a view of the site and where the applicant is proposing to locate the Motor Control Tower. Commissioner Houpt submitted Exhibit L into the record.
Recommendation: Staff recommends Approval of the three structures 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 conditions of approval outlined in Resolution No. 2003-02 shall be adhered to and complied with prior to the issuances of the actual Special Use Permit. The Planning Department shall be notified upon completion of the conditions outlined in Resolution No. 2003-02 in order to determine if the actual Special Use Permit can be issued.

Tamara suggested one modification to Number 2 is that the first sentence read "the conditions of approval outlined in Resolution No. 2003-02 shall be adhered to and complied with prior to the issuance of this Special Use Permit" so that they comply with all the conditions of the previous approval. One note to include is that in Condition No. 9a in the original resolution, dealing with the color of the tanks, and recommended that all the structures were the color beige to blend into the surrounding terrain.
Commissioner Houpt – Exhibit L was further described as a photograph of the view of the facility east off County Road 319.
David Grisso – the reason they asked for this was after reviewing the engineering it was decided that the motor controls would be better off in a controlled environment in a controlled building and was omitted from the first application. Then they changed the type of pump they are using in the pond, instead of a surface pump that sits on the ground and sucks out of the pit, they actually decided to place one in the pit like a large irrigation system and therefore the request for the changes. The pump sits on the tower, it's a steel tower and will support the weight of the pump and then through the center of the tower will be preformed senate cylinders that allow the water to flow in and out allowing stability. The bridge will allow maintenance access. It is 120 feet out into the pond. The electrical controls in the line coming back will run underneath the bridge. This will provide more efficiency and less power usage.
Harold Shaffer CR 319 on Hunter Mesa – received notice on the tower and his first question was how big it was going to be because no public notices were ever sent out to build the compressor and water treatment center of EnCana. He submitted photos that illustrated an aerial view.
We have our public approval system backwards and questioned why this is needed. The site is less than 25-acres and the site is located by the Shaffer property and they have been left the out of all the considerations in all proceedings. David Grisso has been contracted and has been very pleasant to work with. The EnCana Corporation has totally ignored his requests to discuss the compressor site. Photograph No. 2 is an aerial shot looking NW over Hunter Mesa and you can see how the Benzel property fits into how this facility was built. The compressor is a permanent site. All pipelines and water pipes to the compressor site come across his land. This site could be here for 30 to 50 years. Why would they crowd a facility in the corner when the impact will be more on the Shaffer property than the property owner, Benzel that gave them permission. This is on Grass Mesa and the compressor site was constructed without any public notice. The Shaffer property is very valuable to the County, the same as Grass Mesa and Hunter Mesa. He illustrated in one of the photos what a compressor site should look like. The noise is not a problem in relation to where he and his wife have their residence. They can hear it but the issue is that they own property next to where the compressor site is located and this is his argument. It impacts his property greatly. Due to the projected length of time this compressor could be in operation, 30 to 50-years is the main concern. The photos show a view of a mile to a mile and a half. Harold asked that the Board to deny anymore approvals until EnCana comes to him and negotiates the impact on his property. The dust blows onto this property from this site. The photographs show the well pads as well. EnCana doesn't have the right to destroy the property surface

right for the next 30, 40, 50-years. It's time for the County to inform these oil and gas companies of the right way to do business with the property owners. He asked for the Board's support. The original compressors were represented as the ones on the Grass Mesa. The Shaffer family has given easements for power and was told they would build a building and put fans on it. To date he does not have a good faith effort by EnCana to address this issue with him. Why Benzel agreed to the compressor site and then allowed it to be build next to Shaffer's property he did not know.
On January 6, 2003 at the EnCana's request for the Evaporation Pit, the Shaffers were on the list of adjoining property owners and should have received notice.
Commissioner McCown knew that the Shaffers were adjoining property owners but the absence of Harold was taken as not being opposed to the proposal. He also informed Harold that the compressor is not subject to review by the County and there was not public hearing.
Mr. Shaffer stated that EnCana knows they are doing wrong to him. Benzel does not have buildings on their property. He needs intervention from the County.
Commissioner Houpt – the difficulty with the whole process is that some of the facilities fall under the County's jurisdiction and others do not. The compressor station does not fall under the County and that's why there wasn't a public hearing. It falls under the State's jurisdiction. But it's been part of the conversation that everybody's been having with all of the industry in Garfield County since she took office. That's the idea of recognizing that the State has jurisdiction over certain things but there's also a responsibility from the industry to serve as good neighbors and recognizing they are impacting people's lives. Communication has improved compared to what it was in the past and we hope it will continue.
David Grisso and Mr. Shaffer have discussed these issues but an agreement has not been reached to the level that Mr. Shaffer expects. However, David expressed a continuing effort to negotiate with Harold.
Mr. Shaffer stated the problem isn't with David Grisso; it's with the top officials. The Shaffer family is a very important part of the entire success of the EnCana Oil and Gas Corporation today as their property is producing about 50% of the Hunter Mesa gas. Without protection from his government and the position of the Compressor site knowing the impact on his property is hard to tolerate. Why Benzels allowed this is unknown. The biggest complaint is the attitude of EnCana. If he can't move it, then he wants monetary compensation. He wants the Board stand up to EnCana and tell them they are not going to allow treatment of property in Garfield County nor treatment to their citizens like this and hold off on approval of this and any other proposals until negotiations are complete with Mr. Shaffer. It's time for these oil and gas companies to stop mistreating property owners.
Commissioner Houpt agreed with his concern and any time any company is going to build something this big they should come to the table with the people who will be impacted and it's the message EnCana's been receiving. It is critical to everybody's success in this county. That message has been sent every time there is an oil and gas forum, it's been communicated in round table discussions with the State and the industry has been stated to the State that people want to be treated with respect whether they own the mineral and the surface or just the surface rights. They want to retain their quality of life; they want to know that people coming on their property will respect them and the fact that they are neighbors to whatever is going on. However, the request today makes sense for what they are building and would like to make sure they are at the table and she was not sure what Harold was requesting was the right way to make sure this happens. We need something long term and not just negotiate fairly in this instance but for everyone.
David Grisso responded that the site was assigned with the people EnCana purchased the property from. The process now for a compressor site and a water treatment facility is, whether it's a special use permit or not. (i.e. the Puma site where everyone around it was contacted) The water treatment facility and would like Mildred to check that list of property owners because they used the same list for this proposal. The process is in place now and we talk to everyone in the surrounding area.
Harold Shaffer stated that oil and gas companies know the kind of gas exploration that we have in Garfield County and will have without compression. Oil and gas companies know this and the more inherent knowledge they know is almost criminal. In talking to individuals at EnCana, they acknowledge they know that this is wrong, but he still is not able to rectify the error. If they want to be a good corporate neighbor, then it has to be from the top head guy. This is an opportunity to send a message to EnCana from Garfield County. If something isn't done to assist the citizens, then the Commissioner Meeting room will need to be three to four sizes larger than it is now.
Commissioner Houpt – this comes down to an issue that came up at the first of the hearing and that's the whole noticing issue and having some people's who had letters sent to them but didn't receive them and as issue so concerning to neighbors, this is a huge consideration.

David Grisso defended the mailings noting that the Airport Land Partners typically doesn't pick up their notices and are returned unclaimed. Mr. Barton Porter had recently passed away but the family had received. There was a minor mistake in the mailings.
Harold Shaffer – didn't the notices only go to property owners within 200 feet?
Tamara Pregl – Yes.
Mark Bean – if they had property ownership within two hundred feet of the boundaries of the Benzel property.
Harold Shaffer – the Paradise party is 1 ¼ mile from that site, they are west of Road 300.
Roberta Shaffer asked if there was anyone present when the Commissioners approved this huge evaporation pit to talk about it.
Tamara clarified that several citizens that came to the meeting.
David Grisso - Two representatives from the Grand Valley Citizens Alliance and he wasn't aware if there were any landowners.
Roberta Shaffer stated that they were not noticed. She is the one that usually signs for the notices. This is a huge pit.
Photos – Exhibit M – N and O were submitted.
Chairman Pro-tem Houpt entered Exhibits M, N, and O, the photos submitted by Harold Shaffer into the record.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
Commissioner McCown - This is an awkward position and as a condition of approval the Board cannot make surface negotiation as a condition of approval, this goes beyond the scope of authority. This is a civil matter that the Board has talked about time and again and doesn't think we can as a County, legislate. The actual amendment to this Special Use Permit that EnCana is very small and very practical in the scope of their operation and there's nothing in this that's unreasonable. However the process of negotiation with Mr. Shaffer, who is one of the key landowners on Hunter Mesa, I don't agree with the tact they've taken.
Commissioner Houpt agreed that the County has not taken the position and does not have a lot of latitude on surface negotiations, but we do in terms of service and because this is such a unique industry and because the oil and gas industry does not fit under the majority of our land us regulations, when it does and when it comes to a public hearing, it is really important for the industry to make certain that everybody receives notice. We often accept notice that isn't quite complete and wondering if that's something that we should have been doing with this or not. There's has to be a way of making sure that the industry is coming to the table and didn't know if this could be accomplished with a specific special use permit that will probably be advantageous to this project. It's a dilemma. For the County's Special Use Permit the process of a public hearing portion is very important and that is the component that allows the public to be involved in this process. If we were going to take this in a position to help influence the oil and gas to help in communicating surface/mineral owners, that's all we have control over with the things that fall in our land use purview is how that process is followed.
Commissioner McCown – Mr. Shaffer is talking about the very thing that we hear citizens complain about well locations. The individual that has the mineral rights and the surface ownership as well decides to place a well in the far corner of his property; however, it is right next to another individual. This is done commonly, that's how they do business but Mr. Benzel negotiated the contract and Harold said he wasn't sure why he did it, but there's a price attached to everything and he chose to put it in the most remote corner of his parcel to do the least damage to his place because he's the one that negotiated the contract. As far as the notice on the original January 6th hearing on this, he noted that Mr. Shaffer wasn't here and knew very well that he was an adjacent landowner but thought he had no problem with the development. There wasn't an issue on noticing at that January 6th hearing. How to get the message to the industry is unknown. He doesn't want EnCana to negotiate a huge settlement with Mr. Shaffer, but does believe in fairness.
A motion was made by Commissioner McCown to approve the Special Use Permit for the addition of the motor control center, the treated water bridge and the suction control tower at the evaporation facility with the conditions of staff with a change to Number 2 to read that "Resolution 2003-02 shall be adhered to and complied with prior to the issuance of this Special Use Permit," changing the word "the" to "this" and including the rest of that paragraph.
Commissioner Houpt seconded the motion for discussion. The County's in a very difficult position because every other industry in our jurisdiction is required to follow pretty stringent land use policies and they are there for the reason to protect residents of the County. When we are able to have the oil and gas industry

come forward to work with the County on their plans the Board wants to know that all property owners that will be impacted is able to work with this industry as well. This discussion is very difficult because there are other land uses that fall under the Board's purview that are in dispute right now in terms of who actually has jurisdiction over those decisions and excluding David, who's been at all the meetings and worked very diligently with people but she is not convinced that EnCana is that willing to work with us on the local level. When making a statement about she would like to see relationships developed and corporate decisions made that impact residents in this County, she wants it to a statement that makes sense and this makes sense for Mr. and Mrs. Shaffer but because it's already a Special Use Permit that was put in place, the facility is there and what you're suggesting will create a better process, and doesn't see it as a time to do it, but she is looking for this time and wants to see the industry work with the residents in this County. It's an industry that will be here for a long time, there's a natural resource that needs to be tapped. But it needs to be done in a way that won't impact people for the rest of their lives. Vote on the motion: Houpt - aye, McCown – aye.

PUBLIC MEETINGS:

REQUEST TO CONSIDER AN EXEMPTION TO THE DEFINITION OF SUBDIVISION TO SUBDIVIDE APPROXIMATELY 239 ACRES OF LAND INTO THREE PARCELS CONSISTING OF APPROXIMATELY 2 ACRES, 25 ACRES AND 211 ACRES. LOCATION: 2 MILES EAST OF RIFLE ON HIGHWAY 6 & 24. APPLICANT: RADIMO LTD/JOHN MCBRIDE – TAMARA PREGL

Tamara Pregl, Tim Thulson, Scott Balcomb and Catalina Cruz were present.

Mark clarified that this is a public meeting requiring public notice.

Tim Thulson noted an issue that came in to them late last week and they would like to address this with the County Attorney and requested a continuance of at least two weeks.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until August 4 at 1:15 p.m. Motion carried.

REQUEST TO CONSIDER FOR RANCH AT COULTER CREEK SUBDIVISON TO RETAIN A CONSULTANT TO REVIEW THE ADEQUACY OF THE PHYSICAL WATER SUPPLY FOR THE SUBDIVISION. APPLICANT: SNOWMASS LAND COMPANY – TAMARA PREGL

Tamara Pregl and the representative from Snowmass Land Company Tim Malloy were present.

On June 2, 2003, the Commissioners granted Preliminary Plan approval to the Ranch at Coulter Creek Subdivision, subject to a number of conditions. One specific condition, the subject of the memorandum and today's public meeting, deals with the physical water supply for the Subdivision. Condition No. 17 reads: *The Board of County Commissioners accepts the recommendation of the State Engineer's Office detailed in the May 29, 2003, letter of Kenneth Know. Prior to Final Plat approval, the Applicant shall provide the County with a copy of a final Water Court Decree for the plan for augmentation for the Subdivision as stated in the letter dated May 29, 2003 from the office of the State Engineer. Prior to recording of the Final Plat, the Applicant shall provide the County with copies of approved well permits for each well, which is to be part of the water supply system. In the event that the Applicant intends to drill additional well, or different wells than those which have already been pump tested and found to provide an adequate water supply by the Zancanella and Associates' report now in the record, then, as part of the Final Plat approval process, the Applicant shall provide test results, which demonstrate, to either the office of the State Engineer or to a private consultant retained by the County at the expense of the Applicant that such additional or different wells will provide an adequate physical supply of water to the Subdivision. The applicant agrees to pay for the services of a private consultant to the Board of County Commissioners to review the Zancanella and Associates' report regarding already drilled wells should the State Engineer not clarify its lack of comments on the physical adequacy of the water supply in the May 29, 2003 letter.*

In accordance with this Condition of Approval, the Applicant, TG Malloy Consulting, LLC. is formally requesting that the County retain a hydrologist or a qualified engineering consultant for the purpose of reviewing the report prepared by Zancanella and Associates in order to provide the County with an opinion as to the adequacy of the wells that have been drilled on the property and are proposed to serve as the physical water supply for the Subdivision. Staff understands that the applicant has been working with the State to provide clarification on their position on the water supply issue without any outcome.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to allow the Planning staff the authority to retain a consultant to review the Zancanella and Associates report to determine the adequacy of the physical water supply for the Ranch at Coulter Creek Subdivision; motion carried.

PUBLIC MEETING
REQUEST TO CONSIDER A SITE APPLICATION FOR THE ROCK GARDENS WASTEWATER TREATMENT FACILITY. APPLICANT: ROCK GARDENS MOBILE HOME PARK AND CAMPGROUND – FRED JARMAN

Fred Jarman stated that this application was withdrawn and the applicant has requested to set this for August 4, 3002 at 1:15 p.m. in order to further expand the information. Fred noted for the record that August 4 was the last day within the 60 day period.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

JULY 21, 2003
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 21**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

a. Agreement for Probation Services – Guy Meyer

Guy submitted the agreement between Garfield County and the State of Colorado and the Colorado Judicial District Probation Department to authorize all local Probation Departments in Colorado to enter into contracts with probation service providers for supplemental investigation and supervision services for lower-risk offenders. The terms of the agreement become effective July 1, 2003 and expire June 30, 2004. Guy explained that Troy Bascom is the staff that handles these services for Garfield County under his supervision.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the agreement for Probation Services; motion carried.

b. Health Pool Meeting

If there is a migration if two or more counties, the pool is dead. Mr. Chapman is exploring alternatives. If this is to occur they will be bidding other insurances. In August we will know more and Ed suggested exploring options for coverage.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Consideration of Renewal and Extension of Fire Ban

Don DeFord explained to the Board that the current fire ban expires July 30. Guy submitted the fuel fire levels stating they were currently at "5". Recommendation was made to the Board that the fire ban should remain in effect. The BLM fire ban was reviewed this morning by Guy. Their bans should take care of a lot of the pit fires. Discussion was held with whether of not to ban campfires. Guy indicated the weather report indicates that we will likely have another 10-days of extreme heat and no rain. This includes area above 7500-feet. The fire fuels are the lowest Guy has seen in years. This fire season is even more critical than last year.
Don noted for the record that another review of the fire ban should be scheduled for August at which time the Board would need to make a finding as to continue the fire ban or withdraw it.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to extend the Fire Ban with the changes through August 18th with the changes as discussed eliminating

Brush Mountain Fire – the Forest Service will be giving this back to the County today. It is pretty well contained at a cost of about $2.2 million. There is a potential of a Civil Suit being filed as it appears to be a result of burning trash after the Fire Ban was in place in the County.

b. Discussion regarding Native Springs Subdivision Improvement Agreement

Fred Jarman and Barb – Don stated they had reviewed. The developer has completed and the question of security, what if anything is warranted, accepting a one-year on the warranties which would be 10%. The Board didn't have a problem and action will be taken when the SIA is presented.

c. Executive Session: Litigation Update – Property - Pipelines

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

Roan Cliffs PUD

Direction to staff regarding private and public use parcel of property on the NW corner regarding a request by the adjacent developer on the use of a portion of the property for a drainage issue.
Commissioner McCown stated he favored leaving it where it is and direction to the applicant to redesign his property so it doesn't encroach on County Property as this is more time effective. Commissioner McCown – so moved; Commissioner Houpt seconded. Motion carried.

Workshop Pipelines

Mark Bean submitted a memorandum regarding Pipelines stating that staff reviewed the issue of pipelines and there are a variety of different approaches to the issue. The County does not have a definition of pipelines but the County has the 'use' allowed in some zone districts. In the early 1990's the Board of County Commissioners made an information decision to only require permits of gas companies for transmission lines. This was not codified and through the years the industry has taken the term gathering line to be defined in a manner differently that the Board originally intended. In reviewing the minutes, the Board wanted to have all lines that connected a number of well sites subject to Special Use Permit. Staff was not aware that the industry was using a different term for gathering lines than the staff would have used for the same purpose and the policy has always been that gathering lines are not subject to permitting. It has also been determined that there is no agency that regulates the lines from the "flow lines" to the "transmission lines."

Therefore, in an effort to find other examples of the definition of pipelines, staff researched other jurisdictions' land codes to see the guidelines. The result of this research was submitted to the Board. Staff submitted a suggested wording for Pipeline: Any Pipeline and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives, or liquids, that is ten-inches (10") in diameter or larger, which creates a hoop stress of twenty-percent (20%) or more at their specified minimum yield strength.

Additionally, staff notes that the term pipeline will need to be added to a number of zone districts, to ensure the facilities do not have to be permitted under a different term.

A Date and Time was set for **August 11, 2002 at 10:00 a.m**. for the Work Session regarding the Regulation of Material Handling – Pipelines, Oil and Gas, Transmission lines.

d. Discussion Re: Use of County Property – Direction to Staff

A letter from Carter and Sands, P.C. was received July 9, 2003 requested whether or not the Board of County Commissioners would entertain the signing of a petition to annex certain county roads into the Town of Parachute limits. It is also their intention to annex the property owned by the Colorado Department of Transportation and the Union Pacific Railroad.

The Petition for Annexation was submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear the Board of Equalization Petitioner's Protest regarding property tax on Tuesday, Wednesday, Friday and Monday, July 22 – July 28. Motion carried.

COMMISSIONER REPORT

Commissioner Houpt – 5:00 P.M. on Tuesday on the Historical Grant Committee with Jim Spehar. Rural Resort; Letter from Peggy Uteush – documentary on the drilling activity in this area and want to interview individuals on the issue. Those interested should call Peggy Uteush. Wednesday, August 30, 2003.

Commissioner McCown – Board of Equalization

Chairman Martin – Subcommittee for CCI – Friday. He asked for a staff representative to attend and represent the County. Attended the NACO conference in Milwaukee along with Randy Russell. Thanked the entire county for their cards, flowers, and support in the lost of his son-in-law.

Steve Hackett lost his step-daughter last week as well. County Fair – August 1 beginning - Cookie Jar on Friday, August 8th at 12:30 p.m.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - none
c. Inter-fund Transfers - none
d. Changes to Prior Warrant List - none
e. Approve a One-year Extension of the Clark Subdivision Preliminary Plan for John and Suzanne Clark – Mark Bean

The original approval will expire on September 9, 2003 if an extension is not approved prior to that date. Staff recommends that the Board approve a one-year extension for the approval of the Clark Subdivision to September 9, 2004.

f. Authorize the Chairman to Sign the Resolution of Approval for Capital Construction, LLC. Special Use Permit – Tamara Pregl
g. Sign the Resolution of Approval for a Special Use Permit and the Special Use Permit for Mike and Suzanne Henry – Mark Bean

h. Authorize the Chairman to Sign the Rhodes Subdivision Exemption Plat, Resolution and Right-of-Way Deed. Applicant if Richard and Karen Rhodes – Fred Jarman

As a condition of approval, the county road right of deed was necessary. This is depicted on the Rhodes Subdivision Exemption Plat as Parcel C and accurately described.
Jesse, Ed, Lynn Renick, the Board, Mildred, Don and Carolyn Dahlgren were to be present.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – h with the exclusion of b., c., and d; carried.
Executive Session – Social Services Audit - Legal Advice and Pending Audit of Social Services
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

REGULAR AGENDA - PUBLIC HEARINGS

SPECIAL EVENTS LIQUOR LICENSE "CARE" COLORADO ANIMAL RESCUE – MILDRED ALSDORF

Mildred submitted the public notice, Patty Lacy and Sharon Hallard member of the Board.
Chairman Martin swore in the speakers.
Mildred Alsdorf presented the information regarding the Special Events Liquor License request for Colorado Animal Rescue (CARE) stating it was a one-day event scheduled for
August 9 from 5:30 – 10:30 pm.
This is an annual and largest fundraiser event. Liquor will be served only from 5:30 p.m. to 6:30 p.m. A tour of the shelter is included in the fundraiser. They will make provisions if anyone over-indulges in alcohol and will make sure they have a ride home.
Lou Vallario, the Sheriff was notified by Mildred and he didn't have any problem with the issuance.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve a special events liquor license for "CARE" for August 9, 2003. Motion carried.

CONSIDER REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR FIREARM REPAIR. LOCATION: 7741 COUNTY ROAD 233, SILT. APPLICANT: KATHRYN MARAPESE – PROPERTY OWNER. BUSINESS OWNER – ERIC CHRISTAIN HONDERA (BLUE SKY GUNSMITHING) – TAMARA PREGL

Tamara Pregl, Carolyn Dahlgren, Eric Hondera and Kathryn Marapese 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. Chairman Martin swore in the speakers. Tamara submitted the following Exhibits: Exhibit A –Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Project Report and Staff Comments dated July 21, 2003; Exhibit F – Applications materials and Exhibit G – Letter of Opposition. Chairman Martin entered Exhibits A - G into the record.
This is a request for a review of a Conditional Use Permit to allow for a home occupation for firearm (gun) repair on a site approximately 7 acres in size with access from County Road 233 in Silt. The property owner has consented and submitted the application for Mr. Hondera. Before starting a firearm repair business, the business owner, by Federal law, is required to obtain the appropriate permits from the County and once approval is given then the applicant will be able to obtain the appropriate Federal Firearm License (FFL) from the ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives) Division. The proposal is to occupy approximately 200 sq. ft. of space within an attached 4-car garage. Storage of supplies and products associated with the home occupation, as well as all repairs will occur within this area. According to the Business Owner, a top of the line safe, located inside the garage, will serve to store firearms when not being repaired. An estimate of approximately five (5) customers per week will visit the site as well as small to medium sized packages will be delivered to the site twice per week by UPS or FedEx.
Recommendation: Staff recommends Approval, 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, including but not limited to:
    A. Hours: 10:00 a.m. to 7:00 p.m. – Tuesday, Thursday and Saturday;

B. The business will have a limit of one (1) employee;
C. There shall be no appearance of commercial activity on the site;
D. An 18" x 24" sign will be installed at the entrance to the driveway and shall comply with County sign code standards.

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. Any expansion of this use, the home occupation, shall require an amendment of the Conditional Use Permit.
4. The applicant shall comply with all Federal licensing for the operation of a firearm repair business on the subject property.

The applicant did not have any objections to the conditions.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt for discussion to approve the Conditional Use Permit for a Home occupation for a firearms repair at 7741 County Road 233 in Silt, for Eric Hondera (Blue Sky Gunsmithing. Discussion:
The points that were raised by neighbors were of having a firearms repair business in a residential and agrees with the neighbors that sales or repair should be a commercial district and could not support this.
Chairman Martin – all the concerns are addressed in the staff report and we do have the right to own and bear arms and with the guidelines set out by the Firearms Division and review by ATF. Vote: McCown - aye, Martin- aye; Houpt - nay

AUTHORIZE THE CHAIRMAN TO SIGN THE RESOLUTION OF APPROVAL AND PERMIT FOR THE MARAPESE CONDITIONAL USE PERMIT FOR HOME OCCUPATION – TAMARA PREGL

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution of approval and the Marapese Conditional Use Permit for a Home Occupation, (the Blue Sky Gunsmithing for Eric Christian Hodera).
McCown – aye; Martin – aye; Houpt - nay

CONSIDER A REQUEST FOR APPROVAL FOR A ZONE DISTRICT AMENDMENT FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY (A/R/RD) TO COMMERCIAL LIMITED (C/L). LOCATION: 0484 COUNTY ROAD 113, APPROXIMATELY ONE-HALF MILE FROM THE INTERSECTION OF HIGHWAY 82 AND COUNTY ROAD 113, GLENWOOD SPRINGS. APPLICANT: ALAN AND ROXANNE MORRIS – TAMARA PREGL

Tamara Pregl, Alan Morris, Carolyn Dahlgren, Davis Farrar, Western Slope, and Robert Emerson, Attorney for Alan Morris were present.
Carolyn reviewed the regulations for noticing and the submittals from the Davis Farrar. 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 –Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Project Report and Staff Comments dated July 21, 2003; Exhibit F – Applications materials; Exhibit G – Excerpt of the minutes of the June 11, 2003, Planning Commission meeting; and Exhibit H – Resolution No. 92-047. Chairman Martin entered Exhibits A - H into the record.
This is a request for a zone district amendment from agriculture/residential/rural density to commercial limited in order to allow for commercial development on the subject property.
The Zone Amendment request was heard by the Planning Commission on June 11, 2003. They forwarded a recommendation and also recommended approval to changes to the Comprehensive Plan in the area along CR 113 from the intersection with State Highway 82 along the south side of CR 113 to the subject property. Although these changes were approved at the June 11, 2003 Planning Commission Meeting, the Resolution approving these changes will be before them on August 13, 2003.
Since the Commercial/Limited Zone District extends up the western property line of the subject property, this zoning extends well beyond the boundaries of the "General Commercial" identified in the Study Area 1 of the Comprehensive Plan. The designation of the area is "Low-Density Residential" and the Planning Commission moved to change this designation to "General Commercial", along the south side of CR 113

up to and including the subject property, in order to encompass the commercial activity that has been taking place along the CR 113 corridor to the subject property.

The site in approximately 5.79 acres and is located approximately ½ mile east of the intersection of Highway 82 and CR 113. The applicant noted that the existing use of the property is salvage yards, welding metal fabrication, retail sales, scrap metal processing, and maintenance facility. The property is improved with a single-family residence and office and two large metal structures. One of those structures is a 3,200 sq. ft. shop and the other is a 2,400 sq. ft. warehouse. The western and southern boundaries border Cattle Creek.

The uses of the property are considered pre-existing non-conforming since the uses on the property existed prior to the establishment of zoning for the area by the County in the early 1970s. This history of this property goes back to 1967 when Interstate 70 was constructed through Glenwood Springs. At that time a junkyard of approximately 20 acres was located at the 6th Street Interchange, where Village Inn, Pancake House, Ramada Inn, and part of Two Rivers Park are currently located. The owner of the salvage yard moved approximately 500 salvage automobiles from the location to the subject property. From 1967 to 1974, the salvage yard operated on the site. From 1974 to present, the applicant purchased and processed 800 to 2000 vehicles per year for scrap metal and retailing of used vehicle parts. Additionally, the applicant processed up to 1,500 tons of other non-vehicle scrap metal per year. The applicant continued to operate a welding and repair business in conjunction with the vehicle and metal salvage/recycling operations. Metal and scrap materials from area ski lifts, coal mines, scrap from the construction I-70 through Glenwood Canyon, and scrap metal generated by repair businesses and fabricators throughout the valley were routinely processed on this site.

The Colorado Revised Statutes establish standards of review for rezoning and the primary standard used in whether the proposed rezoning is in compliance with the comprehensive plan. It so, then the proposed rezoning need only bear a reasonable relationship to the general welfare of the community. If the rezoning would be in conflict with the comprehensive plan, the applicant generally needs to show 1) that an error was made in establishing the current zoning, or 2) that there has been a change in the conditions of the neighborhood that supports the requested zone change.

Staff finds that the request for the rezoning is in conflict with the Comprehensive Plan. Staff believes the original zoning of the subject property was not done in error. Even if the property is rezoned to C/L, the salvage yard will continue to remain non-conforming. If the use is intended to be discontinued for a period of 6-months, it would be considered abandoned and future uses of the land would need to be in conformity with the provisions of the Zoning Resolution.

The salvage yard serves an important need for Garfield County – there are only two salvage operations in the County.

The justification for the proposed zone district amendment is that there has been a change in the conditions of the neighborhood that supports the requested zone change.

Staff finds that to rezone the subject property commercial is not incompatible with the uses in the area; however, it does not comply with the Comprehensive Plan.

Recommendation: Staff and the Planning Commission recommend Approval to the Garfield County Board of County Commissioners for a Zone Amendment for the subject property from A/R/RD to C/L.

A map was submitted on what the Planning Commission approved on the June 11, 2003 meeting as to the zone change. Capital Construction just received approval for their commercial operation at a recent Board of County Commissioner's meeting.

Commissioner Houpt inquired if this was for future commercial use. Yes.

Davis Farrar – some minor points of correction, Rudd property is west of the property and Capital Construction is east of this. Some aerial photos were submitted with the application and other areas showing the general character of the area. Their approach is to show the character of the area. The application strongly supports the basis for the use of the area. JY Ranch property is a non-conforming use but felt it was most appropriate to be consistent with the adjoining zoning. The Planning Commission discussed the application and the use of the area and recommended changing the zoning to be reflective of the uses in the area.

Mr. Morris stated he wants to preserve the grandfathered use of the property and why he supports the zoning is based on economics in the area. The salvage yard cannot support the property and other uses will need to be incorporated and are not allowed in a grandfathered operation.

Commissioner Houpt - about the new zoning that it would end at the Morris property. Yes.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner to Houpt to approve the zone district amendment for the property as described based on the change of conditions in the area. Chairman Martin stated this is the proper way to go about it to change the zoning so it will meet the Comprehensive Plan, it is an issue the neighborhood needed to talk about, it is something that is needed to have been done prior and hopefully this is a venue that everyone else will follow. Motion carried.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A PIPELINE. APPLICANT: ENCANA GATHERING SERVICES, USA – TAMARA PREGL

Carolyn Dahlgren, Randy Russell, Jimmy Smith- Consultant, Trevor Boris - Engineer, and Jeff Real of New Castle.
Jimmy Smith responded to the questions on notification and Carolyn determined the noticing requirements were in order and postings in four locations; and advised the Board was entitled to proceed.
Chairman Martin swore in the speakers. 1-6310
Exhibits A – Proof of Publication and Returned Receipts; Exhibit B – Staff Report; Mildred received the listing of exhibits and the letter from Rifle; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Resolution of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000 as amended; Exhibit F – Special Use Application from EnCana and all related submitted; Exhibit G – signed documents by BLM on the Environmental Assessment; Exhibit H – referral from Road and Bridge dated June 17, 2003; Exhibit I - Letter from Grand Valley Citizens Alliance dated July 1, 2003; Exhibit J Referral Letter from Doug Dennison; Exhibit K – Letter from Geological; Exhibit L – Letter from the City of Rifle; Exhibit N – Letter from the Garfield County Engineering Department; Exhibit 0 – Letter from Cordilleran; Exhibit P – Photos of the area; Exhibit Q – HP Geotechnical - diagram of rock fall constraints; Exhibit R – Referral from Steve Anthony; Exhibit S – additional letter from Rifle. Chairman Martin submitted Exhibits A – S into the record.
The applicant is applying for a SUP for a 24" diameter Pipeline that will transport natural gas. It would be installed beginning at the existing Pumba Compressor Station southeast of Rifle and Traverse BLM and private property 10.2 miles to a point west of Rifle adjacent to I-70 where it will connect with existing transmission facilities. This pipeline would serve Hunter and Grass Mesa areas south of Silt and Rifle. Exhibit T – Map of the area.
Randy gave the verbal report highlighting areas in the written report and staff recommendation: Staff recommends that the Board approve the application for a Special Use Permit 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.
2. The applicant shall enter into a weed control and reclamation plan incorporating the applicant's assurances with the County Vegetative Management office prior to approval by the Board of County Commissioners. The plan shall include a reporting and monitoring schedule.
3. The applicant shall assert that the reclamation and closure practices identified in the BLM Environmental Assessment shall be applied, where appropriate, to the entire corridor.
4. The applicant shall identify specific individuals responsible for traffic impacts monitoring, safety training, construction practices monitoring, and reclamation monitoring.
5. The applicant shall adequately address public safety issues relating to the existing pipeline.

Commissioner McCown asked about the permits that the engineering staff said were missing.
Randy did not and added that those were new. He called Jeff Nelson and Jeff stated the engineers had recently been to a work session to learn about them. They had been enforced in the state on the Front Range for a series of years but have within the last 2-years been in force in Western Colorado. It's not surprising that we didn't know; not surprising the applicant didn't know; the applicant was made aware of this at the Planning commission hearing and Randy is looking forward to finding out if this has been researched and there is a response for us.
Jimmy Smith – the 24" pipeline goes from the existing Compressor station to an existing facility in order to transmit approximately 70 million additional cubic feet of gas over and above what is currently being produced. The 24" pipeline allows that additional gas to flow down the line to the sales point whereas now it is currently restricted by the current line size. The pipeline was engineered and designed and approved by EnCana to carry not only that additional 70 million cubic feet, but also they have the capacity to carry up future oil and gas development in that area in order to prevent having to lay additional line. BLM alternate

routes were looked at, 2 additional routes were also looked at and the one selected gave us the best mitigated visual impact concerns, we avoided wetlands areas by doing it and both the other corridors both impacted vision and wetlands and creek crossings that would have been subversive to that kind of pipeline installation. On the private lands we did use existing pipeline corridors that have been used in the past and currently. The reason was to minimum the amount of additional impact to private lands in the installation of this 24" pipeline. EnCana has decided and agreed to bore I-70, the railroad, the river and up the south side of the hill rather than open cut for 2-reasons: 1) destructibility would be very hard but the 2) the main concern was the visual impact to the I-70 corridor and the residents that live nearby. This is very expensive process but with the new processes of boring it gave EnCana the opportunity to do this. In addressing the issues as far as condition, on the issue where the permits and the engineers concerns, we have built out one of the permits, the water discharge permit, and it includes not only the existing permit but also includes the plans associated with that and a detailed of how that will be monitored. This was submitted to the Commissioners - Exhibit U. The second permit mentioned in the engineers report, they have checked with Colorado EPA and that permit is not applicable to this type of job. The second Exhibit given was a written document specifying who was in charge of the activity such as traffic monitoring, safety training, instruction practices monitoring and reclamation monitoring – Exhibit V was admitted.
Commissioner McCown asked the maximum capacity.
Jimmy said this line could, under the correct circumstances, carry up to 1 billion cubic feet, and the pressure would depend upon several factors. They used 18,700 pound for testing purposes of pressure to establish the maximum operating pressure. It is currently operating at approximately 950 pounds of pressure.
Commissioner Houpt asked for an explanation publicly why with a 24" pipeline you need a larger area for the trench and what is the average width will be of disturbance.
Jimmy – On the BLM property, the right of way granted varies from 40-feet which is through environmental sensitive areas due to the plant and the visual method is to change the mode of installation in order to put the pipeline behind you and walk it forward, otherwise 40 feet is not enough. Across the remaining areas with BLM it's a 50-foot wide corridor which allows for the trench walls to be placed on one side of the trench, top soil recovered and preserve for reclamation and a travel corridor of 25-30 feet is all that is left to weld the pipe and use the equipment to put it in the trench. That is the absolute minimum. The 75 feet areas across BLM is due to heavy cedar trees and the wider area was granted by BLM in order to place the trees on the side and still have the 50-foot wide working area, once the pipeline is installed, the trees will be put back over the right of ways. On private land 55-feet was granted with exception of Rose Ranch grated 65-feet due to the number of pipelines that were already in place in that corridor in order to install the new 24" pipeline without having to work over the top of pipelines. The 50-feet from any residence is prohibited, but they will be much more than 50-feet. They are installing it under DOT code.
Commissioner Houpt – it's a challenge to keep up with the contractors working in this area, some concerns, some damage, appreciates the list of supervisors, and asked the kind of extent they are bringing in over 70 people to supervise this line. It is critical for the residents to know there will be safety discussions daily and proper behavior.
Jimmy – prior to award, they put together comprehensive bid packages and in those it addressed conduct with the public and the different phases of the project. Only essential employees that require having a vehicle will be allowed to drive, the others will be bused in to the site.
Decommissioning the pipeline: Jimmy stated this pipeline will outlive the field where the gas is coming from and a decision would be made by EnCana. Likely they would be sold to other companies for their transmission of the gas. Depth of 48" cover. Inspection reports will be shared to Garfield County; and a restoration of the service to any kind of disaster and are willing to warranty the nature of workmanship and reclamation to protect the private properties for any kind of repair was not offered.
Pipeline engineering and approvals to carry this gas plus other gas in order to avoid having to place new transmission lines.
Commissioner McCown clarified the fact that welders would be on site. A fire ban is in place and if this is approved, fire prevention should be in place.

Bill Grant – Rifle City Councilman – regarding crossing the river, the railroad track, the I-70 corridor but how about the Rifle main water line from Beaver Creek to the City.
Jimmy – the actual right of way is just south of the Rifle Watershed boundary and that will be actually be of 4-feet depth below that pipe; the Rifle main will be identified and opened up as far as excavated so that

we will know the bottom of the depth and we will bore under that at a minimum of 4 feet below that line. The actual operating pressure will be somewhere between 900 to 1100 PSI.
Mark Gould – Exhibit P – addressed the fact that he owned the land comes down on and asked how they came up with a nexus. It may seem like a gray area to come up with a nexus but every bit of the gas that running through this pipeline – that's good enough for him for a nexus. Secondly, they just found out thought the P & Z in Rifle that this area the existing line is in a rock fall area. The Commissioners don't have the ability to deal with it, it will be dealt with in a different forum, but they need to be award that the present line is less than perfect. He's had conversations with Trevor from EnCana and this line probably may meet the state guidelines but it is not a perfect situation. 20-30 years ago when it was approved, it was someone else. The bottom line is that Rifle is not the same as it was 20-30 years ago. The brand new hospital, Wal-Mart and this is not a perfect situation. Before gas goes back in this old line, there's no guarantee it will go back in, but if it does go back in, it should be mitigated to make sure that Rifle is safe.
Jim Neu – Leavenworth and Karp – for City of Rifle – in reference to a letter from July 17 from the Mayor and the Mark Gould – Rifle does have a problem with the current pipeline and they don't have any problem with the new pipeline and would like the present line abandoned if the new pipeline is approved. Rifle is a new place with the hospital and Wal Mart and the scar on the hillside is visible from most of the City. The City of Rifle would like this in the record, realizing the Board does not have any authority over the existing line. They will need a watershed permit if the new line is approved and is in the Watershed District and he would like a condition that they receive a watershed district permit from the City of Rifle.
Trevor Boris – information on the exiting line, it was installed in 1994 so it's less than 10-years old. That section of pipe that's exposed coming off the mesa is constructed with .319 wall pipe as opposed to .180 wall pipe, which Mr. Gould has concerns over. In the previous meeting he had referenced thin wall pipe. The thin section of pipe is actually located out in the field and the piece coming off the mesa is constructed of significantly thinker pipe to maintain its integrity and provide additional safety margins.
Jeff Real there were various conservations with Mr. Sappington and a design map of the pipeline routing was provided at that time. He also had Jeff plot the pipeline plat on the watershed mapping and it is in fact outside the watershed. The actual crossing underneath the line, the bore process, was provided to Mr. Sappington and his instruction to me was that it would be referred as a no significant impact issue.
Commissioner Houpt asked if in 1994 they knew there was a rock fall concern.
Trevor – the line was constructed by a previous company and he wasn't familiar with their design criteria.
Randy Russell – the County has no regulatory authority over the re-commissioning of a pipe. The applicant made a commitment to decommission the existing pipe in this application and is a conditional statement they have affirmed they will do. There is no duration attached to that moth balling, but they are under obligation to cease the use of that pipe but there's no specified time. It is our understanding that if they decide to reinstitute use of the pipe, we probably don't have any authority over that. This old pipe is no where near the new pipe so they're not linked in terms of corridor or property use or the ability to suggest you take the old one out of a trench and put the new one in the same place. Staff's opinion is there is no regulatory hammer for the old pipe to link anything other than the discontinuance of the use of the old pipe for an unspecified period of time to this SUP application.
Trevor – there is no current plans for that pipeline, however it is an asset that we have and would like the ability to maintain to use in some fashion in the future and the application we would use that for is not certain. The 24" new line is designed for the future needs but some other application may come up and we'd like to preserve that asset so it still has a use in the future. As an idea of the use, there is a possibility of a different area of the field where they would be able to use this as a low pressure gathering line to move gas back up to our compressor stations in the field, potential could be used for transportation of water; we just want to maintain the ability to use the asset in the future if they see fit without having to build another line.
Chairman Martin - The change of use would not come under the purview of the County.
Randy – it is not a permitted pipeline under our structure.
Carolyn suggested that we don't have this as part of our review process but each part of this line would be controlled by the underlying agreements between the industry and use of each property owner and that's something the County doesn't review, but certainly somewhere the City of Rifle can go for discussion.
Doug Dennison – Exhibit - letter from EnCana was shown to Doug and he noted that it shows the list of people for the inspections in construction hasn't been identified. Doug's only concern is the text of the permit reflect the titles, that was one of his review comments and some inconsistencies in how people were referred to and if I was a worker I would have trouble figuring out who is responsible for each piece. So the

text of the phase of development needs to reflect the titles of who's in charge. Whether the water for the hydro-testing would be used or not and would need to be fixed and some inconsistencies on when a trench could be left open overnight as far as distance from a residence. In two places there were inconsistencies in the number of feet.
Randy – one of the dilemmas that all staff had was their plan of development was cut and paste from previous experience. This was not realty tailored to our check list items in the order that we are used to seeing them, so it may it difficult and the Board possibly encountered this in going through the application.
Commissioner Houpt – would like to see this letter of Doug Dennison added as a condition noting these inconsistencies.
The Applicant stated they can follow all those recommendations.
Bill Grant – noted that this existing pipeline is a big hazard for the City of Rifle and if it bursts, look out.
Randy emphasized that this issue was checked with the City of Rifle and had as a condition by the Planning Commission that all of those watershed issues would be submitted to Rifle for all those stream crossings. We were informed by the City of Rifle, Matt Sturgeon and Bill Sappington that they had looked over the application with the applicant and found there were not watershed issues, so in fact that condition was removed from a list of condition per Rifle staff.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the special use permit for a 24" diameter pipeline as applied for by EnCana Gathering Services, USA. with conditions and recommendations 1-5 and the one requested regarding the Watershed Permit has been addressed and the City of Rifle has had adequate and didn't feel it was a needed condition to be added at this time and did not add it as one of the five; John asked that they share inspection reports and all items agreed upon and discussed by the applicant and offered as no problem or willingness to do so included, all testimony at today's hearing would be considered as evidence. Motion carried.

PUBLIC MEETINGS:
INTERGOVERNMENTAL AGREEMENT WITH GARFIELD COUNTY SCHOOL DISTRICT NO. 16 – GEORGIA CHAMBERLAIN
Georgia Chamberlain and Carolyn Dahlgren – new legislation in place requiring the schools pay their bond payment by a 3rd party or to allow the Treasurer to make the payments – IGA needed. The Agreement in the packet Section 22-45-103(1) (b) (1). The school district had no problem. the duties of the Treasurer in the bond payments and payment of taxes, interests retained or to the school district – in discussing the intent was not to benefit the County general fund and is addressed in the IGA. Georgia did not have a problem of not keeping any fees; School Districts need all the money they can get to educate our children.
A motion was made by Commissioner Houpt and seconded by Commissioner Houpt to authorize the Chair to sign an IGA with Garfield County School District No. 16 to have the Treasurer keep and administer all revenues direct from tax levies for the purposes of satisfying the bond indebtedness for the district with the suggested change; motion carried.
SECOND AMENDMENT TO RENEWAL OF GARFIELD COUNTY BANKING AGREEMENT – 2001 FOR FISCAL YEAR 2003 – GEORGIA CHAMBERLAIN
Georgia submitted the document and requested signature of the Chair be authorized.
Exhibit F is made a part of the banking agreement and every time there is a change in personnel or the people that sign of different accounts will have to come back before the Board. The obvious change is the Garfield County controller and a change in the titles in the accounting office and the senior accountant is Lynn Messersmith and the department of Social Services senior accountant is Michele McMullen. Exhibit F – also contains a list of Detention Officers is separate. These are changed by individual forms signed by the Sheriff's department. Don will need to look at the Banking Agreement to see if that form requires action by the Board; this one before you today does require action the Board.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the second amendment to renewal of Garfield County Banking Agreement once we find the corrected answer and make those changes. Motion carried.
CONSIDER TO EITHER SCHEDULE THE SPECIAL USE PERMIT FOR A TEMPORARY PORTABLE ASPHALT PLANT TO BE LOCATED WITHIN THE CURRENT MINING AREA FOR A PUBLIC HEARING OR REFER THE SPECIAL USE PERMIT TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION. APPLICANT(S): GYPSUM RANCH,

LLC. AND JAMES AND JEAN SNYDER. LOCATION: 1.8 MILES EAST OF RIFLE ALONG THE NORTH I-70 FRONTAGE ROAD. TAMARA PREGL

Tamara Pregl and representative from LaFarge David McConaughy, Steve Wood and Julie Mickless with LaFarge were present. Tamara Pregl submitted the project information and staff comments stating this is for a temporary portable asphalt plant that is to be located within the current mining area next to the crusher, instead of at the surface facilities area as currently permitted, in conjunction with CDOT Project No. IM 0701-16- for paving I-70 from milepost 96.984 to milepost 110.067, which starts west of the Silt interchange and ends east of the Canyon Creek interchange. The property is located 1.8 miles east of Rifle, along the north I-70 frontage road.

The tentative time table for the temporary asphalt plant is:

Move equipment in and set up plant – August 1 – 15, 2003

Produce asphalt for the CDOT project – August 15 – October 15, 2003

Tear down plant and store on site – October 15, 2003 – May 15, 2004

Move equipment off site to next project – May 15, 2004 – June 1, 2004

The applicant has requested that this item be expedited due to the aggressive time-frame as outlined.

Staff submitted that the Board shall either move to:

1) Direct staff to schedule the Special Use Permit request for a public hearing to be considered by the Board, in accordance with the public notice process; or
2) Direct staff to schedule the Special Use Permit request for a public hearing before the Garfield County Planning Commission, pursuant to Section 9.03.04 of the Zoning Resolution, prior to the Board's consideration of the request.

Julie explained that in 2002 the Board permitted the Mamm Creek property for an asphalt or concrete plan located in the surface facilities area which is about ¼ mile away from where they are currently mining and this is not a request to that whatsoever if the mountain division decides to put in an asphalt plan for commercial projects it will go in the surface facilities area. She is here today to request a temporary of about 2 -3 months resurfacing I-70 between Silt and Rifle and would like to be able to put the portable plant in the area where the crusher is instead of going and stripping new ground to set an asphalt plant for two months and destroying pasture and then going back and reclaiming it. By setting it next to the crusher, they will creating less truck traffic because they won't have to haul material out to the asphalt plant and then back again, they can do everything with the loader. The asphalt plant will less visible, it won't be setting right up against the Frontage, it will be setting next to the crusher and stock piles. They'll be less noise generated due to the stock piles and the trees that will screen out some of the noise.

Steve stated that Julie summed it up, we agree with where the plant is sketched in on the prior permits and in prior permits where we have asphalt plants it's not descriptive as to where the plant goes on in the SUP but in this Mamm Creek Operation it was and it and it was scripted that it go to the west end about ¼ mile away. We understand that if and when we decided to put a commercial asphalt plant on this property we will put it in that location. But we have secured the highway job to do the Silt overlay and what we're asking for, and there is not place or a code that Mark Bean could come up where there is a process where you go through to ask for a temporary asphalt plant for a highway specific/public work project to do a highway job for example. Even though the permit includes an asphalt plant, but there are asking to do is to move it right next to where all the activity is going on at the present time rather than disturbing another 7 – 10 acres of ground that is currently pasture.

Commissioner McCown – in lieu of this being a temporary facility, he made a motion that the Board of County Commissioners here the SUP issue. Commissioner Houpt would prefer this to go to the Planning Commission. No second. Chairman Martin seconded for discussion.

Commissioner Houpt wants to make a referral to the Planning Commission, it's temporary but the question is that we have a process for planning and she understands there are time-lines but we should recognize the Planning process and use the Planning Commission for going though this process. Martin – nay; McCown – aye; Houpt – nay

A motion was made by Commissioner Houpt to direct staff to schedule the SUP request with the Garfield County Planning Commission pursuant to Section 9.03.04 of the Zoning Resolution prior to the Board's consideration of the request. Commissioner Martin seconded.

Commissioner Houpt's justification is that this is a very large project and believes that it warrants discussion by the Planning Commission, it's a worthy process and thinks it should be maintained in as many situations as possible.

Mark - The September 11, 2003 Planning Commission would be the first available time to hear this request. The agenda is full for August and this would require 30-days notice. Commissioner McCown – the applicant does have the option of putting the asphalt plant in the location designated in the SUP.
Houpt – aye; Martin – nay; McCown – nay. Chairman Martin the reason he voted nay was that this needs to be done sooner but definitely wants the public input.
There is a stalemate and direction needs to be given not only to staff but also to the applicant and the public.
Bill Grant – the Rifle Watershed Permit should be approached from the City of Rifle since this is change in location.
Chairman Martin reminded Mr. Grant that this would also be taken up at a special hearing. That hearing does not guarantee that it would go positive or negative; it means that the Board would have that hearing. This is a chance the applicant takes also.
A motion was made by Chairman Martin to consider the request by the Board of County Commissioners with the earliest possibility of advertising and hold a Special Hearing.
Mark – this would require a special meeting = the 25th of August would be the soonest the noticing would be timely. Commissioner Houpt will be out of town.
Commissioner McCown seconded; Commissioner Houpt – thinks that everybody knew and it's important to be timely to come forth, a process in place for approving, Planning Commission is in place and they are qualified to discuss projects, controversial project in the past and makes more sense and disappointed that they didn't have the option.
Vote – Martin aye; McCown – aye; Houpt – aye
Setting of a date – Tuesday September 2 at 1:15 PM. Commissioner McCown so moved; Chairman Martin seconded. Houpt – nay; Martin – aye; McCown - aye.

PETITION FOR ANNEXATION – TOWN OF PARACHUTE

This has been discussed informally and the petition was submitted.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt approve the petition for annexation for the County road and the property into the Town of Parachute. Motion carried.

CONSIDER VACATION OF A PUYBLIC HEARING TO REVIEW ALLEGATIONS OF VIOLATIONS OF THE CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION NO. 2002-101, MAMM CREEK SAND AND GRAVEL – MARK BEAN

Don DeFord, Mark Bean, Doug and Dan Grant of Grant Brothers and Bill Grant, representing the City of Rifle were present.
Mark Bean submitted a memorandum with attachments containing the three Notices to Proceed from CDOT for the Mamm Creek Sand and Gravel Pit. Additionally, a letter was included from David McConaughy with a letter attached from Philip Demosthenes, Access Program Administrator for CDOT clarifying the "ADT" in terms of what an ADT is and how they will be counted. "AADT means annual average daily traffic and technically it means collecting the total count of a section of roadway for 365 days and then dividing by 365 to obtain a daily average number of vehicles. The 1985 Access Code referred to this as average daily traffic (AVT) but it has the same definition as the 1998 Access Code as AADT. For a driveway, a truck leaving the site and then returning to the site via the driveway would count as two. Regarding the use of passenger car equivalents, the method was first introduced in October 1997 during the development of the Access Code revisions that were adopted by the Transportation Commission in 1998. The 1998 Code Subsection 2.3. (4)(e) was quoted. When counting vehicles on the state highway system for data collection purposes, the Department does not convert any data to passenger car equivalents. We estimate volumes for three key categories: passenger cars (light trucks), single unit trucks and large trucks. None of this data is converted to equivalents
David McConaughy explained that ADT means AADT; traffic counts under either term need to be determined over a 365-day period; and "passenger car equivalents" do not apply to traffic counts to determine ADT's. Therefore, based on this official interpretation and available data, there is simply no merit to the Grant Brothers' assertion that LaFarge has exceed the 200 ADT limitations in the County permit. Furthermore any determination on that issue is not possible either now or at the hearing set for August 4 because the permit has not been in effect for 365-days. He requested the hearing set be vacated.

Based on the documents, staff is requesting further guidance regarding the need to public for a public hearing on August 4, 2003, regarding the alleged violations of the Mamm Creek Sand and

Gravel Special Use Permit. Staff is prepared to publish notice and send it to the appropriate parties if the Board determines they want to proceed with the public hearing.
Commissioner Houpt asked Mark if we were going to hear from Rifle on this too or were we just waiting for C-DOT.
The City of Rifle has indicated, but Mark has not received in writing, but verbally via Mr. Sappington and has talked to CDOT about this issue, they feel that the watershed permit was open enough that it did not require the hard surfacing at this point, but that it had to be hard surfaced at some future point, which it is going to be and they're satisfied that their Watershed Permit requirements and that no modification will be necessary.

Public Comment:
Doug Grant provided the Board with handouts that he highlighted regarding the Access Permit.
Chairman Martin identified these were excerpts and titled at the bottom "State Access Code 2002 1998.
Doug corrected saying it was 2002 and printed it off the Internet.
Chairman Martin noted the bottom of the page states August 31, 1998. Doug acknowledged that is was revised from then.
Doug stated that this meeting today came as a surprise to him and he didn't have time to get all the information he's been looking for nor to have his attorney get here for this today. There's more issues here than just the ADT. There are three access points were in non-compliance. They didn't have a Notice to Proceed when they did proceed out there. The road was not paved, the Rifle Watershed Permit requires paving, and also CDOT's access permit requires paving. Both are incorporated in your Special Use Permit. The access code requires that the access be constructed and complete before there's any commercial sale. There can be some deviation from that if it is in writing in the Access Code. Mike Smith went out on a limb and verbally told them that they could do commercial sales Wal Mart for its prep. And when these permits were originally approved, Wal Mart was just a vision then, it wasn't even for sure going to happen and that evolved as this process went along. And so, Mike Smith allowed them to do commercial sales, only and as he stated in the meeting last time for Wal Mart. As of, I have been having a little bit of trouble getting information in a timely manner from both the County and of course Grand Junction C-DOT. I went physically down to Grand Junction last Friday and Dan Russon told me that it still is not a commercial access. That was Friday at noon. It's still not commercial access. There are still questions as to how to count cars, he told me their office has not got back to you on their interpretation or their way that they want to count cars or the way they should count cars or whatever. Mike Smith sat here in this last meeting and said it would be done by passenger car equivalents. Now you have a letter from a person at the Highway Department Manager in Denver that says differently. They're in conflict here and where are we? We need some clarification still from CDOT. And also Mr. McConaughy to Mark Bean at the end that you can't count cars because the business hasn't been there for 365 days. Well, for the traffic study for this project, High Country Engineer didn't sit there for 365 days and count cars. You can count cars for one day, two days, a week, a month, whatever is determined and extrapolate from that project and no where do you wait for a business to be in a year's production before you count cars or do a traffic study. That's totally not the way it is. Another important factor and it's real important to me, because at the very onset of this project, I was concerned about enforcement, the lack of enforcement of gravel pits in this area. And when they do a project they need to do it right or don't do it at all. Judge Ossola was concerned in the hearing of enforcement and Ms. Dahlgren stood before him and said the County would enforce this to the fullest extent of the law. At the last meeting we were here there was discussion as to what kind of sales were okay and wasn't. It was my understanding that you, as a Board of County Commissioners told LaFarge to take down the Now Open sign and cease commercial sales except for Wal Mart. Well, I'm here to today to tell you that didn't happen. That was July 7th; July 8th we counted cars, counted traffic, counted trucks and there were trucks coming in and leaving this gravel pit that were not going to Wal Mart – this is the day after the meeting. There were trucks that we observed coming from the Silt area going in, getting gravel and going back towards the Silt area. There were trucks that we saw that normally go to the oil fields that were going to the oil fields. The next day, the 9th, I called Mike Smith and said how are they doing on the Notice to Proceed and it was about 10 o'clock in the morning, I think, and he told me, I'm writing the Notice to Proceed now, right now, they're going to get one but that was the morning of the 9th. There was no notice to proceed yet to solve this non-compliance to proceed with construction and so on. It was also my understanding that until the road was constructed and built to the satisfaction of CDOT at least, that there was not to be any commercial sales than to Wal Mart. I observed all, after that meeting the 7th, every day

there's been gravel trucks going in and out and a lot going other than to Wal Mart. Saturday, the next Saturday, there were semi's and I personally followed them, they went out of the gravel pit and they went on up to the West Mann, the Airport, they didn't turn and go to Wal Mart. There was no activity at Wal Mart at all. The equipment was parked, trucks were parked, and there was no activity at Wal Mart. In the counts that we did the two days, the 8th and 9th, one day we got 155 and that's trucks and not counting all the pick ups and cars going in, we only counted what we knew were LaFarge, even some of the contractors, electrical, and so on, and Con Sy that's doing the development, the dirt work. We didn't count some of those, but the 155 the 8th and we only counted from 6:44 in the morning till 2:51 in the afternoon about 3 o'clock. The 9th basically the same scenario, we got 210 and the 155 and the 210 is not based on the passenger car equivalent. That was one car going in or truck and one truck or car coming out. That count was taken from 6 on the 9th from 6:56 a.m. until 3:09 p.m. about 3 o'clock in the afternoon. When will they listen to you and comply? Do you have to shut them down to get their attention that you want this done and done right? How are you going to enforce this? Is this going to be the ongoing story out here? Just go do it and wait till someone complaints and then point the finger at the complainer and say that sour grapes. So I'm here to request that the August 4th meeting go forward and I need to get some more information from some engineers, I've spoken to some engineers on how the counts are taken in Denver, people that do traffic counts for CDOT, how it's normally done, I think the City of Rifle needs to look at it a little closer also, for other things that are happening out there, septic tanks, office buildings, fuel containment and so on. One thing that's interested if they've got a septic tank by an office trailer, if they have flush toilets, they've got to have water. Is the well permit in place for water for those facilities for domestic use? Or is that just the privy where they walk out the back door and do their business in a little shack over that septic tank and there's port-a-potties there. It's my understand there's supposed to be just a scale house in the gravel pit. There appears to be an office trailer, scale house and a little office scale house trailer, I think there's several things to look at. The notice of non compliance that the state issued on the access springs it right straight forward and these are things that need to be straightened out right away for sure. Need a clarification for CDOT in Grand Junction. The regional office engineer and does the access, they know how they calculate it. For peak loading and so on. And the permit says 200 ADT, average daily trips, it's not a deal, how are they calculating it, that's what they specifically stated in their permit to be followed, they didn't say anything about averaging it over 3 years, 1 year or taken 365 day to do it, it's calculated. And yet they sat here and told you it was done by passenger car equivalent, so I think really, if they made a mistake, if they calculated it differently, then what's coming form Denver, it needs to be clarified. One thing that was touched on here and I'd like, bare with me please, during the whole process I wrote letters to the County and one of them was the road, the problem, the problems with the road and I mentioned in the letters that the Frontage Road was going to be used as a haul road; they'll be gravel trucks coming from the gravel pit west down the road to the facilities area to haul gravel and stockpile it by the batch plant and the asphalt plant. And also then gravel will be coming out of the main gravel pit exit going out commercial sales and then you'll have at the facility's area, trucks leaving with concrete and batched concrete and asphalt and then you have pre-casters and truck traffic coming from there. I mentioned this also to the state that this is going to be a lot more traffic than you're looking at here, this haul road. So, in that the 200 ADT was a red, red, red flag to me. When you look at it, you're going to have traffic, and I could draw you a diagram if it would help real quickly and show you and LaFarge is in the process already to try and up the 200 ADTs because it's going to be very difficult to do what they want to do, just like I pointed out here, the traffic counts we've done to sell gravel. So, if I could draw you a diagram, I'll show you what I'm talking about and how this compounds this problem, this traffic count, and so on. Doug illustrated on a diagram that was not visible to the recorder – they're going to have sales, trucks coming in and out every time a truck goes from the highway right of way, it's counted as one, count one from one like Mike Smith was talking about. So you've got traffic coming in here. That's one trip, goes in and picks up gravel, comes out, that's two trips. Okay, now that their commercial sales out of the gravel pit. Now, we'll include the facilities area, you've got trucks that are hauling, they have to haul the gravel from the gravel pit to the facilities area to be batched as either concrete or asphalt or used in the pre-cast. You've got gravel trucks that have to continually move gravel from the gravel pit, that's one. To the facilities area, that's two, dumps his load, comes back out, that's three, goes back to the gravel pit, that's four so you begin to add, this numbers begin to add up, then add to that trucks coming out here, concrete batched, ready mix trucks come out, go out to I-70, that's one, that's two when you come back. Asphalt plant, trucks coming out of there, is one out and another one when they return. So this area, the road is narrow and just before the facilities area, drops right off to the slue in one of the narrow sections of the road. There will be a compounding of truck

traffic from the gravel pit to the facilities area, trucks coming out. And each one of these crossings or to explore truck trips, to call one load of gravel from the gravel pit to the facilities area and this is all for the 200 ADT. LaFarge is trying to apply for an asphalt batch plant or a concrete batch plant in Jordon Road and E-470 in Denver and they started out at somewhere in the neighborhood of 800 ADT and they progressively kind of gone down and; a gravel pit like this to really have a facilities area. To really have a facilities area, concrete batch plant and an asphalt plant on site in a gravel pit, you should look from 600 ATD up, even past 1200. And that was overlooked in the initial meetings to see really how this road was going to be impacted and the amount of traffic coming out there, and that's bared out right now when Mike Smith tells me that LaFarge is already trying to up the ADT, they're in the process and get a new design for the intersection at the top because the ADT is not enough. So, in all this, as far as the hearing I think it should go ahead. There's still some questions here, CDOT has to clarify a lot of things. And I'm highly upset that LaFarge appears to thumb their nose at you guys when they're told specifically not to haul except to Wal Mart.

Carolyn Dahlgren – since the exhibit drew, it was submitted, okay.

Eric McCafferty – requested to make a few comments. Appreciated the Commissioners working through their lunch on this matter in order to keep your agenda on schedule. I won't further belabor the points that Doug just made. He made a very good discussion on areas on non-compliance at which are really irrefutable I think. I will state that the letter that the County received from CDOT - the Access Program Administrator in Denver was very surprising because all of the contracts we have had with CDOT and as I sat here two weeks ago, there was no discussion about what the Access Program Administrator had to say. I think that further muddies the water for you folks in trying to evaluate exactly what ADT means. So I don't think you actually have an answer there. Also, Doug outlined various areas of non-compliance with conditions, I would request that we need additional clarification on this permit as to exactly how much material can be mined out of here on an annual basis. Mr. Martin, you stated at the time of the original hearings that as far as you were concerned, that it was being approved for 200,000 tons per year. Now they cannot move that amount of material with only 200 truck trips. Additionally, at that time and since the engineering assessment of the County Road, or of the Access Permit only evaluated these vehicles going east and west on I-70 that they should not be allowed to use County Roads, which of course they have been. So, regardless of whether this ADT question has been answered in your minds, there's still these other questions out there and what we don't want to do, is have to come in here every single week and say, well gosh, we got another one, or at least we think we got another one, let's discuss this. And finally, it doesn't appear to me that the City of Rifle has actually complained to you about their Watershed Permit being in violation. It's very clear when you read it that it does require hard surfacing of the roads, now I guess we could all argue over when that compliance matter is kicked in, but your regulations, or your approval of the special use permit, and I'll quote this and then I'll leave, states that "compliance with all terms and conditions of approval contained in any permit issued to the applicant, it's assessors or assigns by any local government, state, or federal agency shall be deemed conditions of this Special Use Permit." I don't think you have the luxury to sit here and wait for anyone else to complaint. If this operation is not being conducted according to your Special Use Permit and your Resolution, there's a problem and that has to be addressed. You can't wait for the actual permit holder to come in and say, well, we're going to try and enforce this – I don't think you have that luxury. I have a letter I'd be happy to submit to the board. I have copies for all the individuals.

David McConaughy, Attorney for LaFarge West. I just wanted to fill you in on how we got to this point real quick without trying to get into the merits of anything. And first, if you decide there is a need to have a hearing, that's fine, we're not concerned about demonstrating our compliance with the terms of the permit, but my understanding what we were talking about today, was the prior determination that there was a probably cause in Commissioner Martin's words to have a hearing as to whether this makes sense to move forward. My understanding was that there were really two reasons for the hearing: one was the Grant Brothers complaint which primarily dealt with the ADT issue and the second was the Notice of Non-Compliance issued by CDOT. The Grant Brothers complaint was on the ADT and then there was a lot of confusion about what ADT means even from Mike Smith. The way we ended up with this letter from Phil Demonetizes is, I went on the CDOT web site the same one you have the print out from, and there's a link there that says, questions about Access Code, click here. So I clicked there and that shots an email off to CDOT and I said, what does ADT mean? And I got this response back from someone named Phil Demonetizes saying ADT means AADT. And so then I called him up and said, we had this hearing and explained what happened and he said, oh, okay, I've heard some about that from Mike Smith and I'm the

one who wrote the Code. I said oh great, you sound like the authority because the Resolution says, this is Resolution 2002-101 says we can have a maximum of 200 ADT, shall be allowed for the property in accordance with the Colorado Department of Transportation Highway Access Permit issued based on the Colorado Highway Access Code. So I asked the guy who wrote the Code, what does that mean, and that produced this letter. And it turns out I was wrong about one thing, which is I'd interpreted the ADT, which refers to two-way traffic meaning that one in and one out is one and he says according to his interpretation no, one in and one out is two but that it is still average annual, which means you have to look at it over a 365 day period and he said if we were ever challenged we'd assume we would have to take that amount of data to prove there is a violation because naturally you're going to be busier some months of the year than others and that CDOT doesn't take the passenger car equivalent into account. And that's all in the letter, so I think that is the authoritative word from the guy who wrote the document that's in your Resolution as to what that should be based on and your staff is recommending that based on that definition there's not enough data or reason to have a hearing on that issue and I respectively agree with that, but this is up to you. The other reason to have the hearing was the Notice of Violation or Notice of Non-Compliance from CDOT. And there were really two things at issue there. The first was that a Notice to Proceed hadn't been issued. Well, it was issued 2-days after the meeting and you should have copies of those and Mark has it. And the other issue was whether commercial operations could continue before the paving was complete, and you heard Mike Smith tell us that CDOT would like the paving to wait until the fall because they don't want the asphalt torn up and that he had verbally said that operations, some operations could continue before that happens. I also gave Mark this morning a copy of an email from Mike Smith, which I'd just like to read to you. " LaFarge, Rob Johnson, who was here before, sent Mike an email saying LaFarge has received the Notice to Proceed on the three access permits pertaining to the Mamm Creek Gravel Pit; we are requesting your continued approval to conduct our daily sales and operation activities at this site while the road improvements are being completed." And them Mike emails back and says, "Rob, I appreciate your position and the request to continue commercial operations, things are progressing very well and I'm pleased with construction. Once the roadway template without asphalt is completed, let me know so that I may inspect the surface. Once it is acceptable I will issue you a letter releasing the main access point where the scale is located to be used prior to completion of the hard surfacing." So he's basically offering to put that verbal permission to continue operations in writing once he's inspected and made sure the road was fine without the asphalt. That inspection in fact occurred last week and I was hoping to have that letter in hand on Friday and I guess Mike has been out of the office Friday and today. I called over there this morning trying to get a copy of the letter from Dan, who was in a meeting, and again, I don't have it in hand but I expect I'll probably receive it this afternoon and assuming I do and submit a copy to the Planning Department or at least within a week, I would think that pretty much renders moot the reasons for the hearing. So, that's where we are, that's what's happened up till now and of course if you want to have a hearing we're happy to present evidence.

Chairman Martin asked Mr. Bean if he had received information from CDOT at all from the date of the hearing to present, any correspondence or any information.

Mark Bean said other than what you've seen no. I've had some verbal conversations that's it.

Commissioner Houpt asked David to please explain to use what type of commercial activity has been going on since our last meeting.

David referred to Steve Wood for that.

Steve Wood with LaFarge – commercial activity is sales of aggregates and materials are going on.

Commissioner Houpt – to people other than Wal Mart?

Steve Wood – yes, it is. And it was our understanding that once the Notice to Proceed was in hand, that we could sell material at that site. And we received the Notice to Proceed on the 9th I believe it was David.

Dan Grant – commented – as Mr. McConaughy said the man who wrote the Code, in the Code it specifically says that "in writing in the access permit is where you have permission to make any sales." Now, in this case they've gone and gotten verbal permission, but it's not in writing or in the Code. At our last meeting, my brother has already said this and I had to re-state it, but I just want to specify certain things and conditions were set forth in my opinion our biggest mistake was it was not in writing so that everyone is clear of how it's supposed to be done. So now we're going to have to wait till the minutes come out, whatever to find out who said what, what said who, who was actually doing that, so I wish that maybe in the future that things were clarified in writing so that the applicant, the general public, the County Commissioner, the Sate CDOT knows exactly who's on first. What is going on? Because according to the CDOT, it's supposed to be in writing to use that. It's permissible but you have to ask for it and it has to be

in writing in the permit before you do it, so I guess from here on I would like to see stuff done in writing, clarified, detailed so that everyone knows who's on first.
Chairman Martin – Any need for clarification? The idea is to go ahead and do we need to go on with a hearing or not? Do we have enough information or probable cause to schedule a hearing?
Commissioner Houpt – It was my recollection that at the last meeting the agreement was that the sales would only be to Wal Mart until things were completely cleared up and I'm hearing something different. I'd have to see the Minutes on that meeting.
Mark Bean – I guess it's a matter cleared up was the Notice to Proceed issue was it, but anyway that's something we'd have to look at the Minutes to see. And the Notice to Proceed.
Mildred Alsdorf – I'll make sure that you get a draft.
Commissioner Houpt – well, there is that time period between the meeting and the receipt of the Notice to Proceed.
Chairman Martin – we also requested …
Commissioner McCown – that was also the period of time that I understood they could continue to sell to Wal Mart.
Commissioner Houpt – to Wal Mart.
Commissioner McCown – until they got the Notice to Proceed.
Commissioner Houpt – Right. Yeah, I heard them say, so it's more than to Wal Mart.
Chairman Martin – One of the things to consider is we also asked Mr. Smith to provide us with the weight slips and the information in reference to who was being sold to, etc. what the tonnage was, how many number of trucks. And I think we need to find out exactly what was going on there. And that information is available to us, it may or may not cloud the issue and it may clarify the issue. But I think it's something we owe ourselves to know what's going on. What direction we need to go and how we're going to approach this one now and in the future and any others that develop. We need clarification as has been set forward on ADTs, what we approved, the written Four Corners Document from CDOT, etc. We need to have all that in order, I don't think it is yet. So,
Commissioner Houpt – So, because there is so many questions I would make a motion then that we do maintain the date of August 4th for the hearing to clarify all these questions.
Chairman Martin – It may or may not prove worthwhile.
Commissioner Houpt – I just think everybody for everyone's benefit to move forward and persecute having this discussion, I think we need to clarify everything and ….
Chairman Martin – We need to nail it down so that everyone knows that we're playing on even surface.
Commissioner Houpt – have a venue for that.
Chairman Martin – So you're making a motion?
Commissioner Houpt – yes.
Commissioner McCown – second.
Chairman Martin – all right, we've got a motion and a second, any discussion? Can't take any more now. You got me didn't you; you waited till I said second, right. All right.
Commissioner McCown – I don't I guess for a point of clarity, what is the hearing, is it just going to be a general hearing, are there specifics for revocation that we're looking at. To me, just having a hearing for the sake of having a hearing, we have plenty to do on our plate as you noticed we worked through lunch, but what specific areas are we reviewing? Are we going to be subpoenaing weight tickets? We don't have that authority. What are we going to be looking for here?
Chairman Martin – Well, that's what I'm getting at. Mr. Smith said he would provide that and that the LaFarge was willing to go ahead and show that they were not exceeding their limit, etc. That's still up to them to produce. Mr. Smith was also going to make sure that we had everything clarified with CDOT and the public hearing, also address the other issues that we've heard on concern of non-compliance with the water shed issue, if we're going to put that to rest or not, that we need to get this done, one hearing, put it all to rest, and go on, either to make the adjustments on sales, if it's legal or not, what is the template. I'm real surprised that the Notice to Proceed was based upon information that was supposed to be in writing, a template of the safety issues of the width, the grade, the construction documents, etc. to be presented to the Access Committee for approval and I've never seen the Access Committee work in one and one-half days to do a project of that without seeing plans, giving approval, etc. I'd like to see what they had because that was a notice of concern and we need to see it.

Chairman Martin – Well, I want to see how they went about, Mr. Smith was presented the items, he said that he had to see the drawings, etc. etc. How did that all take place, did he receive those drawings or was it all verbal again. Again, we're dealing with verbal and non-written, but …
Commissioner McCown – But again, we …
Mark Bean – So you want the State to come and testify at this hearing too, correct?
Chairman Martin – Absolutely.
Commissioner Houpt – and we need a final determination on how ADT's are going to be counted.
Commissioner McCown – Well, do we need Mike Smith to be here, or do we need the gentlemen we got the letter from?
Commissioner Houpt – Whoever's making the decision.
Commissioner McCown – I believe this gentleman is his boss.
Mark Bean – Yes, that's my understanding.
Commissioner Houpt – Well he wrote the Code but we're hearing a lot of different interpretations so we need to pin it down for this particular permit.
Chairman Martin – Well, this sets everything in place, not only for this issue but also for the next traffic study or every project we're going to get because we're going to have a consistent definition of ADT on traffic studies, and is this what they're going to hold the new standard to or the old standard to. It's not only for this one, but it also clarifies our future.
Carolyn Dahlgren - The notice of hearing needs to be rather specific on what the issues are that you're going to review so am I hearing that you're going consider, review for compliance what the Rifle Watershed Permit and with the definition of ADT on the three CDOT permits, are those the two issues for hearing?
Mark Bean – And also the Notices of Violation was an issue at the last time.
Commissioner McCown – Yeah, but they've
Mark Bean – I understand, but are we not going to consider that issue?
Carolyn Dahlgren – That's specifically my question.
Chairman Martin – I think we need to if we have that.
Commissioner McCown – If they've been cleared up, why would that be an on-going issue? If the Notice to Proceed was issued, the areas of non-compliance that we discussed on the Access Permits last time we did this are moot.
Chairman Martin – Well, not really to me they're not because what we have again is testimony that we took and it really was a public meeting. The information that was supplied at Mr. Smith saying that he needed to see hard drawings, etc. do the engineering studies, etc. before he could go with the Notice to Proceed, did he get those or not. Or did he just take that as a verbal saying that they're going to be there, a sketch, and then say you have a Notice to Proceed on our verbal agreements, what it's going to look like or not. He's also going to supply other information to make sure everything was in compliance. We've requested a copy of that and he said that he would supply those. And I haven't seen those and that's why I asked Mark, have you received any information from CDOT other than a verbal or telephone conservation on those facts.
Mark Bean – What I've received, you've seen. The Notice to Proceed, the letter,
Chairman Martin – That's right and that's what you said. I think we have to have CDOT step up to the plate and say, listen we created a mess, we've got to help you get it sorted out so that we have fair and equal treatment. Not only on this permit, but the permits that may come in the future. Their credibility right now with me is not at the highest level and I want that clarified and cleared up.
Doug Grant asked will, at this hearing, we will be able to address and consider the sales of gravel before they had a Notice to Proceed.
Chairman Martin – Yeah, we have a motion. This is a clarification and I really can't take testimony but I know where you're going, and the answer is, that would be something that Mr. Smith can provide with his agreement that he would supply the average tonnage, who the
Answer is - Mr. Smith can supply the average tonnage, who the customers were, etc. etc. and how that played into the permit process, that would be part of the hearing, yes. It would probably be part of the questions, but we have the motion on the floor to continue and set the 4th of August for the hearing date and to clarify for Mark the items in the notification that need to be discussed. I think that we've done that. Any other discussion or clarification needed? If not, all those in favor? Houpt – aye; Martin – aye; McCown – nay. So we will have a hearing on the 4th of August, information will be coming forward; we need to notify that and also get a hold of CDOT.
The time for the 4th will be?

Mark Bean – that would be at 1:15 p.m.
Dan Grant –August 4th then will be for that discussion or consideration?
Commissioner Houpt – Right.
Chairman Martin – Consideration.
Dan Grant – It's a public hearing.
Chairman Martin – Before this Board.
Doug Grant asked Chairman Martin - Just reiterating my writing, I was wondering if I may get a copy from you of specifically your motion and specifically what you're going to be doing here. I'd like to get a copy of that before you know, whatever is convenient, but not next month. Before this meeting, because I'd like to know exactly what you're doing because there's a lot of discussion takes place and in the past sometimes the discussion doesn't mean anything. So what I want is in writing, what it is exactly the hearing for, what is it, so as soon as possible. Is that possible or is that ….
Chairman Martin – That comes through the legal channel that makes the official notice and what it's for, I think the applicant on Mamm Creek Sand and Gravel would also like to know what this hearing would be about and I think it's only fair to make sure that they are notified the same time as you are as a general public. So we'll go from there.
Doug Grant – We'll get a copy of that then sent to us specifically rather than or do you want us to submit this in writing or something.
Chairman Martin – you make a request.
Doug Grant – Make it is writing, because I'm not sure what I'm asking for because…
Carolyn Dahlgren – That's what I'm wondering, if you're asking for draft minutes, those would come from Mildred.
Commissioner Houpt – You'll have to make a request.
Mildred Alsdorf – You'll have to make a written request.
Doug Grant – A request for the draft minutes of exactly what you're requiring?
Mildred – yes.
Doug Grant – Okay. I'll do that, thank you.
Commissioner McCown – Won't that have to be in the published notice? Exactly what is being considered?
Carolyn Dahlgren – Well, what will be asked, everybody should know what it is you're going to consider revocation on – that's why we were asking you.
Chairman Martin – For those non-compliant items that we have brought forward and discussed. Okay.
Carolyn Dahlgren – You're suggesting that it should just be a general notice saying that the BOCC
Commissioner McCown – I think it should be specific.
Carolyn Dahlgren – Okay.
Chairman Martin – I think it needs to be also so we can get that cleared up.

HUMAN SERVICES COMMISSION – WOMEN'S SERVICES – JULIE OLSON

Advocate Safehouse – Julie Olson presented three items for discussion today: Women's Services in the County, Garfield County Humanitarian Awards and the Mountain Philanthropy Days.
Advocate Safehouse Project and SANE (Sexual Assault Nursing Examiner Program) in Garfield County. Last year in 2002, the Advocate Safehouse Project provided services to 488 clients from Garfield County. They provided services to 581 and it's about 84% of clients were from Garfield County. A good portion of the rest, perhaps 15% of the clients are from Eagle and Pitkin Counties. Some were traveling through; some reside in Eagle and Pitkin Counties. This is the only shelter service in this area of Pitkin County, western Eagle County and Garfield County, because the Vail side of Eagle County does now have their own shelter and they work very cooperatively with each other, referring clients because it may not be safe to be in our shelter so we ask if they can go to that shelter and vice versa. Of the clients in the Safehouse in 2003, 57% or 75% were from Garfield County. 25% consisted from Eagle County, because their shelter had not been up and running. With the SANE, most it is up and running. With the nurse examiner program, there's two parts to it, the adult and adolescent exams and then there's the pediatric exams. Currently they are able to do all the adolescent and adult exams but the pediatric are taken to Grand Junction to the Western Slope Children's Advocacy Center because our nurses aren't quite finished with the internship portion of the training. SANE has completed 18 adult and adolescent forensic exams with Valley View Hospital. Prior to this there were only about 6 exams done in Valley View Hospital in one year.
The 2003 Garfield County Humanitarian Awards which will be held on Monday, February 2, 2004 at the Hotel Colorado. This past year we have 225 people attend and 36 nominees. The

Cost for the event was $7,875 because the nominees do not pay for their dinners and then the cost of the plaques who win. Julie will be submitting a request from the County to help with the awards. Last year the Commissioners gave us $1200 and this amount will be requested for the 2003 event.
Mountain Philanthropy Days – This is scheduled for September 28 – September 30, 2003. Julie submitted an invitation to each of the Board members. The purpose of this event is to provide an opportunity for the Board and staff to discuss the needs of the County and to obtain information type funding they award and to what type of organization. These grant committee individuals are from the Front Range. The invitations are given to a select few and Garfield County is among the 30 that were invited. Julie said they will take them on a tour and the focus will be on the common issues as a Rural Resort area such as transportation and Child Care. Roundtable Sessions will begin at 8:00 a.m. and end at noon on September 30. Please come prepared to meet with grant makers and make your pitch and gather information. You will have five opportunities to meet with different organization during these roundtable discussions. If the Board is planning to just attend the Reception, then it does not require registration. The web site is: mtnphil.org/conference

PUBLIC HEALTH

New Business: Medicare Application for Signature Mary explained that since the Nursing Department moved from the Courthouse to Mountain View Building, a new application was required for Medicare. This allows them to bill Medicare applicants for the flu vaccine in the fall.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the Medicare Contract with Public Health as presented. Motion carried.

BOARD OF HEALTH

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Health; motion carried.
Mary Meisner and Kate Lujan were present.
A power point presentation was given on the Unique Aspects of Public Health by Kate Lujan.
This was prepared as part of Kate's Master Degree. A review of public health and what is it about. Public health is described by individuals based on what part they are looking at. The text books' selected definitions; who is public health; core values of public health; essential services of public health, unique aspects of public health; social justice philosophy; political in nature; expanding agenda; link with government; grounded in science; focus of prevention; uncommon culture and bond and references.

Healthy Beginnings – Wanda on Vacation

No report today, but Mary stated Wanda would submit one at the next meeting.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.

BOARD OF SOCIAL SERVICES

Lynn Renick was present. She submitted her report that included:

1. ***EBT (Electronic Benefit Transfers – Disbursements Approval Request***

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair's signature on the payments for the department in the amount of $96,420.35. Motion carried.

2. ***Placement Contracts***

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the placement contracts (Youth, Q737149 for $14,466.16 and Youth, Y558594 in the amount of $13,157.88 as presented; motion carried.

Area Agency of Aging Notice of Grant Award

Lynn submitted a letter from the Area Agency on Aging of Northwest Colorado announcing a grant award of $76,970 for the area plan for Aging Services in Region XI (Mesa, Garfield, Rio Blanco, Moffat, and Routt Counties). There funds are provided by the Older Americans Act of 1995.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to rescind the original contract approval and to sign the Agreement as presented with the award of $76,970; motion carried.

3. ***Core Services Contracts***

DSS Core Services Program – Child and Family Counseling Center, PLLC was presented and Mary stated this is per the allocation approval through the State. Travel amounts were included as services are provided in the home.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the (4) Agreement as presented in the amount of $12,191 per the allocation approval through the State; motion carried.

Adolescent Day Treatment Agreement for providing services to nine (9) youth at risk of out of home placement and their families – BOCES at Yampah - $69,995.66.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Adolescent Day Treatment Agreement as presented in the amount of $69,995.66; motion carried.

4. CMC Sub-Contract - $13,500

The IGA purchase of Professional Services Agreement and Colorado Mountain College for implementing the Colorado Works Program was submitted. Contract amount is $13,500 from July 1, 2003 to December 31, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the IGA as presented in the amount of $13,500; motion carried.

5. Colorado West

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with Colorado West stating they are paid a fixed monthly amount of $2,137.50. Motion carried.

6. Financial Compliance Audits

Lynn informed the Board that the auditors were here today and would be auditing for the next several weeks.

7. Update on End-of-year Close-Out

Lynn stated the final figures have not been received. The State preliminary allocations were handed out. From the preliminary report it represents a small increase from last year.

8. Single Entry Contract – due to the lack of the introductory phase known as the indemnify clause, this is still in the County Attorney's Office. The State wants to pass all indemnify to the County.

9. Program reports

Lynn handed out the monthly food stamp report, State Allocation Comparisons between SRY 02-03 and SFY 03-04; SEP Caseload 1998 – 2003; monthly options for long term care client count; Colorado Works/Gateway ending summary for 6/03; Colorado Works/Gateway Case Count; Report of placement type for child welfare; child support enforcement collections; and the referral report for the BOCC.

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

BOARD OF SOCIAL SERVICES

A motion by Commissioner McCown and seconded by Commissioner Houpt to ratify all the motions made under the Board of County Commissioners under the Board of Social Services for:
EBT (Electronic Benefit Transfers – Disbursements Approval Request; Placement Contracts; Core Services Contracts; Colorado West; and CMC Sub-Contract - $13,500. Motion carried.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of the Board of Social Services; motion carried.

Committee Requests

Doug Britten sent a letter requesting appointment to the Community Corrections/Criminal Justices Board. Additionally, Colleen Truden letter of resignation was submitted. She is going to pursue her Masters in Law in California.

Discussion – Payment for additional funds on the sale of Glenwood springs Road and Bridge – Title Insurance $1400.00. The additional amount of $533.00 is the County share to complete closing.

Don stated that Land Title Guarantee had contacted him late Friday and said they had neglected to bill either the City or the County for the cost of title insurance for the properties that came to $1400. The County share of this expense is $533.00.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the additional amount of $533.00 for the title insurance for Land Title Guarantee; motion carried.

WORKSHOP DISCUSSION: ROARING FORK TRANSPORTATION AUTHORITY

Renee Black, General Counsel for Roaring Fork Transportation Authority, Don DeFord, Randy Russell, Dan Blankenship and Mike Davis from RFTA were present.

Don DeFord submitted a lengthy memorandum answering the question of including portions of unincorporated Garfield County in the Roaring Fork Transportation Authority. It is possible that REFA representatives will request a position on this matter. Additionally, members of the Board have expressed concern about possible inclusion and the impacts of that inclusion upon Garfield County government and the residents of Garfield County.

Currently, the Roaring Fork Transportation Authority exists pursuant to an intergovernmental agreement. The last draft of this to cross Don's desk was September 12, 2000 and it did not include Garfield County. By statute, no portion of unincorporated Garfield County can be included in RFTA and subjected to the taxing and revenue producing authority of RFTA without the consent of Garfield County. 43-4-605(2), C.R.S., as amended. Although there are conflicting statutory provisions, it is arguable that Garfield County must actually be a member of RFTA to include its property within the boundaries of the Authority. Additionally, in order to include Garfield County any portion of the County in the boundaries of the Authority, Garfield County must comply with the provisions of the IGA forming the Authority. 43-4-6-3(2) (f) (h), C.R.S. as amended. The last Agreement provided to the County sets forth specific conditions under which members may be added. Don pointed out in subsection ©, it requires an election by the electors of the area to be included in the boundaries of the Authority in order to consummate that process. Generally, that section provides that in order to become a member, we would need to comply with all conditions specified by the existing Board of directors, as well as all current provisions of the base Agreement.

For Garfield County to become a member, it requires 2/3 vote of approval of the existing Board of Directors. This section does not require a vote of the electorate; however, both the provisions of the base IGA and Article X, Section 20 of the constitution of the State of Colorado (Tabor Amendment) probably require an election. Section 43-4-605(3), C. R.S. as amended specifically provides that any property included by Garfield County's joiner to RFTA would subject that additional property to all mill levies and taxes currently levied by the Authority. This appears to be the source of revenue intended to compensate RFTA for providing service upon inclusion. The RFTA Board, pursuant to the IGA, may wish to impose additional conditions and additional revenue requirements.

Don's legal opinion is that an election following Tabor mandates would be an appropriate manner in which to confirm joiner to RFTA and this requires voter approval for any tax policy change, any new tax, or any mill levy above that for the prior year.

Discussion

Renee Black had suggested that a modification to the IGA concerning Bus Stop locations and she brought along representatives from RFTA to discuss what is going on with RFTA at the present time and their plans. She submitted a suggested possible agreement to the Board.

Don summarized that at the last meeting the IGA was brought before the Board and the vote was split one to one so no action was taken and at the request of the two board members present, he established a workshop to discuss the Agreement today. The essence of the new IGA would allow RFTA to provide in unincorporated Garfield County without limitation at their discretion within their budgetary restraints. There is some question as to whether the IGA standing alone is sufficient or whether it would take an Ordinance, but the substitutive issue is does the Board want to allow RFTA the ability to provide service without coming to the Commissioners every time they had a stop they wanted to add.

Chairman Martin - This goes back to the Ordinance back in 1992 which identified all the places that would be allowed by Garfield County to provide stops. It also goes to our 1041 Powers which identified that anything that exceeds 50 parking spaces, Park and Ride; etc would have to come under review. His concern was that if we allow bus stops wherever are necessary or aren't necessary and we have no review, we take a lot of criticism that we allow folks to go ahead wily nily without a Master Plan. If we are going to have a true comprehensive bus service we need to review where the stops are going to be and put that into our planning stage, show where development is located, show the needs and we wouldn't have that participation if RFTA is allowed to do this without the County being a member and having no input into the decisions. Therefore, he stated he feels that the Board needs to review all stops. Additionally, we'll have to either amend or throw out the Resolution in place.

Commissioner Houpt stated she would like to hear from RFTA on the interpretation of what kind reporting to the County and assuming RFTA would alert the Board when there was a need for a bus stop. There are issues that may be specific to the County that RFTA may not be aware of so it depends upon the interpretation as outlined in the IGA.

Renee stated the Bair Chase (Sanders Ranch) and there is a requirement in there approval that they build a bus stop and they came to RFTA how to set it up if the rider ship is there and right now with the financial situation, she didn't think they would be adding bus stops, rather eliminating some stops. Bair Chase asked if RFTA would serve this stop.
Dan Blankenship discussed relationships and the plans giving the background since he stated with RFTA in 1989 and starting managing they weren't providing service any further than Carbondale. In 1993 service was extended to Glenwood Springs. In 1990 they found out that in order to provide the services they needed to have IGA with all the jurisdictions that they were providing service in so they wouldn't need a PUC license. Over a period RFTA discussed this with the jurisdictions and signing the IGA to enable RFTA to operate within their boundaries.
Initially, in discussions with the County due to the stops at Ranch at Roaring Fork, across the street at the Cowan Center in Carbondale, at Cattle Creek, at CMC and at Buffalo Valley. Garfield County stated no, they didn't want them; so RFTA decided not to service those stops anymore and discontinued service. The CMC stop is the most used stop that in the Hwy. 82 Corridor in unincorporated Garfield County. A lot of the existing users became starting talking to the Commissioners about service and the Commissioners reconsidered and passed an Ordinance basically enabled RFTA to cooperate with the County. That agreement limited RFTA's ability to operate within the 82 Corridor. Currently they are operating the I-70 Corridor and there's one stop in unincorporated Garfield County at the Cottonwood Mobile Park. Technically, they may in violation of the current IGA in place presently. There are two issues here: one is RFTA would like to amend the IGA and be able to operate in all of Garfield County and the main Corridor of I-70 and would like to put stops in where service warrants. They would like to have the capability and an agreement to operate lawfully without a PUC. Without the agreement, the Cottonwood stop would need to be eliminated. The rider ship at this location warrants continued service.
Renee stated that this is just a starting point agreement and it can be made to say whatever we want it to say. Just because a stop may be justified does not mean they do it the next day. A promise to give pre-warning could be given to the County.
Chairman Martin said he could work with RFTA as long as the County had opportunity to review the proposed stop, review the necessity of the location and gave the Board opportunity to ensure that the stop was warranted, and that it did play in our transportation corridors studies that it has a development that would utilize it, more than just allowing RFTA to approve anything under 50 parking spaces.
The Bair Chase proposed bus stop, on the approval it didn't identify exactly where that bus stop was supposed to take place other than they were supposed to construct it. Now the best location is the issue, is it going to accomplish what RFTA wants it to do, or is it just going to enhance the development, or is it just going to be a new bus stop and you hope someday the development will build out. This relates to the County's land use issues.
Mike Davis – the original Bair Chase development proposed two bus stops and they proposed to build them both. There's one at the existing entrance and the other near the affordable housing apartment complex. In RFTA's reviews determined there is not a safe way to get across the Highway 82 at the new bus stop and that the bus stop be kept at the CMC location next to a signalized intersection. Therefore, their proposal is to improve the existing bus stop that is there now. RFTA, under the existing agreement, needs to have permission from the County as well as the developer to do this change. CDOT was not involved on the enlargement; it has to go through CDOT review. There is not a proposal to put any park and ride spaces at the development. All that Mike has seen as to plans is a bus pull out; no discussion has been held for a bus shelter. To build a bus pull out and get back onto Highway 82 without encroaching on the culvert for cattle crossing is another concern. RFTA will be working on this to make sure it meets their design specifications.
Chairman Martin - this sounds like a land use review in order to make sure RFTA has access. There is still a desire to work with the developer. How we get to this point is the other half of this discussion today.
Commissioner Houpt stated it would be easier if Garfield County when active members on the Board because this won't be an issue, it will be a part of the discussion on a regular basis.
Dan Blankenship did not have a problem with the Board reviewing these new proposed stops and could provide a 30 to 90 day notice. Some modification to the IGA would be necessary.
were to join RFTA we would only have one voice and by joining would not mean we would have what we want. Garfield County wants to have the say on land use. Safe access to and from the bus stops is a major concern and in unincorporated areas you have those safety factors. RFTA doesn't have the amount of resources to provide safe access. Dan proposed to begin talking to the Board of the potential to bring the

County into RFTA or an IGA to bring the County in as a more active participant. The bus and the trail is a financial consideration and RFTA is discovering that a lot of people want to get the trail completed from Aspen to Glenwood Springs. What kind of process does the Board want to go through?
Chairman Martin – Garfield County is not just Glenwood and Carbondale. If they wish to go through the section of Glenwood to Blue Lake to pay for the trails, you can't get funds from the County for that special section of the County. We need to specialize and then it takes a vote of that area. He reminded the Board that the County does not supply a penny to one of the biggest trails in Western Colorado, which is out of the Yampah area, which is in Garfield County. They have more visitors there than they do at Maroon Bells. We need a special district, then put that to the people.
Commissioner McCown – the only thing he could support would be some type of a special funding district that would be directed to transportation and depending on how the Ballot Question was worded, if trails were included, it needs to included in that Ballot Issue so that people know what they're voting on. Two years ago, we had an issue on Open Space and it passed overwhelming, the funding question was defeated overwhelming. Everybody wants it but nobody wants to pay for it. Say way with transportation in a lot of cases. The areas of service need to be given an opportunity to fund it.
Commissioner Houpt – Agreed that the Board needs to take that to a vote and may need to do a market study to do determine whether it would be more successful in the Roaring Fork Valley or if we should extent if further. That's a recommendation that needs to come from RFTA.
Chairman Martin – the trails question if from Glenwood Springs all the way through Rifle and Parachute.
Commissioner Houpt – agreed it was County-wide to Parachute, even though it extends to the Utah border. Renee thinks the emphasis has been the part that RFTA owns the railroad right of way, that's why they are looking at what's in their hands and not having to purchase right of way.
Chairman Martin – the other group LoVa has received a grant to go ahead and do things, then the cities on the other end that have trails in place which wish to connect and they have the same discussion with this Board. We have to be real careful because once we start contributing; we will have to a funding source to take care of everyone. We wish to be fair and equal to all the municipalities. So if it takes a question for the special district that they wish to have and then we're able to proceed and increase the boundaries through votes and extension, then we can do that. The other question is does the IGA automatically put these folks where we establish the boundaries under the tax that's already in place and would we have any say in those taxes. And the answer of course it would like with the RFTA board if we joined or didn't join. Is it correct to say, if that boundary is increased, all those levies in place for transportation or trails would then fall upon the people that were included in the district automatically.
Don – that's correct, it still needs to go to a vote.
Chairman Martin – Mildred has a time line and forming that question of the September 1st, but do we want to go in that direction.
Dan – they were thinking about 2004 versus 2003 for the ballot question. This isn't perhaps the best year to pose that funding question on the ballot due to the economy. This will provide more time to develop a plan so the people understood what they would be getting for their investment. The boundaries are tricky and we would need to work through it when you're proposing portions of a district versus the entire thing.
Mildred added when it passed for Carbondale and Glenwood Spring, it was percentage of tax which both are different. All of this has to be worked out.
Don – the understanding of the last draft of the IGA of forming the IGA was that the Board of RFTA would set forth the terms of joiner to RFTA and then it's up to the Commissioners to decide if they'll accept that or not. Again there would be an IGA formed.
Renee – it would be negotiated, it's not just coming down from one side saying take this or else.
There are different tax amounts in our different jurisdictions.
Don – this would necessitate an agreement between RFTA and the Commissioners and then take that to the election similar to the first ballot question.
Dan – an agreement would include the services that ideally would be perceived as part of the agreement and that would have to go to two public hearings for public comment, then to the ballot.
Commissioner McCown – if this were to go to a vote and were it to include Garfield County and the Roaring Fork Valley, would it still include those Garfield County citizens that live in Carbondale and in Glenwood Springs or would it just be unincorporated area of Garfield County?
Don – this is just for the unincorporated area and only those people would be allowed to vote. The municipalities are already included.

Chairman Martin – because RFTA has to have a vote of the governments within the district to expand their boundaries, they would have to have a vote to allow that questions to do that and the people in the boundaries would have to be included would have to have a vote.
Don – without reading the forming IGA with RFTA that way but thinks its formed and the terms of adding new members are set forth in that IGA, the Statute allows that so there the Board of Directors of RFTA would have to agree, but the voters themselves within the existing governments would not have to approve it. It would require a special ballot and Mildred would have to identify all those property owners in the unincorporated areas of Garfield County.
Heather Copp – finance director for RFTA, financial concerns in talking about Glenwood tax and those unincorporated area, need to discuss Rifle because we currently run service to Rifle, Silt and New Castle which is among the most costly services RFTA provides and the largest subsidized service, to the tune of about $400,000. How does the Board feel about that piece of this as we move forward to have this for discussion?
Commissioner McCown – is that service subsidized in the Aspen and Snowmass area?
Heather – it is subsidized but everyone in the current district pays now, Aspen has its own service that they contract with RFTA and they pay them and we have to allow their riders to be free.
Commissioner McCown – Aspen and Snowmass is free and they don't charge anybody to ride. Heather – the same is true for Glenwood where they pay the RFTA tax but they chose to have their own local tax too that they charge their customers.
Commissioner McCown – from the western of the County, unless something has changed very recently, there is no willingness on Rifle or Silt to participate financially.
Chairman Martin – the question of being included in the number of voters, we have 55% live in the cities and the unincorporated area is 45%. The further you go west, the more you have of unincorporated citizens. That question has always been perplexing to RFTA because of the unwillingness to go ahead and approve a taxing mechanism. If you included that in the boundary, you may run into opposition more than you would from Glenwood Springs to Carbondale and that's why they always look at the Roaring Fork Valley to make that step.
Heather – since this is financial aspect, this is very draining on the system and asked the Board how you would feel if the service was taken away if they the citizens in the western end were not paying for it. This needs to be thought of as we move forward in these negotiations and decisions.
Commissioner Houpt – it's important for RFTA or the County to do some market research before it is placed on the ballot. We either want to include everyone the first time around or be successful or both. We don't know the answer to that question. Commissioner McCown has the strong perception that it probably wouldn't be supported in that part of the County. However, she prefers to see this done all at once because it's difficult to take things back, but it's not going to be successful that way, then it's not in the best interest of RFTA to encompass the entire unincorporated County the first time around.
Chairman Martin – the buy in is with the municipalities because they hold the key as well, they're receiving the service other than the one at Cottonwood Park that RFTA is hinting at taking away.
Dan – one of the strategies of RFTA has been that until people have the service and can use it, they really don't know it can benefit them, so we typically try to extend service and then ask for some financial participation whether it be from general fund contributions or joining the RTA. At some point, most of the jurisdictions that we have done business with have felt it better to get the expenditure out of the general fund and into a district financing mechanism. Most of the jurisdictions have contributed funds out of the general fund since the sales tax is down 15% in the last two years. Rider ship is leveling off. However, if we discontinue now, it would take 10 years to rebuild the service.
Chairman Martin asked for clarification on the sales tax base for RFTA.
Dan - Pitkin County generates about 20% of sales tax in all. mostly from the Airport Business Center. When RFTA was formulated, the industrial sales tax was about 1/3 of what the entire county collects.
Don – every little bit helps; it is an equity issue and we may need go back and look at records in county sales tax collections. 99% of the sales tax revenue is already obligated through the ballot issue when the tax was passed. Property tax is about 50% of the general fund.
Alice - Public transportation is benefiting to the citizenry and until we work out some way of dedicating some funds, funds coming from the general funds would be the better way to go. Commissioner Houpt stated she would like the Board to consider allocating $100,000 to RFTA versus the $25,000. We need look at the benefits to the taxpayers and it is appropriate to look at the general funds. She also wants an emphasis on trails.

Chairman Martin noted that most of the budget is allocated.
Commissioner Houpt – this is the reason we have the budget discussions.
The discussion continued on the sales tax, the $10.00 registration fee per vehicle in the RFTA district, trails including LoVa and the contribution to RFTA for trails using the railroad corridor; and the potential ballot question outcome for support of a transportation tax.
Don stated there could be a special percentage for transportation over the 6.5%.
Randy Russell suggested matching grant funds to trails and this could be some of the linkage in doing the market study. People are demanding trails and we need a creative way to respond to the requests. LoVa benefit to the commitment for the railroad corridor. The Highway Enhancement grant funds contributed to LoVa and this was from Glenwood Springs west along the I-70 corridor. Randy also doesn't want to have a pubic hearing for every bus stop and suggested making this an administrative procedure and revocable if something goes wrong.
Commissioner Houpt stated this Board didn't hear of the proposed new RFTA bus route that would go behind the mall. The impacts of residents that live on Donegan road were tremendous.
Commissioner McCown – disagrees wholeheartedly without the plans coming before this Board because the Commissioners definitely need to hear about it. It will affect the county roads it should not be an administrative function.
Kathy Tuttle – City of Glenwood and RFTA was also involved with County tax issues; she lives in Garfield County. The bus is the biggest thing we are looking at and the people that are asking for it. There's about 300 people riding the bus from the west end of the County and many are county staff. Getting people to ride the bus does take time but we need top support.
Suggestion: the early Resolution is too restrictive – we've moved beyond that and now we need to agree on an IGA that will allow us to move forward. A new draft will be submitted to the Board that will be encompassing the discussion today and see if this brings RFTA and the County closer to an IGA.
Don DeFord made a couple of suggestions and are premised on the fact that you want to change your existing Resolution, if you don't then you don't need to do anything. If you do, there are a couple of problem areas or solutions. First of all for the bus ride that will have the 50 or more cars parking in the area, you already have land use regulations so you have a review process in place and you could recognize that in the IGA and simply say if it's been subject to your 1041 review, then that's sufficient; 2) you also review and a couple of examples where this Board has approved bus stops as part of other land use review processes, Bair Chase is one and approved in concept a bus stop as part of the Springridge Development as well as Rose Ranch and Blue Creek so this is four examples where this Board reviewed it as part of the land use process. If you've had that kind of review, you don't need to do that again either. So the ones we're talking about are the ones that are less than 50 cars and that have not reviewed as part of another land use review. So this has already cut down on the types of bus stops the Board has to look at. That's what Don is focusing on if you want to change your Resolution recognize the ones you've approved through your land use process and then tell us what kind of review you want to have for the ones that are left.
The Board felt the additional bus stops need to be a public meeting and establish the criteria by getting with the different agencies depending upon where they are at, CDOT, Road and Bridge, access issues would come into play whether it's on a CDOT highway, or a frontage road, the need to possibly build access roads, things of that nature all need to reviewed. There's a need to look at the entire County.
For direction to staff, before it comes to the Commissioners, a position from either Road and Bridge, or CDOT, depending on who's right of way, County engineer that would be assisting the County Road and Bridge staff and the Planning Department look at the planning implications as well. If it's on private ground or other government agencies you want their approval as well.
Dan stated that all the other jurisdictions they work would have this approach the service would be better in many respects. They are not opposed to going through a process as long as it's timely because it gives the public an opportunity to weigh it and sometimes they're not in favor of having a stop or having it approved.
Randy Russell felt they could draft a permit check list in conjunction with Renee and Don using Renee's IGA draft as a working agreement. In some cases we just nod our heads when a land developer comes in with a proposal for a bus stop and we need to know if RFTA wants it or not.
This is mutually beneficial to go this way.
Commissioner McCown – but if RFTA doesn't take the bus stop offer, it's no loss because then there's no expenditure by the developer, but if there's a need for it fifteen years from now, we've got a commitment on file and the developer would construct it.

Don – focusing on this IGA from his perspective, Renee's draft IGA as a working document is fine but suggested the requirements we discussed here be added to Articles 2 and 5 of her draft and lastly on this Agreement, his position in that it's a Board decision to make whether or not to accept the modified IGA or also wish to have the Ordinance changed. There's a sufficient way in the language of your Ordinance to allow it to change by way of Agreement, but if the Board wants to formalize that and go through the Ordinance process, we can do that. That takes additional approximate 30-days. Don asked if Renee would provide us another draft to be put in front of the Board to see if they agreed with the changes. A 30-day time period should be included for the public meeting process.

Trails: Commissioner Houpt requested to discuss trails; she's been hearing that it's great to do trails with transportation. You can also group it with recreation and as we look at this, she anticipates the need for becoming involved with trails to grow and continue growing over the next several years as this is a huge focus on not only of the tourist industry, another mode of transportation and a safety issue in terms of County roads and highways. This just hasn't been a focus in this County and we need good alternatives for other modes of travel for bikes, horses, or pedestrians. She would like to open this up to people who have been studying this issue, where we should start looking for money, how we should approach it as a County – both from the transportation aspect and recreation and we need to find some money in this region and in this county in particular and open it up for suggestions. Taxes would only bring in a nominal amount of money and we need to think of other avenues as well. She also thinks it means shifting priorities and redefining responsibilities but as a taxpayer in Garfield County she feels this should be a priority in the general fund.

Chairman Martin mentioned that it takes a year or two once you levy taxes to have enough money to do anything.

Randy Russell – it may come to an obligation for us to build a trail in that corridor, we've also recognized that we don't want to pay for more than about 15% of that with our local money. There's only 12 miles of the 60 or so miles left and this is going to play very well with GoCo and State Trails money as well as other kinds of finding sources, the trick here is to plan to maximize the leveraging of the limited amount of money we are going to be able to come up over a multi-year period of time if we're not going to the voters until 2004. The revenue wouldn't be generated until 2005 and those trails constituents that want a couple of miles of Highway 82 which has been cauterized as being super dangerous, we need to be able to tell them what that timing and how we're going to go about strategically getting that done. We could make some promises to them, categorizing that and coming up with a report, talking about where we're going to hustle those funds and coming up with a necessary match coming in prior to the deadlines to going and getting that money.

Commissioner Houpt asked Randy if he felt it was incumbent upon the County or do we have partners such as RFTA and the other municipalities. On the unfinished part of the trail in Garfield County, who are our partners?

Chairman Martin – Garfield County is not a member of RFTA; RFTA took the obligation of building the trail and what they're asking us is to partner with them because they are responsible over building the trail. That's what they've put together for the people.

Mark focused the attention on the fact that we don't even know what it will cost to build a trail. No one has set down and counted the cost, what kind of trail can we build.

Dan has some estimates for an interim trail and for an ultimate trail and it is between $6 and $10 million.

Mark suggested doing some engineering before a dollar figures is taken to the voters.

Dan said RFTA's plan is to do some mapping and design work, etc. over the next couple of years as RFTA has the resources to do it. Once we have a better handle on what we're going to do and RFTA can attach some costs that affirmed, then they have something to take to the voters, which might include a bond issue for the trails. RFTA would have the capability of doing that, but this is why he thinks it would be an advantage to have the Garfield County portion of Highway 82 on board with RFTA because then everybody can participate in that bond issue and would helping to pay for the trail via that mechanism. Then we've addressed the equity issue. If we can complete the trail for $5 or $6 million dollars then we have to generate approximate $650,000 in revenue a year to devote to completing the trail and currently RFTA has probably $250,000 or so to put into that. The trail could be scaled back and/or do a smaller portion of the trail and not do as high scale to get the price down that would fit into our revenue stream. If we have a design that we might be able to attract some private contributions in addition to grants from GoCo and State Trail's organization funds.

Randy – we need some preliminary engineering and design anyway as part of the strategy for our market analysis for whatever we want to do and that needs to be the target if we want to put something on the ballot. We should have this by summer 2004.
Heather – the trails issue is important and feels there is a lot of money out there for trails. On the highway, there are enhancement funds and the problem she's seen in this valley is a disjointed effort after those monies. The Mid-Valley Trails, Aspen, RFTA, Glenwood, all doing their own thing. If we combine those efforts we would probably come out with funds we need to get these things going, but a couple of issues are still outstanding: one, we don't even know what's out there and there is federal money matched with RFTA funds to do a mapping project where they can identify all the corridor that RFTA owns and where all the licenses fees need to be identified.
This is another area of cooperation from the County that would be need. The opportunities are out there and the big issue is trying to get all the people in one room that have the ability to be a part of the solution.
Chairman Martin asked Dan when the meeting was held in Carbondale and we voted on a trails plan and a trails document, and a trails overall scheme and what was going to be acceptable; the vote was also taken on this particular segment that each governing body would be responsible for their own match and their own trail to meet the template which everyone agreed upon, is this still in effect? So that means that Garfield County would have to meet the template and have to match that money to get it built with no funding in place and one of the most expensive areas without a funding source. We have to decide if the County is going to be in the trails building business and live up to that Intergovernmental Agreement that all the other governments did and this takes a tremendous hit our the budget. This could be anywhere between $6 to $9 million dollars just to do that.
Ed said we still presumed to use the rail corridor.
Heather – there is a trails plan but the problem is it's a bare bones plan, these meetings in August and September will focus on what can we build for some reasonable amount of money in the middle range of cost.
Chairman Martin has some problems with the IGA because it obligates the County to do numerous things and not just the bus service and not just transportation issues, but the multi-million dollars; if we can take each segment and improve that we want to improve without obligating tremendous amounts of money that we don't have and no chance of even generating and having to make extreme choices at budget time.
Commissioner McCown – we might end up with Trails and no bus help if we prioritize.
Jesse Smith – at one point there was a plan in place to do their one point one mile and it was going to cost them X dollars, but then the article in the newspaper last week that said the RFTA board had said no more trails on the corridor and that threw Eagle's plan and costing right out the window and they're going to have to go back to the board and come up with more money. What is the position on the rail corridor?
Renee said the newspaper account was not accurate and it was made even worse by some headline generator. The RFTA board has not made that decision at all and they were looking more at the issue of how much of a trail we want and to what extent it needs to be engineered and do we need to follow the plan we have now which is a bare bones one.
Commissioner McCown asked how much RFTA has designated for maintenance.
Renee said they've been telling the various groups that if someone comes to RFTA and wants them to build a trail then they tell them you have to build in the maintenance dollars in a funding mechanism.
Dan – 2.2% of the sales tax revenues, $130 to $140,000 a year that's devoted to trail maintenance. Right now they are basically doing weed abatement. A lot of trail has been built in just the entire corridor in Pitkin County and Pitkin County is maintaining that trail as well.
Chairman Martin corrected that it was the Open Space and Trails Committee that is a special district and have tax money coming in.
Don said the RFTA board is working over the next year in trying to determine how much the overall resources need to set aside to maintain those trails as they are constructed.
Chairman Martin posed the question to RFTA if there has been any trouble in reference to trails and also upholding the conservation easement and also Quest easements in that particular corridor they have to honor and also living up to the agreement of no structures, etc. because this was a very large discussion. Also, in reference to crossing and how they honor the crossings of all the private easements, etc. Are there issues there, because there are 96 crossings in Garfield County alone that we have to address.
Renee – it's an on-going issue and she devotes half her time as the transportation authority attorney dealing with corridor issues but so far it is doing well. There was a change and there's no long a conservation

easement on it, its conservation covenants and there is a committee that is actually watch dogging that to make sure RFTA is doing the right thing.
Chairman Martin – GoCo gave up on holding the conservation easement or did Aspen Valley Trust take it over or someone else.
Renee - Aspen Valley Trails gave it up with some money that RFTA never received.
Chairman Martin - $500,000 from GoCo that had to be paid back. The Quest easements were tremendous to allow depth surface and had to remove everything if necessary. That was a consideration on how to engineer and how you lay out your trails. We still have a lot of hurdles in putting the trail on the corridor. What we looked at was the trails that have already been created on CR 109, Aspen Glen, Coryell Ranch and Rose Ranch. What we are looking at, if Garfield County was able to move it off the corridor, we would need a template to consider and maintenance would have to be done. Rose Ranch put the trail along the road but that is part of their project. These are some alternatives that we have in place. Engineering cost next to the rail bed in reference to the large ditch that had to be piped, etc. was a tremendous expense to the ditch company as well as RFTA. These are engineering problems that Garfield County would be taking on a bunch of trouble. So this is the template you're looking at.
Heather - we're doing mapping and data collection and it's going to be on the GIS. This is not going and looking at site specific alternatives. The last time the mapping was done was in the 1980's.
Randy – the County's portion of this trail is rather simple and it was $250,000 to $300,000 per mile estimate will work until you encounter a trestle or something. We just don't have a handle on how many of these there are at this point.
Chairman Martin – the right of way goes across Carbondale, it's Garfield County's issue across Highway 133 to the other side. There was a lot of research from CDOT by a special consultant to do all the right of way, the plotting, the mapping, all the deed work, etc. and there's copy of it are in Garfield County which fills a box. Everything was put together for CDOT. Why can't you have access to the corridor all the way down from Aspen?
Heather spoke to Joe Elsen and they only thing CDOT has information on, is the fiber line. Chairman Martin – will give the name of that research lady to Heather, she worked almost a year.
Commissioner Houpt – summarized the challenges to building anything but the first is to put the partnership together with the commitment and the seed money to make it happen. She would like see this Board come to the table and start looking at these other resources that will allow putting this to our constituents in order to have want a safe route to ride their bikes home from Glenwood and from all the communities. LoVa is going to come to this Board with the same kind of request. People want trails, they want different alternatives to riding on a highway or a road and we have to start somewhere. It doesn't mean $600,000,000 to do it, or even a million, we just to start with a commitment and figure out what we have to start it with and how we can build from there.
Staff was given Direction – staff now has an idea of where we're headed and the first thing to start with is the bus stops.
Randy – asked if the staff has permission to put a cost on the trail information to give to this Board on those alternatives and on those costs? This is needed for a variety of reasons, one as part of the strategy in knowing where to go next and try to figure out and who it is that we need to get a match from and does RFTA have anything planned to get this information by early summer.
Heather – one mile of the trail is designed and they will be awarding a contract Carbondale 100 to Catherine's Store.
Dan – RFTA is doing mapping and identifying all the constraints with the geography and wetlands and other kinds of things from Glenwood Springs to Emma because the trail is pretty much complete from that point and then the next step will be to determine the cost we're looking at and what our options would be. The RFTA Board is still looking at the rail bed in some places available for trail use on a minimum basis and may not be possible to do that from Glenwood Springs to Carbondale since the rail bed is still usable and there might be an opportunity to do some kind of demonstration project such as dinner trail, etc. in that segment of the rail. But from CR 100 up to Emma, there are some opportunities to avoid some of the more costly things that would have to be done in order to get a trail off the rail bed. The Board is going to want to know where all those areas are and make some overall policy over the next several months so that we can come back.
Chairman Martin – in reference to the trestle that's not safe for trail but it is for passenger but again that limits the use of the trail but may have to move and that would be an added expense.

Dan – what RFTA would like to do in amending and revising this IGA, would be get involved in the budget process for support for transit and perhaps for trails and also for long term 2004 look at some kind of a ballot question either RTA or special district; do some market research next year sometime to find out what kind of support and where it lies throughout the County and keep working with this issue with the County.
Chairman Martin – we'll see what happens on the development in Rifle and the review for reverse commute, to see if there is such a commute and see if that takes off some pressure, also Snowmass Canyon was to be completed in 2005 and that may relieve a bottle neck in industry, see what happens there.
The Board informed Heather that the procedural way to request for funds would be to write a letter of request.
Randy Russell stated that as for direction to staff, he was charged at the River Commission Meeting to get with Andrew from Glenwood and Mike Hermes and continue to work with Carbondale Trail Committee to come up with some kind of consensus we can all work together to close the gaps and these two towns are very willing to work with Garfield county and maybe even contribute to the process of helping close these gaps. That's a charge that he was originally given here. If we add to that responsibility working with the rest of your staff on what it would take to go through there, I don't think we're going to talk preliminary engineering at this point, but we can at least go in there with the concept of a cost concept and some alternatives of the on-rail/off-rail, 10-feet of pavement versus 8-feet of asphalt kinds of issues and get that done understanding that this is coming back before the Commissioners for some decision making early next year. It makes sense to expand this vision and he may be coming back and asking for $10 or $20,000 to kick into your process to somehow launch this and get that project ready. And he would like to go back to the River Commission and tell them the Commissioners charged us and we're moving ahead, maybe not as fast as you'd like, but we're going there.
Chairman Martin – in reference to RFTA, what are their plans, their estimates and what do they plan on doing in order to avoid duplication, it's still their responsibility to built that according to the agreement.
Heather – one of the things RFTA doesn't have is an engineer on staff and some in-kind support in helping obtain cost estimates.
Randy mentioned the potential trail hasn't even been walked recently so there are some real first steps here and this Board would be giving them the charge to do and couldn't guarantee it would be cost-free. They could be back here in a month and ask for funding.
Commissioner Houpt – wants to go in this direction.
Chairman Martin stated it still comes down to a taxing question.
Commissioner McCown – you're charging ahead with no funding mechanism and I will not support general fund money to build trails.
Commissioner Houpt would be in favor of general fund money because we support other things or maybe look at a tax.
Mark – what Randy is asking for funds for would be to define the cost and wherever the money comes from ultimately assuming we go that direction, we would still need to know the cost. He agreed to look at his budget for the allocation.
Ed wanted clarification on using Jeff, Randy and Rob for the engineering and data gathering.
Chairman Martin suggested that Jesse and Ed needed to review this as to their time availability.
Jesse noted there were demands on both the engineering and GIS at the present and would need to prioritize.
Randy preferred to focus on the engineering and other kinds of issues. Suggested talking to Randy and Jeff.
Commissioner Houpt wanted to commit that during the budget process she wanted to find some money the other two Commissioners would be comfortable with toward a trail.
Randy needed clarification on maintenance and liability issues.
Chairman Martin said this was in the agreement in the Trails plan that's already been outlined and agreed by those members of RFTA.
Randy's official orders were to come back to the Board with something.
Don DeFord – the last issue is if the Board expects him to be working with Renee or others to develop an Agreement to join RFTA or put it before the voters in 2004.do you expect Don to work with Renee or put it before the voters.
Commissioner McCown – until the study is done Don couldn't work on that agreement, they may not want the whole County.

What would be helpful if the Board is interested in exploring this would be to work on in-kind services with the appropriate person in Garfield County to get an understanding as to what kind of tax could be generated in those precincts, or just the Roaring Fork Valley. The basis they used in 2000 was really rough.
Chairman Martin – Mr. Green can supply that information.
Don clarified his direction was to do nothing until we get further requests from RFTA.

EFF Declaration – Brush Mountain Fire
Jim Sears submitted the EFF Declaration giving the Brush Creek Fire back to Garfield County from the State. The request to take over the fire at 6:30 a.m. Tuesday morning. The fire is out but the Sheriff is responsible.
Commissioner McCown made the motion to authorize the Chair to sign the Assumption of Fire Control Duty for the Brush Mountain Fire; Commissioner Houpt seconded; motion carried.

Executive Session - Board of Adjustment – Judge Carter representing the Board of Adjustment – Conflict of Interest
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss the aforementioned item; motion carried.

CONTINUATION OF WORKSHOP DISCUSSION ON BUDGET ISSUES
This agenda item was postponed until Tuesday during the vacant schedule times of the Board of Equalization.

Recess
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to recess until Tuesday at 9:00 a.m. for the Board of Equalization and continued meetings of the Board of County Commissioners; motion carried.

Attest: Chairman of the Board

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JULY 22, 2003 – JULY 28, 2003
Meetings held during the Board of Equalization Hearings
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, July 22**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 9:00 a.m.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Equalization; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of County Commissioners; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of County Commissioners; motion carried.

FOUR MILE DRAINAGE
Marvin Stephens and Jeff Nelson were present.
Discussion regarding the City of Glenwood Springs restoring the Four Mile Intersection to the original state, but the City has done significant alterations to the drainage. They intended to cover the drainage area and they are now convinced not to in case there is any significant rain that it would be the only way to protect the residents and the school.
School Board and Fred Wahl stated that this is not going to work. Despite the fact that the land was taken from them, the City really needs to add the collection pond and divert the water into the creek down below. Jeff Nelson, County Engineer – Garfield County shouldn't have to maintain it, it's the City of Glenwood Spring's right of way or the school board's property. He recommended the City take over the maintenance. Retainage pond – building it into their design. In the field now you see an irrigation pond, and the City filled it in; Jeff's recommendation was to build in a retention pond – can't release storm water into a creek due to State law. Anything over an acre requires the measures under Storm Water Act. The pond would be built on school property. The discussion yielded the School Board agreeing with the idea of a pond on their property. This should work with a roundabout. Who owns what parcels and the roundabout built in whose right of way, is what the survey that is going on currently will reveal. The City does intent to construct the roundabout starting in April 2003. This will give the County time to work on the design of the drainage. Ed stated the three entities have agreed on a project plan and a project committee to work together. The 24-inch pipe or 36-inch pipe should be the extent of the County's part in the roundabout. The City won't rebuild that pond and Commissioners Houpt thinks this needs to be discussed. Ed asked if they altered historical drainage. Marvin said the City thinks the pond was there for irrigation and it was built 9 years ago and how long is historical. The City leveled the bar ditch and altered the historical drainage and they need to address what they changed for the intersection for the use of retention ponds and storage. Jeff Nelson stated that a pond needs to be put on this system. What was accomplished was the School Board will allow it on their property. Possibly all the cost will fall on the County. The City, Rick Davis, stated the pond couldn't be used for the retention pond. This is a subject of discussion.
The School Board has a lot of anger over the City's alteration on their land. The School Board needs an agreement, and the City needs to follow through on agreements such as the ball field. The City still didn't come go to the School District, rather just started work and then the School District halted construction. The School put in the irrigation pond while they worked out their water issues. This was on the school's property. The question is why can't the school board force the City to put the irrigation pond back? Jeff wants to meet at least once a month and discuss property issues. Steve Smith has been involved in these discussions. The budget amount for this project $400,000 and in talking to Jeff that seems to be okay. Jeff stated devices will be placed to divert storm water runoff. It will go down the side of that road; pipes will go underneath the curb and gutter.

CONTINUATION OF WORKSHOP DISCUSSION ON BUDGET ISSUES

Ed Green and Jesse Smith were present

DETOX

Jesse Smith – a meeting was attended last Friday at the Community Center and the Colorado West were present with people from Denver and local people and invited a variety of people to attend. The only ones present were police officers from Aspen, Basalt, Rifle and the City of Rifle, Selby Meyer. No one was there from Pitkin, Eagle, New Castle, Silt or Parachute. The basic agenda included to review the June 2002 financials, the 2004 budget and funding proposal and distribution. A plan that DETOX came up with that was for billing the various entities was submitted. Jesse stated they are requesting a contribution. The County has an agreement in place but we are the only one. The immediate discussion went to the distribution proposed and a plan. Detox proposed a funding summary – from 2004 taking the deficit to go back to the various entities for a breakeven budget. Bad debts were not addressed. Other costs were not identified. About reducing the bad debts was included in their plan. Jesse took their numbers 2003 to date and 2004 budget and the submitted funding plan and included the observations in his handout. On the 2003 year-to-date, the personnel costs were running $100,000 behind and this was never addressed. They put their administrative overhead in the deficit in 2003. Overhead is included in the 2004 budget. This is the first time to see their detailed budget.

Lou Vallario's concern is that while some of the municipalities are not participating, they are bring individuals to the jail that are intoxicated and he doesn't have to take them, but if the officer charges the individual with an offense such as DUI then Lou has to take them and he puts them into Detox. The problem with that arrangement is Detox is a voluntary commitment and the individual can leave if he/she chooses.

Commissioner Houpt favored entering into an IGA and putting the stakeholders in a position to find a funding tool.

Chairman Martin reviewed the past history and stated that the research has been done. Silt brings DUI's to the jail but they do not use Detox. Meeker is the same, and Rifle was opposed and will not do it. If they use Detox, Rifle, Silt and New Castle will pay on a case by case basis. Lou has a lot to lose and he will end up with the regional burden.

The Sheriff has made the statement and policy that he will not take drunks and Lou may need to go back to the policy of, if they are intoxicated and charged, he can refuse them. Then the arresting entity could seek another place to jail them or put the individual in the hospital and keep someone with the individual until he/she is sober. This discussion has been held many times.

Jesse – the discussion held with DETOX proved not to make Colorado West happy and; they want a special use tax to be assessed. This would take State Legislature action and DETOC feels that the Commissioners need to start a political process to accomplish the tax

Commissioner McCown - DETOX never supplied a patient list of how many are over there and they do not have to disclose it. They won't commit to the numbers. We've asked by town where are your users. Staff at DETOX has to be paid even if there's no one in the facility.

Jesse annualized their budget, bad debt and other costs of $40,000 and at this rate, they will have $155,000 and Colorado West couldn't tell them what's in it.

Selby raised the fact during the discussion that it's hard to read your financials and can't compare due to the format. Jesse submitted a spreadsheet he had done on DETOX numbers for the Board's review.

The Board raised the question of what it would cost for another option and taking into consideration the liability issues.

Jesse can look at the payments made for costs and can review the vouchers for Colorado West as payees.

Don asked that the Correctional Health contract was before the Sheriff and suggested that this Detox issue could be included in that contract to provide this type of service as well. He's going out to bid now – it's a service the Sheriff will have to have allocated.

The Board agreed this should be pursued. Most alcohol holds would be held 24 hours or less. The Sheriff has several cells separated and could hold them if he was favorable to the idea.

Commissioner Houpt wants more information; why they need a budget; who is committed; and this current supplemental is not a workable budget for this program due to the stakeholders position. She also favored the Board filling the nitch if they shouldn't survive.

Pitkin has their own facility in Aspen Hospital.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of the Board of County Commissioners and into the Board of Equalization; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Equalization and go into the Board of County Commissioners; motion carried.

Budget Discussions

LETTER FROM THE LIBRARY

Ed submitted the letter from the Library proposing additional funds due to the slump in sales tax revenue.

AIRPORT ROAD – Jesse and Ed put another $100,000 in the budget for inspections per Jeff Nelson's request.

HUMAN SERVICES – input was provided. The traveler is asking for $10,000 for a new bus match. This could be supplied out of capital. Deb is reluctant to change operating for capital. This would be additional to the grant. We have made a huge support issue for our seniors. With the increased rider ship they are expecting to encounter maintenance issues.

RFTA BUS SERVICES

$25,000 for RFTA for bus services. Commissioner Houpt wants more for RFTA and suggesting adding an extra $20,000 to $30,000 in the budget for the study we need to do for the corridor.

Commissioner McCown - Randy and Jeff's contribution was to be the in-kind for the study. Randy cannot design that trail, it would cost $300,000 and the County shouldn't be expected to do it. This would be a huge expense for someone to do it. If we make the commitment for Jeff or Randy it would be a huge task.

Chairman Martin - RFTA has already done the study; the basic and intermediate as part of a $2 million study following the alignments. RFTA doesn't want it to be on the rail corridor; there was always room for a trail and a train. A minimum of 12-feet on either side of the track has to be allowed. Some places there's 200-feet and others are 50-feet a basic trail could be done along the entire rail.

Commissioner Houpt wants to make a commitment whether it ends up being an expense that RFTA has to bear but feels we need to address this for County residents.

Commissioner McCown – very weak source if looking at RFTA to maintain a trail between Glenwood and Carbondale. Financially they are not sound.

Chairman Martin – a $2 million grant was given to RFTA by GoCo; it had to be given back due to conflicts. Now they have a Conservation District. GoCo will probably not contribute funds as they were promised a trail and those funds were paid back. Now we are looking at different funding sources.

Commissioner Houpt's understand was that Randy was going to work with the group and we can't do that without contributing money to the effort. Argued this is something the County residents need and want.

Commissioner McCown wants to bring it to a vote and see how bad they want it. If the citizenry wants it, then they will be willing to be taxed to pay for it.

Commissioner Houpt thinks we need a bottom line – something specific to bring to the voters. The linkage is a desired outcome.

INFORMATIONAL TECHNOLOGY

The budget was raised up for $500,000 in the IT department for a 5-year system. Accounting, Human Resources and Purchasing will be integrated to move data back and forth. This will accomplish the tie in with accounting but perhaps not everything Georgia the Treasurer would like. Georgia will still get the type of recording she wants. The Treasurer does not interact with the accounting system. The only interaction is to balance the Treasurer's cash with the accounting cash and vice versa.

Jesse stated this new system will eliminate the need for contracting payroll outside the County accounting system.

SUTANK BRIDGE

Engineer the upgrade for foot trail.

LoVa Trail – support for the CDOT Enhancement Funds and the County provide in-kind services of time and effort for in-kind and mapping.

The $120,000 is for the funds to do the study; the cost of the trail was between $1 million and $2 million dollars.

HAVEY GAP COMMUNICATION LINE
Explore possibility of solar to that site. Could build this as a joint effort in Communication, Road and Bridge; it's not a Communication Board site at the present time, but it might be used for that in the future. The com board wants the sales tax money allocated to them as well.

REMODELING, CARPET, REPLACE ROOF ON COURTHOUSE
The roof on the Courthouse needs to be redone. With the remodeling and carpet that is scheduled to be in 2004, the roof needs to be included. The carpet and remodeling for all three projects in 2004 is $350,000. Include in the budget.

NEW ROAD AND BRIDGE SHOP – Chip Seal
Chip Seal was suggested; it is okay to keep chip seal; might look at this. Rotomil from CDOT was also suggested.

PERSONNEL ISSUES
Additions – if we implement full oil and gas rules, the question is, are there enough people to do the inspection reports and will the BOCC support the staff. Regulations adopted and how intensive to regulate the industry. Doug has proven very capable. Go through rule making before
Look at how this continues – no new staff.

BLIGHT REGULATIONS – full set – Steve may be overwhelmed.
Staff needs to be considered. Building permits are down. Inspectors have more time. Utilize them some. Look into that – more training. Find out if this is a possibility and keep it in mind. Definition of blight – difficult – gets personal to some. Battlement Mesa

ANIMAL CONTROL – is it possible to have animal control without licensing – this is the only revenue side of enforcement. This assures the rabies and tracking – full blown – McCown not an advocate of licensing. Garfield County has no leash law.
Discretion of Sheriff and DA. One free bite is the rule. This needs to be referred to Lou.

RESTAURANT INSPECTOR
Commissioner McCown reported that this was discussed previously and actually was tried before; eventually it was given it back to the State. The State does inspections twice a year and on his water and food service at the Rifle Bowling lanes. The State's proposal before the Board was that they will give us $22,000 and then we need to furnish a car and the position would cover all of Garfield County.

COURIER SERVICE – The County needs to find another way to transport information. The hauling of large tubs up two floors is too much. Perhaps to establish a drop point on the first floor could be arranged. Some offices, such as Social Services have been shipping full files.

MAPPING PROJECT - This is a $60,000 project and the two systems in Mapping in GIS and the Assessor's Office will be jointly married. The way this will work is that it would superimposing onto the GIS showing one system – then we would have two people who could operate the system. Rob does not do partial maps. Shannon would like to have some capability that's in the mapping system. Mark Bean also has wanted to merge these two systems. Mark – per the zoning code that would rezone the County, Mark would need to review the parcels.
Conversation with Mark and Shannon – Brian Sholten could make this happen.
The Board requested a memo on this.
Merging GIS and Mapping – working on the conversion now – Assessor already has programs with Eagle and can't use them – now the mapping and GIS are on two systems – double input. $60,000 – the staff is overloaded and cannot do the project stuff. Includes a project person to do this. Programs - AutoCAD and ArcGIS.

DISASTER RECOVERY FOR DATA – Web Sense – allows for data that would automatically integrate into a system. $45,000. Different than a back up system – talk to Brian.

DETOX EQUITY FORMULA – the Detox budget was discussed. Jesse implied this was a one-time bail out. They've introduced the same material as before.
Commissioner Houpt wants to have this separate out as a region figures – it's a pretty broken system. The Board wanted Lou to discuss in this new round of contract bidding to incorporate this type of a program into the Medical Coverage Contract.

ACCESS TO THE FINANICAL SYSTEM – Brian has requested that in order to keep every department to keep their own set of books, to have one server in Rifle and one read only here, a one system at a cost of between $40,000 and $50,000; the $500,000 mentioned previously for the IT system is software. Servers could be done this year out of the budget. If the various departments can access the KVSystem they would have the answers – departments are keeping a full set of accounting records at the present time... The new system will alleviate the need for that; however it has to be in all county departments.

SOCIAL SERVICES - $20,000 for computers - $1200 per computer.

CLEAN UP OF RIFLE SITE FOR LIFT UP – discussion was to demolish the old buildings – do some floor leveling at the old Rifle Road and Bridge Shop for the Lift Up Facility – cost unknown.

CLERK & RECORDER - ELECTIONS
Mildred informed the Board of the unfunded mandates to upgrade the election equipment for 2004. There is a remote possibility that she may be able to get funds from the federal government. Each polling place needs to be Handicapped accessible – estimated at approximately $5,000 per place. Mildred is hoping to be able to consolidate the precincts. Larimer County is trying voting centers and combines 5 to 20 precincts in each center. The potential of using Community Centers has been discussed and it would cut down on the cost of equipment and facilities to be able to develop voting center. The decision was to put at least $50,000 in the budget for this item.

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

July 23, 2003

Continued Discussion - Budget Issues

ENCANA PIPELINE – 24" Pipeline Approval given by the Board on 7/21/03. The City of Rifle has put out some bad press stating that the County approved this request over the protest of the City to abandon the present gas line that could impact Rifle if there was a major incident. The Board requested this be cleared up making certain that the public knows that the County does not have the authority to regulate the Oil and Gas Commission. This pipe was placed in this location a long time ago. The request was to get back to Leavenworth and Karp that the County does not have the BOCC authority to rule over this pipeline.

Don confirmed it was not a permitted pipeline and there was no nexus for the two. This is under the Oil and Gas Commission.

Recess until Friday, July 25, 2003
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to recess until Friday, July 25, 2003 for BOE. Motion carried.

July 25, 2003

Mildred submitted the drafts of the Board with the Mamm Creek meetings held regarding the potential for revocation of the Mamm Creek Sand and Gravel SUP.

Resume at 1:00 PM

Call to Order
Chairman Martin called the meeting to order at 1:00 p.m.

The Board went into the Board of Equalization by a motion made by Commissioner McCown and seconded by Commissioner Houpt; motion carried.

A motion was made to go into the Board of County Commissioners by Commissioner Houpt and seconded by Commissioner McCown; motion carried.

City of Rifle – EnCana Pipeline response
The letter to the City of Rifle regarding the EnCana Pipeline was submitted and discussed.
Commissioner Houpt – the sentence included in the letter regarding the Board not having any recourse other than what we initiated needs to be discussed. She understood it wasn't appropriated but not that we couldn't potentially help later.

As staff this has been discussed, if there's the potential that the Board would want to take action on EnCana on this line, and then Don suggested to go into Executive Session so he could provide legal advice.

Executive Session – Correspondence to City of Rifle – Potential Issue
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.

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

Letter to the City of Rifle – EnCana Pipeline
This was misinterpreted by the City of Rifle and the Board felt the public should be aware as well as EnCana that this was out of the County's jurisdiction.
Commissioner McCown – the crux of the letter is that this Board acted legally and within our purview. He requested a formal press release and make sure this letter is copied directly to the Mayor of the City of Rifle, the EnCana staff and Mr. Gould as well and to make sure they had time to receive the letter prior to the newspaper press release.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the Chair be authorized to sign the letter to the Mayor of the City of Rifle addressing the EnCana pipeline and copy this for Jimmy Smith from EnCana, and Mark Gould prior to the press release being issued for publication; Motion carried.

Budget Work Session – Continued
Rifle Road and Bridge Facility Clean-up.
Ed stated this was mostly in-house. This includes the quasi-hut. The existing fence was determined to be adequate to fence the area. The parking for the new Lift-up is planned to be inside the fence.

Library – Letter
With the 100% of the tax, the Board anticipated as well as the Library Board, that they would be able to operate within their budget.
Discussion was held on the Board's call to holding the Library Board to the agreement or to subsidize as they have requested.
Commissioner Houpt – logical to stay within the County's pay scale. Jaci wants her staff to have some competitive salaries. This may mean she has to assess some other line items. She is asking for more money out of the general fund over and above the general sales tax. She made Jaci aware that there wouldn't be an infusion of additional funds.

Commissioner McCown – the action taken by the Library Board will create a need for this letter because they compromised to raise the salaries to the County level and they have the option of either abiding by their budget or lay off some personnel. The Library wanted all of the sales tax funds, it was given and now they're not happy.

The Library Board has the option, the recommendation of raising the salaries is Jaci's idea, but the Board needs to take the action.

Concern of Mandatory Physicals
Ed mentioned some sort of health program for physicals with incentives. The Health Fair is a good option. Additional discussion and a possible recommendation will be made for 2004.

Election
Mildred does not know the exact figures and is waiting on the Secretary of State. A lot of it will be capital purchases. She is still hopeful to have federal funds to implement the new laws. A hearing device will be necessary in all precinct for voting.

California has over 25 or more languages they have to print Ballots for in all their elections.

Capital Requests
Ed stated there are requests for over $2 million for computers, the runway project, and engineering for the Four Mile drainage. Currently we have over $4.3 million in fund balance.

Board's Input for Projects
Commissioner McCown didn't have any capital projects to put forth. The roads are covered in the Road and Bridge projects.
Commissioner Houpt – submitted the following items for funding:

- ***Guard rails by Sunlight on Four Mile Road*** – she suggested some engineering for feasibility. There are some guardrails still in storage. Curves on this road are very dangerous.
- ***Television coverage for Commissioner Meetings*** - There is an interest to have this covered. It's a good way for the citizens to keep track of the actions of the Board. Paul Vandre stated he could broadcast this in the western end. Traci will talk to Paul about a possible price. There is a problem of putting in physical equipment. He has built it into Glenwood, Carbondale and Rifle. The estimate for the BOCC meeting room was between $20,000 and $30,000.
- ***County receptionist*** – as a County we need to serve our constituents. She gets lost in the calls; it's a frustration and we need to be there for the public. That person could be in a position of back-up for the administrative secretary. The receptionist could make the copies for the meeting books. Cost - $60,000 for the person plus it would require reconfiguration of the building. Jesse added that the receptionist would not be able to leave their station to make the copies. So, you would have an additional cost for the copy machine. She contended if we really want to serve the public and do it well, we need to be more available resources for them.
- ***Trails*** - Commissioner Houpt would like to see road shoulders on new roads.
- ***Affordable Housing Trust*** – is Colin asking operations cost for the first year. Ed said the $160,000 is to set up of the trust and to run it. He plans to acquire funds from various sources. The Housing Authority doesn't have the expertise to do it. Commissioner McCown doesn't want us creating another housing entity even though this may be the entity for the purse strings. Colin didn't have a problem with the funds; the function needs to exist to stimulate these projects. Colin would need to hire someone. All City and County managers and the Board would hire an employee to run the Trust. All of the Towns and Cities are on board. Ed stated they are at the table and funding hasn't been discussed. Funds for operation will need to be there for the first couple of years. After that, it's a taxing issue. Garfield County and Eagle County will be the focus. The goal would be to bring in hundreds of millions of dollars to make this happen. If the funding isn't translated into bricks and mortar, this is a futile effort. They want to purchase land and build the projects. Then you have the City and County into the construction business. Garfield County doesn't have zoning to make this happen. Supreme Court has ruled that you can't regulate the free

market. The most for the budget would $20,000 to $30,000. The Board felt it was a worthwhile effort. If this is to tie into the DOLA grant then we are working on a short time-frame. This money has to be spent by the end of the year. 8 entities at $160,000 would amount to a $20,000 donation a piece. Colin is the facilitator of this. Ed will nail facts down and come back to the Board.

Commissioner Houpt noted for the record that she is going to push hard for her projects.

Chairman Martin's list included:

- ***Engineering study fund*** on whatever other that projects that are unidentified. Access to allow the engineers for additional work. The Airport road was covered and he wanted to make sure they were covered. The Airport and the Four Mile Drainage are the top priorities per Ed. For trails etc. it is a matter of prioritizing; this would be through Road and Bridge. This would be just Randy and Jeff's time. In Building and Planning:
- ***Air Quality Control*** – and are there enough funds or they covered by being involved. This is a question for Mary. Water quality in the west end as well as the Roaring Fork Valley and require the monitoring stations. The industry is willing to help out with that.
- ***Organizations*** – NACO was added in 2003. Participation with CCI, Rural Resort, CCI, Associated Governments and Northwest COG by area of assignment as they do the elevator inspections. The Board is participating in Club 20. All the Associated Governments correspondence goes into the Commissioner's baskets. Minutes of the meeting, legislative updates etc.
- ***Surveyor space*** – on the second floor of the Courthouse. May need some furniture.
- ***County Road 233*** – Barbara Gold – pulled this from Sam and he gave this to Scott and then Scott gave it back. Barbara is frustrated because it's been 6-months and no survey.
- ***Veterans Administrator*** – he's happy, pretty frustrated with the overall program funding. He operates this as part of his business.

Jesse Smith

- ***Sheriff's vehicles in Motor Pool*** – 4 vehicles but next year 10 plus. Spread it over two years. Ed wants a big hit next year. Commissioner McCown - this is how the Motor Pool was set up. The Board favored doing the 4 replacement vehicles this year.
- ***Audit – DSS*** – State does not allow personal use of vehicles. The State won't allow reimbursement. $50,000 in the first 6-months. Jesse is looking into options. Restrict motor pool under a 100 miles and rent a vehicle through Ford at $35/day was suggested as an option. At three days we still save money, after that, it is costly. The Social Worker goes various places. We can lower the mileage on the motor pool cars.
  If we want to dump the motor vehicle pool and depend on Ford then we will be caught shorthanded. Commissioner McCown wasn't in favor of this option.
  Our insurance will not cover the employee's personal car. The County does not force them to use their car. There is not always a vehicle available.

July 28, 2003

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

A motion was made to go into the Board of County Commissioners by Commissioner McCown and seconded by Chairman Martin; motion carried.
Commissioner Houpt – on vacation

Executive Session – Potential Litigation

Commissioner McCown moved to go into an Executive Session to discuss the aforementioned item; Chairman Martin seconded the motion; carried.

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

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

Adjourn

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

Attest: Chairman of the Board

_____ _____

AUGUST 4, 2003
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 4**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

a. Employee of the Month – Daphne Jorgenson – Social Services

Lynn Renick introduced Daphne and the Board presented the award.

b. Out of State Travel – Doug Dennison

1-789 – Doug explained the workshop preceding the Conference on how to get on the coal bed methane. The estimate is around $1500.00 and will be held in September.
Commissioner Houpt made a motion to approve the request for Doug Dennison to attend the Conference in Jackson, Wyoming in September; Commissioner McCown seconded; motion carried.

c. Authorization for Chairman of the Board to Sign Abstract of assessment to be mailed by August 25, 2003 – Shannon Hurst

Shannon submitted the Abstract and requested the Chair be authorized to sign.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the Abstract of Assessment to be mailed by August 25, 2003 as requested by the County Assessor; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Contract – Homeland Security – Lou Vallario

Don submitted a memorandum regarding a contract for the Department of Homeland Security and Lou will present this. It is a contract for the housing of inmates brought to the Detentions Facility by Immigrations and Customs, a Division of the Department of Homeland Security. On May 19, 2003, Don directed a memorandum to the Sheriff concerning this Agreement. Primarily, that memorandum highlighted areas of concern, anticipating that the Federal Government was unlikely to make alterations to a nation-wide form Agreement. A few changes have been made to the base agreement and discussion will follow.
Don stated that he has reviewed the provision of the contract provided for the use of the County Jail by the Department of Homeland Security and fount the form of contract to be acceptable. There were concerns and alerts that may involve the Sheriff's Department during the performance of the agreement:

1. The agreement involves more than Immigration and Customs. Lou may be providing services to the Bureau of Prisons and the Marshal's service.
2. Article III, Section B seems to anticipate the presentation of juveniles for incarceration in the facility and it was his understanding that the Detention Center is not equipped to handle juveniles and that no juveniles should be brought to the facility. This may require a minor contract alteration.
3. Article III, Section D requires that Lou provide interpretive services and the Federal Government will pay for those services, but they would need to make them available.
4. Article III, Section E the Sheriff can be held responsible for all transportation of Immigration, Bureau of Prisons and Marshal prisoners.
5. Article IV, Section A requires that detainees be discharged from and to properly identified ICE personnel. We have faced Federal litigation because we were not able to timely discharge Immigration prisoners under State Law. We must comply with State and Federal law regardless of whether staff is available or not.
6. Article VI refers to health services under the control of a "Health Authority".
7. Article VII requires an indefinite period of performance for this agreement and there's a 60-day termination provision that may be a technical violation of Tabor obligating us to provide a service beyond the one year time period.

8. Article XII provides for specific methods of payment and suggested Lou check with the County Treasurer.

Regarding comments of Scott Dawson, Don said, for ICE prisoners, we are responsible for payment of medical costs to be reimbursed within their payment for housing the subject inmates. The costs of medications appear to be incorporated in the payments received under this agreement.
Transportation concerns – we are still subject to directions from Judge Weinshienk concerning ICE prisoners.
The Service Provider shall provide beds in the Garfield County Detention Center on a space available basis.
Commissioner Houpt had questions relating to social issues such as separating families and children. Lou couldn't provide answers to these questions except to say that the jail cannot hold underage youth.
Lou stated customs and INS have joined offices together. They pay $55.00 per day per inmate.
Contracts have been established with three jails on the Western Slope.
The new INS facility will be only for processing and then they will be sent to the jail. The new center does not have a way of detaining those charged with a crime. They only hold inmates up to 12 hours.
Lou stated the jail population is running around 100 to 102. As long as there is space, they will accept the INS, but if the population rises, the INS holds would be turned away.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement Agreement No. ACD-3-H-1005 at a Detainee Day Rate of $55.00 and estimated detainee days per year of 3500 with the change of address from 109 to 108 and on the last page from Park to Garfield. Commissioner Houpt commented that this type of contract raises issues such as social issues that need to be addressed. Martin – aye; McCown – aye; Houpt – nay.

b. Amended Contract – Colorado West Regional Mental Health – Garfield County Jail – Mental Health Services to Inmates

The CWCS will bill the County monthly for services provided to inmates at the Garfield County Jail by CWCS staff: Mental Health Evaluation Consultation - $75.00; Psychiatric Evaluation and Management - $150; and total to be expended shall not exceed $8000 from January 1 – December 31, 2003. The contract is renewable annually for each year for which funds are appropriated.
Personnel Issue – Last Friday, Don authorized his staff to go home at 2:00 p.m. Those employees that are non-exempt were informed they would need to take PDO time unless Don could get the Board to waive the policy. The air conditioning was out and it was brutal. The lighting strike knocked the computers and the air conditioning out.
Don requested the policy be waived and the non-exempt employees be paid. It was just about three hours.
Commissioner Houpt made a motion to waive that particular policy that was beyond any employee's control and revisit that policy in the Personnel Manual. Commissioner McCown – motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the amended contract with Colorado West Regional Mental Health for services to inmates at the Garfield County Jail in a not to exceed $8000 for the year 2003. Motion carried.

c. Executive Session: Litigation Update - Crowley Case and Update on the TIF Litigation

Don requested that he, Carolyn Dahlgren, Ed, Jesse, Mildred, and the Commissioners and remain for the session.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Meeting with CDOT and Northwest COG to discuss the 20/30 process; it was agreed that CDOT would not change direction.
Commissioner McCown – Energy EXPO – Thursday, Grant Funds Dissemination; Friday, 4H horse show, other Fair activities.
Chairman Martin – attended the Eagle County BOCC on Bair Ranch Public Hearing and spoke of support; $1.5 million and that donation takes care of the entire acreage in Garfield County; therefore, the conservation easement is in place; Friday CCI Meeting; Rodeo Friday evening at the Fairgrounds. Fundraiser at the Arts Center on Saturday.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign the Resolution of Approval for the Morris Zone District Amendment – Tamara Pregl
f. Preliminary Plan Extension Request for One-year to expire on 9/16/04 for the Monument Ridge Subdivision – Mary Ann Bosley
g. Authorize the Chairman to sign the Resolution of Approval for addition of a Motor Control Center Building, a Treated Water Pond Bridge and Associated Suction Control Tower at the Hunter Mesa Evaporation/Recycling Facility for EnCana Oil and Gas – Tamara Pregl
h. Authorize the Chairman to sign the Resolution of Approval for the 24" Pipeline for EnCana Oil and Gas from the Puma Station to a location west of the City of Rifle– Randy Russell

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

i. Rifle Jet Center Substitute Premises – Request for Authorization to Proceed with Substitute Parcel and Private Parking Area - Brain Condie

Brian Condie submitted information on the substitute premises selection with Gordon Group Lease Area. Pending funding next year, this parcel would be available. It's his position that the FBO should pay the full lease rate and it would be effective the date the ramp is completed.

Andrew Doremus submitted there was agreement on everything except for the Master Plan it is better for the Rifle Jet Center to be in one location; the parcel designated is unusable. Take both Gordon parcels until the time the ramp is completed, then he will pay the full amount. ½ year at the reduced rate and ½ year at the full rate. A different of $2,730 a year. Brian commented that his concern was in setting a precedent. The ramp is to be completed next year; it was to have been completed in 2003. The request is to pay the option fee.

Direction was given to the staff to draft an agreement.

REPRESENTATIVE MCINNIS STAFF

Sue Smith, District Representative, Holly Stephens, local support and manager of the Glenwood Springs office and Mike Hess, Aide were present.

During the August recess, Scott McInnis wants them to go to all the Counties to ensure his support. PILT – introduced a bill this year to make full funding of PILT a requirement. Currently they only fund 60%. Last year the bill went clear through the Senate. They are working with NACO and the budget committee did give an increase. Chairman Martin had been in Washington and assisted in getting this accomplished. Water, chronic wasting disease, Veteran's Health care decrease of $8 billion are issues Scott is working on and he is trying to get the $8 billon for Veteran's Health care restored – this has only gone through the House at this point; other concerns are the Rural Health Care initiative, especially Hospice care and prescriptions; death tax to permanent end it; and healthy forests is in the Senate.

The Board thanked the staff for their hard work especially the workshop in Steamboat Springs. Mike stated that Scott oversees the Healthy Forest Committee and the emphasis on Congress. Scott favors flexibility to be able to determine the urban interface and empower the Forest Service to make those decisions. Trusting the local Forest Services is the focus even though Scott's received some criticism. BLM and the Forest Service both would need to be at the table on decisions that affect urban interface.

Oil and Gas issues – questions about land use and local control and the reality of not having County control as in other areas, and how can this County be involved. Mike stated this is State driven but need to make sure the federal people are also involved. Scott doesn't feel it's politically his responsibility to take sides in this issue. He is concerned about the process and will enter into this if the industry comes in with any pre-conceived ideas.

Chairman Martin noted the interest from Washington on Roan Creek with the oil and gas industry. 2RS747 – public lands – would like Scott to review this legislation – NACO listed 9 points of interest; Highway Federal Transportation Users – no increase; Airport – safety with general aviation and radar screen. Brian Condie, Airport Manager gave a follow-up and addressed the $22 million dollar project. He addressed the instrument approach system purchased from DIA in 1996 noting the County is responsible for the system

but that it will be outdated in 5-years. Mr. Martinez stated the only instrument approaches are designated by Congress. A new one cost $500,000 to $1 million. We need help now to avoid a problem in 5-years. Mike will have Jason Weiss stop by and visit with Brian.

PUBLIC MEETINGS

RANCH AT ROARING AND CHRIS EHLERS PETITION FOR SPECIAL DISTRICT – CHRIS EHLERS

This is to be scheduled next week – error on the agenda.

CONSIDER A REQUEST FROM THE MID VALLEY METRO DISTRICT TO INCLUDE THE CERISE RANCH IN THE DISTRICT – MARK BEAN

Lee Leavenworth, Louis Meyer, Bob Zancanella, and Mark Bean were present. Mark and Don met with Lee Leavenworth on the issue to annex Cerise Ranch into the Mid Valley Metro District.

Mark submitted a memo to the Board and attached a letter from Lee Leavenworth, Counsel for the Mid Valley Metropolitan District requesting that the Board allow the annexation of the Cerise Ranch Subdivision into the District boundaries. Lee requested that the Board allow the inclusion to occur and not consider it to be a major modification of the District's service plan.

Normally, the Board has to approve a service plan for the formation of a special district pursuant to statute. However, statute allows the Board to approve modifications to a service plan provided that they consider the modification not to be a material modification.

The proposed annexation of the Cerise Ranch into the District will result in the provision of central sewer service to the development, replacing the approved ISTS. If the Board makes a determination of no material modification, the Cerise Ranch Developers will have to amend the Cerise Ranch Preliminary Plan approval to reflect the new method of treating sewage. Some houses in the development will have ISTS since they were built prior to this proposal. These system owners will be allowed to hook into the District system at a future date should they so desire.

The Recommendation if for the Board make a motion approving the inclusion of the Cerise Ranch Subdivision into the Mid Valley Metropolitan District as a non-material modification to the District Service Plan with the following findings:

1. The proposed modification does not result in a material change to the basic services provided to residents of the District.
2. The development will be required to receive approval of the amendment of the Subdivision Preliminary Plan and Final Plat approval.
3. The proposed modification is in the best interest of the residents of Garfield County and the water quality of the affected area.

Lee stated that Cerise Ranch approached them; the district would fund the extension and was willing to proceed. Time is of essence in order to make this work and they are in the process of approaching the privately owned lots will probably not opt to be included in the system at this present time. The concern is the current construction of homes and if the Board approves, the District will put a lot of money out while the plan is being revised and the final plat would need to be approved later as well. This same approval is needed from Eagle County as well.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the inclusion of the Cerise Ranch Subdivision into the Mid Valley Metropolitan District as a non-material modification to the District Service Plan with the 3-findings as proposed; motion carried.

PUBLIC HEARINGS

FOURTH SUPPLEMENTAL TO THE 2003 BUDGET – JESSE SMITH

Jesse Smith presented the supplement along with the Proof of Publication and Exhibit A – Supplement #4 and requested the Board approval the changes as submitted and that the Chair be authorized to sign the Resolution of acceptance.

Chairman Martin swore in the speakers. Exhibits A and B were entered into the record. Jesse reviewed the amendments in Exhibit A and B. 1-3245

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the Resolution for the Fourth Supplemental to the 2003 Budget. Motion carried.

Executive Session – Legal Advice – Potential Conflict Issue

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session to obtain legal advice; motion carried.

Don stated the Board, he and Mildred would need to be present.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session and recess for lunch; motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Steve Smith – 2477 Public Law – Road Claims across Federal Lands
Steve requested that the Commissioners hold a public discussion on this issue.
Commissioner Houpt would support a public hearing. Chairman Martin – wanted it noted what elements the County was asked. There are 9 points of discussion.
Chairman Martin – this amounts to the fact that this County has opened the door for discussion. Mr. Udall requested the Counties not discuss it. However, Garfield County did make the statement that there were points to be discussed, local control and discussion. One statement does not cover all states. This Board has discussed this several times and do not feel these roads should be done away with. The statement made was to have local control and be able to make our own decisions in this area.
Steve's concern is that the statement made by Moffat County – it's not a Moffat County statement. They were the ones who wrote the statement and that is only to imply that a discussion was needed. Steve wants a public hearing.

REQUEST FOR APPROVAL TO CONSIDER A SPECIAL USE PERMIT REQUEST FOR AN ACCESSORY DWELLING UNIT. LOCATION: 31053 HIGHWAYS 6 & 24, RIFLE – PARCEL 1. APPLICANT: DONALD ZIEGLER – TAMARA PREGL

Tamara Pregl, Don DeFord, and Donald Ziegler were present. Don DeFord reviewed the regulations for noticing and the submittals from the applicant. Parcel 1 – sign visible from Miller Lane and Parcel 2 from Highway 6 & 24. 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 Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Comprehensive Plan of 2000 as amended; Exhibit E – Staff Report dated August 4, 2003; Exhibit F – Application Materials;
Exhibit G – Letter from Steve Anthony, Garfield County Vegetation Management, dated July 22, 2003; Exhibit H – Email correspondence with Devin Drayton of the Colorado Department of Transportation; and Exhibit I – Excerpt of the State Highway Access Code with map.
Chairman Martin entered Exhibits A - I into the record.
This is a request for a Special Use Permit for an Accessory Dwelling Unit (ADU) for Donald Ziegler on Parcel 1 addressed as 31054 Highway 6 & 24 in Rifle on a 4.14 acre tract of land located approximately 2.5 miles west of the town of Silt.

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. Access to the subject property shall be by means of Highway 6 & 24 only.
3. Prior to the issuance of the actual Special Use Permit, the Applicant shall:
    1) Provide a signed Plan for Augmentation by the District Court.
    2) Provide a water quality test for the water supply to the Accessory Dwelling Unit.
    3) Provide a signed Highway Access Permit from the Colorado Department of Transportation indicating that the access to the subject property is by means of Highway 6 & 24 only.
    4) Should the Colorado Department of Transportation allow access to the subject property by means of Highway 6 & 24, the portion of the existing driveway that adjoins the subject property (Parcel 1) to the parcel to the north (Parcel 2) shall be removed and re-vegetated.
    5) The Applicant shall inventory and map the property for County listed noxious weeds such as Russian knapweed, Russian olive and tamarisk. The Applicant shall provide a weed management plan for the inventoried noxious weeds. The Weed Management Plan shall be ongoing and shall be implemented prior to the construction of the Accessory Dwelling Units. The Weed Management Plan shall be reviewed and approved by the Garfield County Weed Management Director.
4. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
5. The use of cistern as a source of domestic water shall not be a permitted.

Parcel 1 and Parcel 2 for Ziegler were handled as one.

REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT REQUEST FOR AN ACCESSORY DWELLING UNIT. LOCATION: 31053 HIGHWAY 6 & 24, RIFLE – PARCEL 2. APPLICANT: DONALD ZIEGLER – TAMARA PREGL

Tamara Pregl, Don DeFord, and Donald Ziegler 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. Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Comprehensive Plan of 2000 as amended; Exhibit E – Staff Report dated August 4, 2003; Exhibit F – Application Materials;

Exhibit G – Letter from Steve Anthony, Garfield County Vegetation Management, dated July 22, 2003; Exhibit H – Email correspondence with Devin Drayton of the Colorado Department of Transportation; and Exhibit I – Excerpt of the State Highway Access Code with map.

Chairman Martin entered Exhibits A - I into the record.

This is a request for approval of a Special Use Permit for an Accessory Dwelling Unit (ADU) on Parcel 2, a 4.67 acre tract of land, located off of Miller Lane (County Road 227) Rifle with access off Highway 6 & 24. This is located approximately 2.5 miles west of the Town of Silt.

Devin had some concerns in the classification for the access off Highway 6 & 24 but it goes to the access committee before a final decision was made. Devin stated they would consider the decision of this Board. Tamara, after extensive review, is in favor of the Highway 6 & 24 access be maintained. CDOT is requesting a confirmation letter from the Board to retain this access.

Staff recommends the Board approve the Ziegler Special Use Permit for an Accessory Dwelling Unit on Parcel 2, subject to the following conditions:

Recommendation: 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. Access to the subject property shall be by means of Miller Lane (County Road 227) only.
3. Prior to the issuance of the actual Special Use Permit, the Applicant shall:
    a. Provide a signed Plan for Augmentation by the District Court.
    b. Provide a water quality test for the water supply to the Accessory Dwelling Unit.
    c. Provide a signed Highway Access Permit from the Colorado Department of Transportation indicating that the access to Parcel 1 will be by means of Highway 6 & 24 only and not through Parcel 2.
    d. Should the Colorado Department of Transportation allow access to Parcel 1 by means of Highway 6 & 24, the portion of the existing driveway that adjoins the subject property (Parcel 2) to the parcel to Parcel 1 shall be removed and re-vegetated.
    e. The Applicant shall inventory and map the property for County listed noxious weeds such as Russian knapweed, Russian olive and tamarisk. The Applicant shall provide a weed management plan for the inventoried noxious weeds. The Weed Management Plan shall be ongoing and shall be implemented prior to the construction of the Accessory Dwelling Units. The Weed Management Plan shall be reviewed and approved by the Garfield County Weed Management Director.
    f. The Applicant shall obtain an Access Permit from the Garfield County Road and Bridge Department for access onto Miller Lane (County Road 227).
4. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
5. The use of cistern as a source of domestic water shall not be a permitted.

Public Input:

Howard Robinson, a neighbor on the east side of the property and read into the record Exhibit J in regards to the request. The pond was built above the Robinson's property and Mr. Ziegler did not consult with his neighbor.

Donald Ziegler stated it was for not him to turn this into a guest ranch and has family members who visit and he would like them to have their own space. He does not plan to turn this into any kind of a recreational area.
Tamara noted if he were to change the use, it would require a special use application process.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for an accessory dwelling unit for Donald Ziegler for Parcel 1 and Parcel 2 with the 5 conditions as listed by staff for both parcels; motion carried.

REQUEST TO CONSIDER A PRELIMINARY PLAN FOR VALLEY VIEW VILLAGE PUD TO SUBDIVIDE APPROXIMATELY 36 ACRES INTO 47 LOTS CONSISTING OF MULTI AND SINGLE-FAMILY DWELLING UNITS AND COMMERCIAL. LOCATION: ON THE SOUTHWEST CORNER OF BATTLEMENT MESA PARKWAY AND STONE QUARRY ROAD WITHIN THE BATTLEMENT MESA PUD. APPLICANT: EDWARD J. AND IDA LEE HOAGLUND – TAMARA PREGL

Tamara Pregl, Don DeFord, Carolyn Dahlgren, Ron Liston, David McConaughy, Steve Pollack, and Lee Hoaglund were present. Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant. Posting was visible from both Battlement Mesa Parkway and Stone Quarry Road. 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 – Proof of Certified Mailing Receipts Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000 as amended; Exhibit F Staff Report dated June 11, 2003; Exhibit G – Application Materials; Exhibit H – Addendum to application from High Country Engineering, dated April 9, 2003; Exhibit I – Supplemental Information submitted by Land Design Partnership dated May 29, 2003; Exhibit J – Battlement Mesa PUD Zoning Resolution as applicable to Valley View Subdivision complied by Applicant; Exhibit K – Resolution No. 82-330; Exhibit L – Resolution No. 80-82; Exhibit M – Resolution 82-327; Exhibit N – Letter from R. Bruce Smith, Consolidated Metropolitan District, dated April 8, 2003; Exhibit O – Letter from Kenneth Knox, Division of Water Resources dated April 25, 2003; Exhibit P – Excerpt from the Rules and Regulations for Consolidated Metropolitan District approved December 22, 1999; Exhibit Q – Letter from R. Bruce Smith, Consolidated Metropolitan District, to Schmueser Gordon Meyer, dated December 18, 1997; Exhibit R – Letter from Kenneth Knox, Division of Water Resources, dated May 6, 2003; Exhibit S – Letter from Stephen LaBonde, West Water Engineering, dated May 6, 2003; Exhibit T – Letter to Stephen LaBonde, West Water Engineering, from High County Engineering, dated June 2, 2003; Exhibit U – Letter to Bruce Smith, Consolidated Metropolitan District, form High County Engineering, dated May 28, 2003; Exhibit V – Letter from Bruce Smith, Consolidated Metropolitan District, from High County Engineering dated May 29, 2003; Exhibit W – Letter from Jake Mall, Garfield County Road and Bridge Department, dated April 22, 2003; Exhibit X – Letter from Ronald Palmer, Garfield County School District No. 15, dated April 16, 2003; Exhibit Y- Letter from John Losche, Town of Parachute, dated April 15, 2003; Exhibit Z – Letter from Jeff Nelson, Garfield County Engineering Department, dated April 21, 2003; Exhibit AA – Letter to Jeff Nelson from Deric Walter, High County Engineering, dated May 28, 2003; Exhibit BB – Letter from Jeff Nelson, Garfield County Engineering Department, dated May 29, 2003; Exhibit CC – Letter from HP GeoTech regarding radiation potential, dated March 5, 2003; Exhibit DD – Letter from Kathryn Bauer, Xcel Energy/Public Service Company, dated April 25, 2003; Exhibit EE – Letter to High Country Engineering from David McConaughy, Leavenworth and Karp, PC dated May 7, 2003; Exhibit FF – Letter from John Broderick, Colorado Division of Wildlife, dated April 23, 2003; Exhibit GG – Letter from Steve Anthony, Vegetation Management, dated April 28, 2003; Exhibit HH – Letter from David Blair, Grand Valley Fire Protection District, dated April 29, 2003; Exhibit II – Letter from David Blair, Grand Valley Fire Protection District, dated May 5, 2003; Exhibit JJ – Letter to David Blair, Grand Valley Fire Protection District from High County Engineering, dated May 27, 2003; Exhibit KK – Letter to David Blair, Grand Valley Fire Protection District dated May 30, 2003; Exhibit LL - Letter to David Blair, Grand Valley Fire Protection District dated May 20, 2003; Exhibit MM – Letter from Sean Gaffney, Colorado Geological Survey, dated April 28, 2003; Exhibit NN – Valley View Village Open Space summary provided by Applicant at Planning Commission meeting; Exhibit OO – Excerpt from the June 11, 2003, Planning Commission meeting minutes; Exhibit PP – Letter from West Water Engineering to the

Battlement Mesa Consolidated Metro District dated June 1, 2003; Exhibit QQ – Supplemental information provided by Applicant on July 25, 2003, including: Phasing Plan, Open Space waiver, and gas line easement agreements); Exhibit RR – Agreement to Exchange Real Estate Interests between Edward and Ida Lee Hoaglund and Public Service Company of Colorado; Exhibit SS - Letter from West Water Engineering to the Battlement Mesa Consolidated Metro District dated July 29, 2003; Exhibit TT – Letter from Consolidated Metropolitan District dated July 29, 2003; Exhibit UU – Letter from Battlement Mesa citizens; Exhibit VV – Revised Master Declaration of Covenants, Conditions, and Restrictions for Valley View Village Subdivision; and Exhibit WW – Revised Supplemental Declaration of Covenants, Conditions, and Restrictions for Valley View Village Subdivision for Valley View Village Townhomes. Chairman Martin entered Exhibits A - WW into the record.

This is a Preliminary Plan review for the Village View Village PUD Subdivision to request to subdivide approximately 36 acres into 47 lots; 119 units consisting of single - two- and multi-family dwelling units. The property owner/applicants are Edward and Ida Lee Hoaglund. The property is located at the southwest quadrant of the intersection of Battlement Mesa Parkway and Stone Quarry Road within the Battlement Mesa PUD. The subject tract of land was not included in the original Battlement Mesa Planned Unit Development (PUD). In 1982, the Gun Stock Ranch Partnership requested an amendment to the Battlement Mesa PUD to include the subject property within the boundary of the PUD and to divide the property into four different zone districts each of which are described in the Battlement Mesa PUD. The four zones include: 1) Neighborhood Commercial; 2) Medium Density Residential; 3) Low Density Residential; and 4) Public Space/Residential.

She pointed out the significant issues and how they were addressed. There are 5-phases proposed beginning in 2003 and going on through 2009.

Recommendation:

Note: The conditions of approval below that have been double-stricken, in staff's opinion have been addressed by the applicant. The underlined changes to the conditions of approval below are recommendations of Staff with explanation of the changes in italics.

The Planning Commission forwarded a recommendation of Approval to the Board of County Commissioners for the Preliminary Plan request for the Valley View Village Subdivision, subject to the following conditions of approval:

1. 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.
2. At the same time the Final Plat is submitted, the Applicant shall submit an Exemption Plat for the created two tracts: 2 acres (owned by the County) and 36 acres (the subject of this approval), which was approved by the County pursuant to Resolution No. 82-327. Upon approval by the Board, the Exemption Plat shall be recorded at the same time as the Final Plat.
3. The Applicant shall modify the Protective Covenants to reflect the wildlife habitat mitigation measures recommended in the Wildlife Report dated August 18, 2002, prepared by Kirk Beattie of Beattie Natural Resources Consulting, Inc. in the Wildlife Report, and the recommendations of the Colorado Division of Wildlife as follows:

    A. Some details contained in the Wildlife Report ("Report") prepared by Beattie Natural Resource Consulting, are different than those proposed in the Covenants for the subdivision and shall be modified unless otherwise noted below.
    B. On page 20 of the Report, garbage containers are addressed in a different manner than is proposed in Item 5.23 of the Covenants. The CDOW supports the language and intent in the Covenant.
    C. CDOW believes that controlling dogs per Item 5.13 of the Covenants is preferred over those measures proposed in the Report (page 20).
    D. Cats shall also be included in the Covenants.
    E. CDOW endorses the provisions of the Covenants to facilitate wildlife movement in the subdivision.
    F. Item 5.23 of the Covenants prohibits hunting. It will not be necessary to indemnify CDOW as proposed in the Report (page 20).
    G. CDOW agrees that the homeowners association should own and maintain the common open space. Maintaining wildlife cover and forage in the common open space will help to mitigate

most of the negative impacts to wildlife associated with the project. The open space corridors should also be maintained in this manner. Proposing that individual lot owners manage the corridors does not assure that the area will remain productive wildlife habitat.

H. Clarifying the discrepancies mentioned above and adding the CDOW suggestions into the Valley View Subdivision Preliminary Plan will mitigate most of the negative impacts to wildlife.

4. ~~Prior to the Board of County Commissioners review of the Preliminary Plan, the Applicant shall provided written documentation from the Consolidated Metropolitan District that all engineering issues with regard to water and wastewater service have been resolved.~~ *A letter from R. Bruce Smith of the Consolidated Metropolitan District indicated that "the District has capacity and will serve the proposed development subject to the terms and conditions expressed by Mr. LaBonde* [West Water Engineering], *and the additional conditions of Garfield County and the Grand Valley Fire Protection District"* (see Exhibit TT).

5. ~~Prior to the Board of County Commissioners review of Preliminary Plan, the Applicant shall provided written resolution with regard to the Xcel Energy / Public Service Company new and existing gas line easements.~~ *This condition has been addressed per David McConaughy's, attorney for the Applicant, letter dated July 23, 2003 (see Exhibit QQ). The Applicant has provided necessary documents in order to relinquish the existing (wrong) easements and grant new easement to match the actual location of the gas line. However, in order to correct the gas line issue, the property owners and the Board of County Commissioners will need to grant a new easement to match the actual location of the line. This condition has been replaced by Condition 5(A) below.*

5(A). Prior to recording of the Final Plat, the exchange of deeds for the 50' gas line by Public Service Company / Xcel Energy, the County and the landowners, shall be executed and recorded

6. ~~Prior to Board of County Commissioners review of the Preliminary Plan, the Applicant shall provide a Phasing Plan with specific timeframes associated with each phase of the project.~~ Pursuant to section 4.09.01 of the Zoning Resolution, the Applicant shall begin development within one year from the time of final approval. *The Applicant has provided a Construction Phasing Plan for the project which is addressed previously in the memorandum and can be seen in more detailed in Exhibit QQ.*

7. Prior to the recording of the Final Plat, a copy of the annexation documentations shall be provided to the County.

8. The following geologic hazard mitigation measures shall be adhered, as well as Plat notes and in the Protective Covenants:

   A. The recommendations by Hepworth-Pawlak Geotechnical, Inc. ("HP GeoTech") outlined in the Preliminary Geotechnical Study for the Subdivision dated September 16, 2002, [Job No. 102 526] shall be adhered. These Preliminary Design Recommendations include provisions for foundations, floor slabs, under-drain system, site grading, surface drainage and pavement subgrade.

   B. In addition to the drain systems for foundations recommended by HP GeoTech, due to the presence of swelling clay soils, perimeter drains should be installed around foundations. Perimeter drains prevent excessive ground moisture from saturating the soils and thus reduce the over potential for expansion or consolidation.

   C. Due to the possible presence of radon gas in the area, testing for radon gas shall be done when the residences and other occupied structures have been completed, prior to the issuance of a Certificate of Occupancy.

   D. Once the grading plan has been completed on site, the drainage report shall be updated to account for new cross-sectional profile of the drainage. If a new channel cross-section changes the flow velocities within the drainage, some type of slope reinforcement may be necessary to prevent erosion along the length of the fill slope.

9. Prior to Final Plat, the Applicant shall comply with the recommendations of the Garfield County Road and Bridge Department, dated April 2, 2003, listed below which are applicable at Final Plat. The remainder of these recommendations shall be incorporated within the Access Permit obtained from the Road and Bridge Department:

   A. The deceleration lane for the entrance to Valley View Drive from South Battlement Parkway shall have proper signage to indicate traffic exiting South Battlement Parkway. A

stop sign shall be required at the exit from Valley View Drive onto South Battlement Parkway.

B. On the downhill lane of South Battlement Parkway at the exit of Valley View Drive, a sign designating the intersection shall be installed.

C. It was agreed upon during the site visit on April 10, 2003, that a deceleration lane from Stone Quarry Road was not needed for the entrance to Valley View Drive.

D. A stop sign shall be required at the exit from Valley View Drive onto Stone Quarry Road. There shall be an intersection sign placed on both traffic directions of Stone Quarry Road warning of traffic entering and exiting from Valley View Drive.

E. The cross walk on Stone Quarry Road shall be located as agreed to on the site visit (adjacent to Stone Quarry Road). A portion of the guardrail of Stone Quarry Road may be removed to accommodate cross walk. There shall be flashing lights and proper signage warning traffic traveling in both directions on Stone Quarry Road of the cross walk. This crosswalk shall be delineated on the Final Plat.

F. Proper work zone signage and traffic control shall be required for all work being performed on South Battlement Parkway and Stone Quarry Road and of construction vehicles entering and exiting project.

G. All signage and flashing lights shall meet standards and installation guidelines as set forth in the Manual on Uniform Traffic Control Devices.

H. Driveway access permits will be issued with provisions specific to the permits upon final approval of the subdivision.

10. Pursuant to section 9:34 of the Subdivision Regulations, all streets / roads within the subdivision shall be dedicated to the public, except those private driveways within the multi-family lots (i.e. Angelica Circle, Jessica Lane and Bryan Loop). Repair and maintenance of these streets / roads shall be the responsibility of the incorporated Homeowners Association of the Subdivision. This shall be reflected in the Protective Covenants.

11. The project shall provide for 9 acres of Common Open Space (25% of 36 acres) as required pursuant to 4.07.09 of the Zoning Resolution. Unless, the County Commissioners reduces the 25% open space requirement based on design, amenities and features of the Plan.

12. Prior to Final Plat, as agreed upon by the Grand Valley Fire Protection District, the Applicant shall address and provided written confirmation that the items outlined in High Country Engineering's letter dated May 30, 2003 have been resolved as agreed upon.

13. Prior to the submittal of Final Plat, the Applicant shall provide the following weed management information for review and approval by the Garfield County Weed Management Director:

A. Noxious Weeds:

i. Weed Management: The Applicant inventory list provided by the Applicant lists the presence of Diffuse knapweed and Plumeless thistle. These are weeds that should be treated immediately when found. Prior the Board of County Commissioner review of Preliminary Plan, the Applicant shall provide for noxious weed treatment and thus prevent seed production before any earthmoving commences.

ii. Common area weed management: The Applicant shall designate weed management responsibilities for common areas, including roadsides, open spaces, and the asphalt bike / pedestrian trail.

iii. Covenants: It is common for vacant lot sin Battlement Mesa to become infested with Russian knapweed. Due to the number of lots, it creates a staffing problem for the County in attempting to conduct enforcement. The Applicant shall incorporate language in the covenants that will require vacant lot owners to manage noxious weeds under Colorado law. The Applicant shall provide language into the covenants that will give the Homeowners Association the authority and responsibility to access vacant lots with unattended county-listed noxious weeds for treatment costs.

B. Re-vegetation:

i. The revised Re-vegetation Guidelines from the Garfield County Weed Management Plan calls for the following:

a). Plant material list.

b) Planting schedule.

c) A map of the areas impacted by soil disturbances (outside of the building envelopes).

d) A re-vegetation bond or security shall be determined at Final Plat and paid prior to Final Plat submittal.

ii. Prior to Final Plat, the Applicant shall provide a plant material list. The Applicant shall provided detailed information with respect to Item 12(B) (i) (a-d) listed above.

iii. Prior to Final Plat, the Applicant shall submit a map that quantifies the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances.

iv. The security shall be held by Garfield County until vegetation has been successfully re-established according to the Reclamation Standards in the County Weed Management Plan. The Board of County Commissioners will designate a member of their staff to evaluate the reclamation prior to the release of the security.

C. Soil Plan:

i. The Re-vegetation Guidelines also request that the Applicant provide a Soil Management Plan that includes:

a) Provisions for salvaging on-site topsoil.

b) A timetable for eliminating topsoil and/or aggregate piles.

c) A plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.

14. The proposed subdivision is located in the Garfield County Traffic Study Area 1. The total impact fee payment shall be determined prior to Final Plat. The fee shall be calculated in accordance to section 4:94 of the Subdivision Regulations. Fifty percent (50%) of the road impact fees shall be collected at the submission of Final Plat for the Subdivision. All other road impact fees will be collected at the issuance of a building permit.

15. The 20' Buffer, Pedestrian, and Utility Easement, approved as part of the Planned Unit Development, shall be delineated on the Final Plat as such. The maintenance of the easement will be the responsibility of the Valley View Village Homeowners Association, which shall be reflected in the Protective Covenants. In addition, the Protective Covenants will restrict any development, i.e. fences, within this easement.

16. ~~Should the Board of County Commissioners not allow the installation of a portion of the detention facility on the parcel owned by the County,~~ Prior to Final Plat, the Applicant shall provide revised drawings, to be reviewed and approved by the County Engineer, of the detention facility which will be relocated on the east side of Valley View Circle within the PUD. *It was determined by the Board of County Commissioners on July 21, 2003, that the proposed detention facility will not be approved on a portion of County owned land.*

17. In addition to other required conditions of approval, the Applicant shall include the following plat notes on the Final Plat:

A. No building permits shall be issued for Lot 47 until such time this lot has been re-subdivided in accordance with standard subdivision procedures.

B. 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.

C. 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.

D. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, ET. seq., and the regulations promulgated 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.

E. 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.

F. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

Commissioner Houpt asked if the school district was aware they were to request school impact fees. Tamara submitted the application to the school district and no other contact was made. Commissioner Houpt felt his was merely overlooked.

A power point presentation was provided for the Board by the applicant, Ron Liston of Land Design Partnership showing the proposed phasing plan and he highlighted the significant points. The pedestrian crossing to provide access to the trail and the school; Lot 47 – the applicant will possibly come back with a PUD amendment; and he highlighted the conditions submitted by staff. Conditions No. 2 – fine, they will provide the exemption plat; No. 3 – wildlife, actually they have submitted revised covenants and those were submitted to staff; No. 4 – letter from the Metro District regarding service; No. 5 – resolved, the proposed utilities in their easement is no problem; No. 6 – the phasing has been provided to the County and this has been satisfied; okay with the revised condition; No. 7 – the annexation to the Battlement Mesa Service Association will take place prior to final plat; No. 8 – regarding Geological Hazard Mitigation, there is one point to raise; in regard to that item and specifically in Sub item A – is very appropriate note that basically says follows everything the GeoTech Engineer said to do; but Sub paragraph B is however is not necessary, in fact according to what Steve described to me in essentially a misleading and erroneous statement and their intent is not, there's no, particularly for those purposes nor is their intended that the blanket statement that every foundations needs a drain, so Ron requested that B be eliminated and relay on A require that the report be followed in the site specific investigation be done, followed for each of those sites. Steve Pollack is present for further questions. This was brought to our attention and we quizzed HP GeoTech about this subsequent to the P & Z hearing. So with respect we request removal of that Item B. Otherwise we are happy with Condition No. 8; No. 9 – the Road & Bridge, we're fine with that; No. 10 – public streets as revised and a clarification at the P & Z and the revised language is correct with our feelings; No. 11 – Open space – this was explained and if you eliminate the acreage of Tract 47, we are well over the open space requirement for the major project so we will handle the remaining open space when we plat Track 47 and/or may provide some additional requests or aspects of that when we do the PUD Amendment application related to the amount of recreational improvement that we intent to make – that will be taken care of at a later time. That condition is fine as it is worded; No. 12 – fire district requirement is fine; No. 13 – fine; No. 14 is fine; No. 15 – the buffer easements, this condition is fine and satisfactory with us. For the detention facility, we will redesign that even if we chose to pursue at some point discussions with the County the possible acquisition of that tract, we will proceed with a redesign of that detention facility; No. 16 – and the plat notes are all fine.

Commissioner Houpt – why was 8B was in the original HP GeoTech report.

Ron Liston – B was a condition prepared by staff and thinks it is just the way it ended up. Steve can speak to the fact that what they pulled together wasn't correct and it's covered by A. This is a technical issue and can create some confusion as to what it is you're after.

Public Input:

Peggy Rawlins – the Monument Creek delegate to the Battlement Mesa Services Association and a member of the architectural board as an inspector. She has been in contact with Darin Carei and last Thursday we took a tour and read a letter (Exhibit UU) that was sent to the Commissioners and the Planning Commission and various other individuals. She read the entire letter into the record. The essence of that letter was complaining about the construction mess, the disrespect of their workers, and shoddy, poorly built homes with cheap materials that are not to standard of other homes in the area built by Grace Homes Real Estate and Construction Inc.

Rollin Ives – lives at 110 Ponderosa Circle, across from the home Grace Homes is building. He's never seen such sloppy construction and it is a downgrade from the usual construction in Battlement Mesa as well as it's an eyesore. Exhibit UU.

Neil Fechner – lives at 98 Ponderosa Circle and concurs with Rollin's comments on the construction.
Jim Landrum – lives down the street from the homes referenced by Peggy and Rollin. These homes are the model homes and if these are representative of the model homes, then with the quality of material and workmanship it's his concern. If they proceed in this path, this development will be an eyesore and a ghetto in 5-years. The show homes are the only thing he can base his findings on.
Chuck Hoff – President of the Battlement Mesa Services Association – a lot of concerns and there are architectural standards are required. They would expect this building would uphold those standards.
Darin Carei – met with Peggy on site and held a discussion on related construction techniques as related to quality. As to the technical aspects on the foundations, he said they didn't know this area and how soil tests performed and once the foundation was ready to pour, a soil test for compaction was done. This additional expense was incurred by the construction firm. The other issue was the two stand alone locations and the on-site personnel have been stretched. A full time supervisor and maintenance person will be on site for the project. To date he acknowledged the maintenance and management has been lacking. The homeowner's main compliant is the lack of attention to detail. The big concern is this and once they are there on-site and fully present, these concerns will be taken care of in the way the homeowners expect. The standards set by the architectural committee will be abided by and will meet the limits. Roofs are to standard and are 30-year length of life. They feel they have been very diligent in responding to the comments received.
Terry Lawrence – experienced contractors and they built the two-spec homes in order to test the market and to see the building code requirements in Garfield County. They do not manage developments the same way they do the spec homes. The reason it has taken so long is due to the distance from Grand Junction. He blames some of the delay on the process to obtain a building permit in Garfield County. They made six trips up here trying to get all those details worked out to be able to get a building permit to start building. The two spec homes are under contract to be sold to local homeowners in the community of Battlement Mesa and they expect to have them closed to happy homeowners in about two months from now. But, when we do a project, we spent a lot of time and resources in hiring and training the right field supervision person and customer service department to be on site daily as well as sales and marketing on site, so there will on-site daily marketing personnel, construction supervision level management as well as doing a project of this size. They will have their own office, utilities, etc. on site from day one of when they break ground. He apologized to the other homeowners that haven't felt good about the timeliness but appreciates all their concerns in helping educate them more on building to their perspectives. These spec homes have been a learning experience and this bottom line will have its own architectural standards, its own workforce and its own supervision and it will a successful addition to the Battlement Mesa area.
Commissioner Houpt asked if the applicant would work closely then with the Battlement Mesa Architectural committee and communicate with them on an on-going basis.
Terry stated they would and will be using a lot of their guidelines to incorporate into these guidelines for this project.
Commissioner McCown asked Mark if he was aware of any inspection violations regarding these spec homes.
Mark – no.
Exhibit XX was admitted into the record.
Tamara noted that in Exhibit VV are their revised protective covenants and that they do include an Article dealing with the Architectural Committee.
Commissioner McCown asked Tamara about the Condition 8B regarding the foundations, if this was recommended by HP GeoTech?
Tamara stated it came from a letter that was supplied from the Colorado Geological Survey in Exhibit MM - noting that this was a concern raised by Sean Gaffney and she included as a condition of approval.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for the Preliminary Plan for the Valley View Village PUD Subdivision subject to the recommended conditions by staff as well as those noted in the discussion regarding 8B noting this Condition will stay as a condition; and in Exhibit VV noting they will work with the architectural committee; and the open space would be 9 acres; motion carried.

Executive Session – Legal Advice – Due Process Issues for the next hearing – Case Law

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss due process legal advice. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Executive Session; motion carried.

CONSIDER THE ALLEGED VIOLATIONS OF THE SPECIAL USE PERMIT FOR A GRAVEL PIT ISSUED PURSUANT TO RESOLUTION NO. 2003-101. APPLICANT: GYPSUM RANCH, LLC AND JIM AND JEAN SNYDER – MARK BEAN

2 Rivers Video Productions, LLC. hired by Grant Brothers, was video recording the Public Hearing)
Mark Bean, David McConaughy, Tim Thulson, Mike Smith, Jim and Jean Snyder, Eric McCafferty, Doug and Dan Grant, Don DeFord, Carolyn Dahlgren, and Don DeFord were present.
Carolyn Dahlgren referenced Section 9.01.06 as the noticing regulations and she explained and reviewed the noticing requirements with the staff and found the publication and noticing to the property owners to be in order. This is submitted as Exhibit Q – the notice was submitted. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
The written report issued by Mark Bean:
This is a request to consider alleged violations of the 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 issued pursuant to Resolution No. 2002-101. Applicants are Gypsum Ranch CO, LLC, James and Jean Snyder located on two parcels of land located in portions of Sections 11,12,13 and 14, Township 6 South, Range 93 West of the 6th P.M.; practically described as a parcel 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 description of the issues includes:
A – Allegations – There are three alleged violations of the Special Use Permit approval that have been presented to the Board for consideration:

1. The operators of the Mamm Creek sand and gravel pit have exceeded the allowed ADT per Condition of Approval No. 6, which states: "A maximum of 200 ADT shall be allowed for the property in accordance with the Colorado Department of Transportation Highway Access permit, issued based upon the Colorado Highway Access Code. Any change in the maximum ADT allowed by CDOT will require an amendment to the SUP."
2. The operators have violated Condition No. 17, which requires compliance with all terms and conditions of approval contained in any permit issued by any local government, state, or federal agency. Specifically, it is alleged that the operators are operating in violation of the Colorado Department of Transportation Highway Access Permit and the City of Rifle Watershed permit.

Major Issues and Concerns:

A. Zoning: Per Section 9.02.06, the County Commissioners may establish a time for consideration of an alleged violation of a SUP, upon not less than three days' notice to the party engaging in activity under such permit, and to the owner of the property which is the subject of the permit, at which hearing the County Commissioners may consider whether a violation of the conditions of the permit has occurred. If the County Commissioners determine that a violation has occurred, the Board may suspend the permit until such violation can be corrected or until measures can be taken to prevent a recurrence of such violation, or, if the violation is determined to be continuing or likely to recur and to endanger the safety or welfare of the residents or property of residents within the county, the County Commissioner may terminate the subject permit. Notice of the hearing was sent by return-receipt mail to the operators of the gravel pit (LaFarge) and the property owners (Gypsum Ranch LLC, Jim and Jean Snyder). A copy of the notice was also sent to the Grant Brothers.
B. Agency Response: The Colorado Department of Transportation and the City of Rifle have responded to the allegations.
    1. Colorado Department of Transportation (CDOT): The operators have provided and the Board has previously seen the Notices to Proceed for the three access permits issued for the property. Previously, the Board also saw a letter from Ph8llip Demosthenes, CDOT Access Program Administrator, discussing the ADT issue. Attached today to the report is

subsequent correspondence between Scott Clark, Burns Figa and Will PC and Owen Leonard, CDOT Director Transportation Region 3.

2. Bill Sappington, Rifle Public Works director has stated verbally to staff and via email that the change to asphalt surface is acceptable and the timing of that placement are completely satisfactory.

C. General Comments: Staff attached to the packet of information, only the information not previously provided to the Board.

Exhibit O – Letter to Scott A. Clark, Esq. from Owen B. Leonard, Director of Region 3, offered the following clarifying information: The access permit in question imposing a limit on average daily traffic (ADT) and that the Grant Brothers have a right to require CDOT to enforce those limits in the access permits are a trigger, not a limit. CDOT has no authority to limit traffic. When ADT conditions clearly exceed those limits within reason, CDOT may initiate an investigation and require modifications to the access permit, but is not required to do so. In evaluating the concerns raised he stated that he sees no need to initiate such an investigation. Region 3 staff have monitored traffic volumes associated with the permits in question in a manner consistent with CDOT's normal precludes and have determined that the traffic volumes generated are reasonable and do not warrant revision at this time.

As to paving of the frontage road, CDOT had no authority to require paving of the frontage road as a condition of issuance of the permits. This was a condition offered by LaFarge in lieu of maintenance of application of a dust palliative. CDOT agreed to this and requested that the paving be scheduled later based on CDOT's own concerns. LaFarge agreed to CDOT's request and is maintaining the frontage road through the application of Mag Chloride in the interim. In fact, when an access permit was issued to the Grant Brothers some time ago, CDOT requested that they pave the frontage road along their portion of the corridor. They declined to agree with our request and agreed to maintain through application of a dust palliative instead. Owen stated that he cannot impose a double standard for two different stakeholders.

Scott Clark requested that CDOT provide him with a copy of the proposed construction phasing for this project. Since that request appears that it may involve immanent litigation against CDOT, Owen required that Scott submit his request for records through the Office of the Colorado Attorney General.

Regarding Scott's allegations of non-compliance with the terms and conditions of these permits, LaFarge is entitled to due process to correct non-compliance for which CDOT has provided notice. Owen Leonard said that his review verifies that both CDOT and LaFarge are managing appropriately within due process and he doesn't seen need for further administrative action beyond what we are already applying and therefore considers the matter closed.

Carolyn Dahlgren identified the Violations: There are three alleged violations of the Special Use Permit approval that have been presented to the Board for consideration:

1. The operators of the Mamm Creek sand and gravel pit have exceeded the allowed ADT per Condition of Approval No. 6, which states: "A maximum of 200 ADT shall be allowed for the property in accordance with the Colorado Department of Transportation Highway Access permit, issued based upon the Colorado Highway Access Code. Any change in the maximum ADT allowed by CDOT will require an amendment to the SUP."
2. The operators have violated Condition No. 17, which requires compliance with all terms and conditions of approval contained in any permit issued by any local government, state, or federal agency. Specifically, it is alleged that the operators are operating in violation of the Colorado Department of Transportation Highway Access Permit and 3) an alleged violation of the City of Rifle Watershed permit which was issued by the City of Rifle.

Chairman Martin – also in my possession there has been a challenge to one of the Commissioners in reference to a conflict of interest and that conflict of interest is under 24.18.105 (4) "a public officer, a local government official, or an employee shall not perform an official act directly and substantially affecting business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking." And that's been directed to Mrs. Houpt, how do you answer that?
Commissioner Houpt – Well, I'd like to make a statement actually, and I appreciate your wanting your objection to go on record and it will, however I do not believe that there is a conflict that exists. Where it is

true that my husband's partner, Sherry Caloia at one time represented the Grants, she no longer does. The Grant Brothers retained other counsel a few months ago and they no longer have an attorney/client relationship with Mrs. Caloia. Because there is no conflict, I have a legal obligation as an elected official to proceed in my capacity so for this reason, I will be participating in this hearing.
Chairman Martin – you have no economic gains in reference to this decision one way or another?
Commissioner Houpt – No.

Mark Bean submitted the following exhibits for the record: Exhibit A – Proof of Certified Mailing Receipts Exhibit B – Garfield County Zoning Resolution of 1978 as amended; Exhibit C - Project Information and Staff Comments; Exhibit D – Code Violation Report – Eric McCafferty dated 6/20/03; Exhibit E – Letter to Steve Wood, LaFarge North America Inc., from Mark bean dated 6/23/03; Exhibit F – Three Notices of Noncompliance from CDOT for State Highway Access Permits No. 300177, 300178, and 300179; Plan review letter from Mike Smith, CDOT to Rod Johnson, LaFarge; Exhibit G – Letter to Mark Bean from David McConaughy dated 6/27/03; Exhibit H – Memo to the BOCC from Scott A. Clark, Esq. with attachments, dated 7/6/03; Exhibit I – Emails b/w Mike Smith, CDOT and Rod Johnson, LaFarge dated 7/16/03; Exhibit J – Letter to Mark Bean from David McConaughy with three notices to proceed, dated 7/9/03; Exhibit K – Letter to Mark Bean from David McConaughy with a letter from CDOT dated 7/14/03; Exhibit L – Letter to BOCC from Eric McCafferty with attachments dated 7/21/03; Exhibit M – Letter to Owen Leonard, CDOT from Scott Clark dated 7/10/03; Exhibit N – Letter to Scott Clark from Owen Leonard dated 7/14/03; Exhibit O – Letter to Scott Clark, Attorney for the Grant Brothers from Owen Leonard, Regional Director, Region III, for CDOT, dated 7/24/03; Exhibit P – Email to Mark Bean from Bill Sappington, Rifle City Engineer dated 7/25/03; and Exhibit Q – Notice of Hearing with attachments sent to owners of real property and operators on 7/25/03. Exhibit R – A recent letter, subsequent to the staff report going out, a letter with attachments from Eric McCafferty dated 7-30-03.
Chairman Martin entered Exhibits A – R into the record.
Chairman Martin asked the applicant if he had received a copy of all the exhibits.
David McConaughy – some submissions were received that he did not have copies – A, D, and L. A he did, but D and L were not received.
Chairman Martin – we'll make sure you get those.
Scott Clark, Attorney appearing on behalf of Grant Brothers Ranch Limited Liability Company and Doug and Dan Grant. In the review of the Exhibits that at the July 7th meeting, there were submissions made to the Board of Commissioners by Doug Grant and by Eric McCafferty and I did not hear those listed as Exhibits in the record at this time. If they are not actually in the record, I request that they be placed in the record.
Mark Bean – Mr. Chairman, I believe those were admitted in Exhibit H. Exhibit H is the packet I received from the Clerk and Recorder of the information presented to the Board, it did not get presented to us, so I can tell you that I see some handwritten information here which I believe are the Grants letters with calculations and it includes with it the submission made by Doug Grant.
Chairman Martin – also color photos submitted by Doug Grant.
Carolyn Dahlgren asked if Mr. Clark could look at that to determine if those are the submittals to which he's referring.
Mildred reviewed the submittals from the July 7, 2003 hearing naming off the documents.
Chairman Martin had some color photos in his documents and stated that he will submit the photos to Mildred for the record.
Exhibit H includes the photos, written statements by Mr. Grant, Mr. McCafferty – 2 letters, a 1-page letter and the other is a 2-page letter dated July 7, 2003.
Scott Clark – it appears that Exhibit H, which was identified as a memo from me to the Board of County Commissioners includes with it the submission made by Doug Grant, it does not include the entire submittal made by Eric McCafferty.
Chairman Martin – Would that be a letter you submitted to the Board?
Scott Clark – Yes, there were actually two letters, there was a letter that Mr. McCafferty prepared that was included with the submission made by Doug Grant.
Chairman Martin – Would those be the ones, his calculations, the traffic study, and that is part of the package that I have and they are in there.
Scott Clark – Okay, that part, the July 7 letter from Mr. McCafferty is missing from the package that Mr. Bean has, but if it's in everybody else's package, if it's in the official record, then that's fine with me.

Mark Bean – again, I do not know if it is because I was not provided any of that information at these meetings and I have to rely on what was given to the Board.
Mildred Alsdorf – I have what was given to me on July 7th, identified as a memo, Highway Access Code, photos, written statements by Mr. Grant, Mr. McCafferty – 2 letters, a 1-page letter and the other is a 2-page letter dated July 7, 2003.
Chairman Martin – these will be referred to as Exhibit H.
Don DeFord requested that these be submitted to Mildred as she is the official keeping the record.
Chairman Martin - David McConaughy needs Exhibit H as well.
Carolyn Dahlgren asked Chairman Martin if she could further identified Exhibit H for the record. Exhibit H – a memo from Mr. Clark to the County Commissioners; H1 is a copy of the State Highway Access Code; H2 – is two documents: a two-page letter from Mr. Eric McCafferty and a one-page letter from Mr. McCafferty; H3 – a written statement of Doug Grant; and H4 – is a set of colored photos given by Doug Grant, photos in black and white were copies.
Chairman Martin clarified that Mr. Clark does have the complete Exhibit H.
A short recess was called for in order that copies of Exhibit D and L could be made and given to the attorney for the applicant.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to recess for 5 minutes for copies to be given on Exhibit D and L to the applicant, David McConaughy.
Discussion
David McConaughy requested clarification on the procedure. I believe what you said would be that would present a report, then we could say something, then members of the public. We'd like an opportunity to present a response at the end including any comments by the public. Either save ours until the end so we know what we need to talk about, or come back.
Chairman Martin – the three issues will be discussed and rebuttal will be allowed. The three issues within those documents, the three items of alleged violations are the things we must stay on course on. We will give you a chance to rebut and then your closing arguments and then we will make a determination based on the evidence that's been presented.
Don DeFord made certain that both the attorney's received copies of the Exhibit A – R and that they were complete.
Mark stated that this is a request to consider alleged violations of the 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 issued pursuant to Resolution No. 2002-101. Applicants are Gypsum Ranch CO, LLC, James and Jean Snyder. The permit was listed under and pursuant to Resolution 2002-101. Specifically, Section 9.01.06 of the County Zoning Resolution allows the Board to establish a public hearing as we have here to consider allegations of violations of a special use permit. Would read and quote the specifics from that section. It says the County Commissioners may consider whether a violation of the conditions of the permit has occurred. If the County Commissioners determine that a violation has occurred, the Board may suspend the permit until such violation can be corrected or until measures can be taken to prevent a recurrence of such violation, or, if the violation is determined to be continuing or likely to recur and to endanger the safety or welfare of the residents or property of residents within the county, the County Commissioner may terminate the subject permit if they deem it appropriate. Again, notice has been sent to the owners of the property as well as the operator which is required by the section here. I've included in the staff reports various responses, the initial allegations were also included in the Exhibits listed here and Mr. McCafferty had the initial allegations, subsequent allegations regarding the violation of the Access Code Permits as well as the Rifle Watershed Permit, came in subsequent discussions of this issue that the Board consider and when we finally did determine a time for this hearing, at that time we also determined those were the three issues the Board would be considering. There are responses from the Colorado Department of Transportation as well as there are representations here to explain some of those responses, but specifically Owen Leonard, Director of Transportation in Region III has provided information regarding the Highway Access Permit issues and about the alleged violations of those permits and in particular attached to that is the issue of the average daily traffic or ADT which is one of the allegations. Bill Sappington, Public Works Director has verbally stated to me and by email that the change to the asphalt surfacing is acceptable and the timing of that placement are completely satisfactorily. He stated that he has the authority to deal with the issues and compliance associated with the Watershed Permit within his jurisdiction as the City Public Works Director. Again, I've included a lot of other information

here for this hearing and it is obvious to consider allegations at this point we would defer to any questions the Board has of these issues.
Chairman Martin – clarifications to the ADT and understands the CDOT representatives are here and if they could explain exactly the ADTs and the manner in which they are counting vehicle trips.
Mike Smith – Regional III Access Manager and with respect to the ADT, there have been numerous requests by the Grant Brothers attorney over definitions and how vehicle trips these are counted; and there are various ways the definition has been put forward.. Mainly it was in an attempt to clarify what CDOT's position was to the Grants when it appeared they didn't understand exactly what we were looking for. Subsequent to that there's been numerous letters by Owen Leonard and Phil Demosthenes, the State Highway Access Coordinator from Denver that have further identified what those were and a letter from Owen Leonard to Scott Clark, dated July 24, and in that letter it states what we feel is fairly clearly the definition of the ADT. Letters by Owen Leonard and Phil Demosthenes further identified what those are. On 7/24 a letter was sent to Scott Clark that states very clearly and Mike read from the letter emphasizing that the numbers specified in the ADT are a trigger not a limit. CDOT has no authority to limit the traffic, but when ADT limits exceed within reason, CDOT may proceed with an investigation and require modifications to the access permit. A letter from Phil Demosthenes, which further identified the ADTs as the original definition of ADT was included in the 1985 State Highway Access Code and it referred, while it is usually estimated it means collecting total count on the roadway for 365 days including week days and weekends and dividing by 365 to obtain a daily average for vehicles. Basically what they did now in the new 1998 Code, it's referred to as an AADT and they are subsequently interchangeable. The only real difference they made was under ADT you can't take a period not greater than 365 or less than a single day and divided by the number of days that was counted and that's how you would come up with that count. So if you went out on a Wednesday and a Saturday and those are the only number you use. But under the Access Code it's a 365 day count as it's divided by 365 days.
Chairman Martin – referred back to the notice of non-compliance letters furnished to the Board on July 7th, there were four non-compliance letters and the Board requested you look into those and if you have information, how do you find those letters of non-compliance at this time.
Mike Smith – as a point of clarification on the Notice of Non-Compliance, they were issued for the lack of obtaining a Notice to Process with Construction. The non-compliance had four items attached, one was that it's the responsibility of the property owner permittee to make ensure the access to the property is not in violation of the Code or the terms or the conditions of the act, a failure to comply with 1998 State Highway Access Code, Paragraph 2.5(1) construction of the access shall proceed until both the Access Permit and the Notice to Proceed are issued; number three failure to comply with the State Access Permit condition, the access shall be surfaced immediately upon or prior to use and 4) failure to comply with the State Access Permit terms and conditions, all required access shall be adhered to. As a result of that process of the State Access Code Permit is such that it's two stages, usually the permit to allow for permission to gain access to the State Highway Right of Way, that is the permit and it was granted, permission but not necessary to construct, we received the plans then issued the notice to proceed and as part of that Notice to Proceed, consideration of field conditions, design elements, and things of that nature, was also included with a schedule of anticipated time to complete, once those were reviewed by the department the notice to proceed was issued. As far as the items1 through 4 of the notice of Non-compliance for all three permits, 300177, 300178, and 300179 the department received notice that there were issues of non-compliance, we investigated, and as far as the department is concerned at this state, there is no issues of non-compliance issues with regard to the State Highway Department. The notice to proceed was Exhibit G – the week of the 7th – Exhibit G says July 9, 2003.
Chairman Martin asked if the County has the ability to enforce conditions of State Access Permits.
Mike Smith No. the CDOT is the enforcement authority for the issuance of access permits to State Highways, although certain counties and cities and other local jurisdictions have the ability to retain that issuing authority is with the Department of Transportation remains the enforcement authority as far as compliance or non-compliance, so once a complaint has been made the only entity that is able to determine non-compliance would be the Department of Transportation. Chairman Martin – you would be getting this information from the county to investigate or individuals, is that correct?
Mike Smith – Yes.
Chairman Martin - And any changes of that permit has a process that it has to go through would come to your office and then to us, is that correct?
Mike – yes.

Chairman Martin – I'm referring to the hard surfacing as one of the non-compliance issues. He asked Mike to explain why they didn't have to do the hard surfacing.
Mike explained that he was referring back to the letter from Owen Leonard stating in the on-set, it's more of a procedural issue within the Department of Transportation, we don't have the authority to order full pavement, structures or to require that the full construction of the roadway to the facility. We do have the authority to require that they maintain a workable, whether it be dust free, erosion free, that type of situation. Originally we had a fairly stringent Mag chloride regiment that they would perform and the applicant presented us with what if we pave it at this stage to avoid on-going maintenance and that was readily acceptable by the Department. We would prefer the situation where we don't have to maintain or monitor the maintenance of that highway as well, so it was a mutual agreement that the applicant go to the paving and as pointed by Leonard, we are still going forward with paving, it is part of the permit, however, the Department feels it in the best interest of the Department to leave that paving until a later date.
No questions by Commissioner McCown and Houpt.
Chairman Martin – another allegation that we heard that the permit forbid commercial sales prior to the Notice to Proceed. How was that handled?
Mike – what we did was to give them permission with the Access Code to allow the applicant prior to full completion of the permit construction to request the operation to the access point and once certain safety related design elements were reviewed by the Department and it was felt that once the subgrade and the base course, graveling of the frontage road and the driveways that were to be used, that once those were in full compliance with their design templates, that we would go ahead and allow that to continue forward and basically allow the commercial use of the driveway. One thing for clarification, the Department can't make a land use restriction or non-restriction, however that responsibility lands with the County. The County deals with land issues, we deal with the traffic volume and related instances. And to that effect, once we issue a permit, even prior to the Notice to Proceed being issued, the permit was in effect for a commercial use location and so basically the commercial use is there the non-compliance issues came that wasn't a properly constructed in time. We sent notice to the applicant, the applicant remedied that situation.
Chairman Martin – that was prompting them to remove the sign, etc. until that had been done in reference to "We're Open Right Now". So they did that, they complied, basically submitted the plans back to you to meet that requirement.
Mike – yes.
No questions by commissioners
Rebuttal
David McConaughy – asked if Mike found a copy of that letter from Phil Demosthenes. Exhibit K was given to Mike Smith. When counting the passenger car equivalent, Mr. Demosthenes stated that when counting vehicles for purposes of ADTs, this passenger car equivalent concept didn't apply and that a truck is one and a car is one, is this a correct statement.
Mike – in the short, yes. But to clarify our position, the department makes the determination whether there is or not compliance or non-compliance to the Access Permit and with regard to us investigating the volume, we did investigate the volumes that were used out there and this time feels there is are not a violation of the Access Permit. To whether answer your question, that is correct, when we refer to ADT, passenger car equivalents are only used in the determination of the design criteria so when we have to decide how long the ad links have to be or how wide the access needs to be or how wide the lanes needs to be, the passenger car equivalent is taken into consideration but as far as a volume count, it's a one for one volume.
Chairman Martin asked if Mr. Clark had any questions.
Carolyn Dahlgren – asked for clarification on procedure. She was getting confused on the process and suggested this should be reserved. He's not a partner, he's a member of the public and what you laid out at the beginning was that the public - he's representing the public.
Chairman Martin asked about the Rifle Watershed, the No. 2 violation.
Mark Bean – as the result of a conversation he had with Mr. Sappington on that issue.
Chairman Martin – he was able to go ahead and address that issue on behalf of the City of Rifle. Mark – he said he felt it was his authority as the person enforcing and required to enforce these permits to be able to address whether or not they were in compliance and he felt they were in compliance.
Chairman Martin – I was under the impression they were fine.
Mark – That's correct.
No BOCC questions

Chairman Martin – The third subject, which was the violation on No. 17 in terms of the terms of the conditions of the Special Use Permit.
Mark – those were previously addressed in the notices of violation. Those were issued by CDOT as well as the allegation of the Rifle Watershed permit, those were the two issues.
David McConaughy – we're at a little bit of a lost as to how to present our case. I don't see any evidence that there is any violation. The one thing we could submit is that we did an internal check of records as to what we think the ADTs are but again if no one else is saying that they're not over 200 ADT, he doesn't that's necessary. We may just want to reserve presenting any evidence until after the public to see what we need to address.
Chairman Martin advised the audience that we will only be taking testimony on the three issues that were outlined at the beginning of this hearing.
Scott Clark, Attorney appearing on Grant Brothers Ranch and Doug and Dan Grant and they are here today who will provide some additional testimony. Eric McCafferty has submitted work on behalf of the Grants which has already been identified in the record. In addition, he submitted a statement by Bill Grant who lives in the house the Grants own which is located on the Frontage Road and that LaFarge vehicles pass in front of going to and from the site. These documents were submitted to Mr. Bean.
Chairman Martin entered these as Exhibit S.
Scott also submitted a report from All Traffic Data, who performed a traffic count at the LaFarge site during the last week. Exhibit T – the data they prepared - one report was submitted to Mr. Bean.
Chairman Martin entered this as Exhibit T.
Scott – additional copies were submitted but did not contain the full report. The issues have been clearly identified this morning. The first question is whether LaFarge is complying with the 200 ADT of the various permit involved and the second question is whether they have complied with the hard surface requirement of the various permits involved. And there's a separate sub-issue and that's whether they are complying with this Board's order on July 7 that said, and Mr. Smith order of July 7 that said "no operation of this pit and the accesses through it except for site prep and hauling for the Wal Mart site until you get the go ahead from CDOT to expand your commercial operation. To begin with the 200 ADT issue, there's already been testimony as to what that means and to what CDOT thinks it means and doesn't think that Mr. Smith's explanation clarifies anything really. Obviously, ADT is an average, it means Average Daily Trips, Average Daily Traffic and there is no express definition of that in the Access Code. There is little bit of explanation in the permits themselves which I'll get into. The first question is the question of average. Obviously you have to have more than one day to calculate an average but we don't have that defined yet. Mr. Smith relied upon a statement by Phil Demosthenes that is determined on a 365 day basis that you include weekends and days the pit is not in operation, that you can't determine compliance until you've got 365 days of data. Well the first thing is to point to Mr. Demosthenes' letter of July 10, 2003 in which he states, "while it is usually estimated, technically it means collection total count of a section of highway for 365-days." So even Mr. Demosthenes admits CDOT doesn't collect 365-days of date, they just make an estimate based on some smaller amount of data. In addition, after July 10th, Mr. Leonard sent me a letter dated 7/22/ 2003, identified as an Exhibit in the record, in which he states that ADT is defined by the American Association of State Highway and Transportation Officials in a publication called, A Policy of Geometric Design of Highways and Streets" as the total volume during a given time period in whole days, more than one day, less than one year divided by the number of days in that time period. So according to Regional III's director, ADT does not require 365-days of counting; it only really requires 2-days of date to calculate. I asked Mr. Leonard how it applies in this permit; he couldn't answer that for me. However, I think it's instructive to look at the State Highway Access Code, Section1.2 which has already submitted into the record, which states that" Colorado's State Highway System constitutes a valuable resource in a major public and private investment; it is the purpose of the Code to provide procedures and standards in the management of that investment and to protect the public health, safety and welfare to maintain smooth traffic flow, to maintain highway right of way drainage and to protect the functional level of state highways while consideration state, regional and local transportation needs and interests" Sub-part 5 of that section states, "that all users of the State Highway system should have the ability to move freely and to traffic on a safe highway system and to expect the effective expenditure of state highway funds. An effective management system can promote these expectations through appropriate control of access frequency, spacing, operation and design". This provision goes to the question of whether CDOT can enforce access limitation on highways. Right here in the purpose of the Code it says that they need to have appropriate control and access frequency. Sub Section 6 says, "effective access management system, strives

to prot4ect the safety, traffic operations and the assigned functional purpose of the state highways while considering the access needs of the various element of the general streets system. Determining the best overall solution to access and circulation patterns is especially critical at locations where significant changes to the transportation system and/or adjacent land use have occurred are or proposed." Just like what has happened here. Sub part 7 it says" through the administration of the State Highway Access Code it is the intent of the Department of Transportation to work closely with property owners and local governments to provide reasonable access to the general street system that is safe and enhances the movement of traffic and consider the vision and values of the local communities have established for themselves." In light of those requirements, I think that we have look at the average question in terms of what is the purpose of this code, what is the purpose of this permit, it is to provide for the health, safety and welfare of the people of Colorado, it's to provide for smooth traffic flow. In that light, we should not look at 365-days but we should look at a practical effect. What is happening with this traffic? Are they meeting the standard and in a reasonable manner? If we look at the first 2 months of operation, and it's not clearly not meeting it, that should be a violation of the permit. We shouldn't have to wait 365-days to figure out if there is a violation. We shouldn't allow the deluding of the data over 365-days to determine if there's a violation. That won't tell us anything about what's happening to the public health, safety and welfare and what's really happening with traffic on a daily basis. The second issue with ADT is the question of passenger car equivalents – this is a question that has had equal confusion. At the July meeting in which Mr. Smith testified that ADT is calculated using passenger car equivalents. In a letter from Mr. Demosthenes, he stated that generally passenger car equivalents are not used in calculating ADT. Although he did recognize that when CDOT calculates ADT on a section of state highways it makes a distinction between cars and trucks. Today Mr. Smith stated that ADT does not consider passenger car equivalents. All this discussion is immaterial, the permit say ADT include passenger car equivalents. Par 9 of each one of the three permits states as follows: "a traffic impact study shall be conducted and submitted in accordance with Section 2.3 Sub 4 and Section 2.3 Sub 5 and these are references to the State Highway Access Code. The traffic limitations listed on the face of this permit shall be adhered to. Vehicle counts using the access shall be adjusted longer for vehicles longer than 20' in accordance with Section. 2.3 Sub 4 Sub e. 2.3 (4) (e) is the section that identifies passenger car equivalents. It states that unless specifically noted, all criteria in the Code are based on automobile operations and performance to allow for the impact of larger trucks, busses and recreational vehicles. passenger car equivalents shall be determined, the passenger car equivalents of 3 for each bus, trucks and combinations of 40-feet in length or longer or a passenger car equivalents of two and a combination at or over 20-feet in length, but less than 40-feet can be used for these purposes. That ends the discussion, the permit say passenger car equivalents are used to calculate the ADT. I also would pointed out both Mr. Demosthenes and Mr. Leonard suggested that traffic limits placed in access permits are intended as triggers. I represent to you that Mr. Demosthenes spoke to me on the telephone and admitted that typically an access permit will say no more than so many vehicles per hour, no more than so many vehicles per day is the maximum limit and if you're going to exceed that, then you have to do X, Y and Z to improve the highway, to handle the additional traffic you are putting on it. Well, these permits don't have anything like that. They don't say after 200 ADT then you have to put in a new lane, after 200 ADT you have to put in some kind of ramp up to the Interchange, they say collected traffic impacts from the gravel pits permitted under this permit and the other two permits, shall not exceed 200 ADT. I read paragraph 9 to you earlier which states that "the traffic limits stated on the face of this permit shall be adhered to". There's no ifs ands or buts. There's no if you exceed this then you've got to do something more. It's clear; they shall not exceed 200 ADT. In addition this 200 ADT is contained in the SUP, specifically in at Para 6 of the Resolution Number 2002-101, which states that a max of 200 ADT shall be allowed for the property in accordance with Colorado Department of Transportation Highway Access Permit based upon the Colorado Highway Access Code. So under the SUP there is a limit of 200 ADT and the SUP says that's it's defined and pursuant to the Highway Access Code and Highway Access Permit which is calculated on passenger car equivalents. This is not the only place this has come up. In testimony and the question of approval of this permit, Eric McCafferty provided testimony stating that, showing that based on volumes of materials anticipated to be
mined at this site, ADT would exceed 200 ADT, actual ADT and would be probably closer to 400 ADT. In responding to his comments, Tim Thulson, who was representing the applicants, stated that with regard to some of the comments, more specifically with regard to Mr. McCafferty, the computation of vehicle trips, I think that's largely irreverent because we are capped at 200 a day. If we, in fact and paraphrased, exceed, then we're going to have to come back before you and get the application amended along with our access

permit – that's what we stipulated to, that's what we're bound to whether or not it increases it more, that's our risk. Clearly the applicant's understood that 200 ADT was an absolute cap. If they wanted more, they needed another permit. Similarly, Commissioner McCown asked the question of the applicants, in conjunction with the trip generations, if you're looking at 200 to 400,000 tons a year, I guess I have to ask the obvious question, how are you going to get it off that property with a 200 a day permit. The response was Leslie Hope from High County Engineering, stated that I can answer this pretty easily, the first phase of the operation they're talking about is 48-acres per our DMG permit and not allowed to mine 30 acres at any one time without starting reclamation. So the bases of our assumptions were 29.6 acres so we're not going to be exceeding at any one point and time. She didn't address ADT counts, she didn't address passenger car equivalents, and she didn't address triggers. She just stated that and provided a reassurance that pursuant to the operation plan for this pit they will be able to comply with the 200 ADT limit. Clearly, when this permit was considered by the Board, that anticipation was the 200 ADT was an absolute limit. In that light, it's important to look back at the permit, Para 1, which states that all proposals of the applicant and representations made at the hearing shall be considered conditions of approval, unless otherwise stated by the Board of County Commissioners. No where in the transcript does it state that the 200 ADT is something other than an absolute cap. Eric McGregor, I mean Eric McCafferty submitted reports that he did a traffic count at the LaFarge Operation on June 24 and that he counted well over 200 ADT on that date. A prior submission made by Doug Grant states that he performed traffic counts coming out of LaFarge Operation on June 23, June 24, June 25, June 26, and June 27 that on all but one of those days, the traffic count exceeded 200 and in fact on several of those days, it was at or close to 300 ADTs and one day it was over 400 ADT. Doug and Dan Grant are both here today and will testify that they have performed subsequent traffic counts from the LaFarge Operation and they have consistently exceeded the 200 ADT. In a report I gave you from data from All Traffic Data, a professional corporation that performs services of traffic counts including, for clients including CDOT itself and on July 30 they performed a traffic count of LaFarge operation and found that the total trip count was 288 ADT. So I think there is more clarity now on how to count the ADT. Obviously there is evidence that LaFarge consistently exceeds the 200 ADT; therefore, there should be no question that there's a violation of the SUP as there is a limitation on traffic from this site of 200ADT.

The second question is the hard surfacing of the Frontage Road and the Accesses. The CDOT permit, by its own terms, requires pavement with asphalt for both the accesses and the Frontage Road. The CDOT permit and the State Highway Access Code also requires completion of all construction prior to use of the accesses. I don't think there's any question this morning that the Accesses are in operation and commercial operation, I don't think there's any question this morning that the Frontage Road nor the Accesses have been paved. We've heard from Mr. Smith that CDOT is satisfied apparently with what's been done so far and won't require paving until the State Highway project is done, there is a letter from Mr. Leonard indication that, there is a correspondence from Mr. Smith containing a time table of sometime in October for completion of that project with asphalting of the Frontage Road and the Accesses to follow immediately after that. Apparently we're heard from staff that there were communications from the City of Rifle that they are satisfied at this point and time with the process and will not seek to enforce the paving provision of their permit. I think it's important to note at this time that we're not asking this Board to enforce either the CDOT permit or the Rifle permit. We're asking you to enforce your SUP. That permit under paragraph 17 incorporates by reference all the terms and conditions of every other permits and states that a violation of those terms and conditions is a violation of your SUP. There is no question that the CDOT says you have to pave the road, you have to pave the accesses, and you have to do that before you use the accesses. There's no question that the City of Rifle permit says you have to pave the road if you're going to do operations there. Not only that but the Rifle Permit is issued for protection of the Rifle Water Protection District and their concern is dust and particular matter contaminating their drinking water supply, the Colorado River. So there's a bigger issue here, not only Rifle's Colorado River water but everybody else's water downstream maintaining that at some level of quality. Because those terms and conditions are transit conditions of the SUP, you can enforce the terms and conditions as part of your SUP; you can suspend or revoke your SUP until those terms and conditions are complied with. We strongly urge you to do so. We feel that it's your, not only within your authority to do so, but your duty because these are questions of significant impact to the health, safety, and welfare of the people of Garfield County to issues of smooth traffic conditions in Garfield County, the statement I provided you from Bill Grant indicates that he lives in the house that fronts the Frontage Road, that the traffic from the LaFarge operation passes in front of his house and since that operation began he's had significant dust, noise and vibration issues at the house that

are being caused by significant levels of traffic. These questions about dust and so forth, are often more significant because they're exceeding the 200 ADT limit. Significantly, they're closer to 300 ADT consistently.
The last Major Issue is compliance with your statement from July 7th that operations at this facility should be limited to site prep and commercial hauling to Wal Mart site and no further commercial hauling. At the July 21 meeting that I wasn't available for, there was some question as to what the Board had decided at the July 7 meeting and what had to be completed prior to this hearing.
Carolyn Dahlgren– as Guardian of the process, I would like to remind you that you're dealing with three issues that were properly notice and I believe counsel is bringing up a fourth issue.
Chairman Martin – she is correct, we are only dealing with the three issues in the notice.
Scott Clark – I believe it is because they are not in compliance with the terms of the permit which require pavement of the road prior to use of the access. At the July 7th meeting this Board stated that some limited use of the Access could be made at least through this date and that we believe that they haven't complied with that limitation.
Chairman Martin – how does the Board feel, do you feel that we should allow this or not.
Commissioner Houpt – yes I do; Commissioner McCown – no, I do not; Chairman Martin – we're split; I guess I'd have to decide. Counsel has given us warning and we've covered the hard surface and the requirement of that and I think we have covered it enough and will disallow it.
Scott Clark – Mr. Smith stated earlier today that CDOT does not believe that at this time there is a violation of CDOT permits. I not sure I agree with that. Clearly the permits state that pavement has to be done before construction, that hasn't been done. There is a violation. The question for CDOT is how they are going to enforce the violation. Apparently they've decided that they're okay with what's been done, but we haven't seen any written statement from CDOT saying that we've inspected your site, we're okay with it, and you can proceed with your commercial operation at this time. In fact on July 16th, Mr. Smith provided an email to LaFarge which I believe is also in the record stating that when they're done with their overlay nothing that they've inspected it, 7/16 Mr. Smith provided an email to LaFarge, which I believe is also in the record, stating that when they're done with their overlay he'll come out and inspect it and he'll provide them with written notice that they can proceed with their commercial operation. Apparently that notice hasn't been issued because it hasn't been submitted here and Mr. Smith hasn't referenced it.
Chairman Martin – in fairness to any other people who may wish to testify.
Scott Clark – finishing up. In reference to Mr. Smith's testimony, I also would point out that he made a comment that CDOT had made a review of traffic flow at the access points and concluded there was no violation. But again, there was no statement as when that was done and how it was done and what type of calculation they used to determine ADT nor was there any documentation provided. So in conclusion, I just want to state that the permits define ADT is defined as passenger car equivalents; that in order for these permits to have any teeth at all and meaning, this body, CDOT has to have the ability to look at actual operations and if within a two-month period after opening of the pit, they're not hitting their 200 ADT there should be enforcement. In addition of the paving issues, what CDOT and Rifle have elected not to enforce their permits but you do not have to follow that precedent. You have a separate permit of your own and it says they have to pave this Frontage Road and the accesses before they use them and we request that you do so. Thank you.
Commissioner McCown – from the All Traffic Data folks, in fact the total in and out of the access equal154, it only reached 288 if the passenger car equivalent was used.
Scott – that is correct. But I would highlight again that CDOT permit says you will apply the passenger car equivalent.
Mr. Dick Stephenson – 1609 CR 112, Carbondale – I've operated 6 gravel pits each one having a Highway Access Permit in the last 30-years, 2 of those being in Garfield County - one in Carbondale on Hwy 82 and the other one down in West Rifle on the old Highway 6 access and historically, unless something's changed that I don't know about, we always operated on a 365 day a year; some days we may have a 200 ADT scenario, we might have 600, we might have 800, we might have 1000 but over the whole year is what, how things were figured and I don't think anything's changed. It's the way it's been every since I've been in business and that's been over 30-years. This is crazy. Thank you.
BOCC – no questions.
Dan Grant – had a couple of questions before I hand you some information: 1) a conflict of interest was brought up and that's one of the issues here that you're talking about today that deals with the Rifle Watershed and how it connects to the highway, it's been a long standing thing that Leavenworth & Karp

have represented the City of Rifle for years and they actually wrote the Rifle Watershed permit and subsequently it was my understanding that Mr. Leavenworth wrote the counsel to say that he had a conflict in the sense that he also was asking permission to write or introduce come information dealing with their augmentation plan, talking about the LaFarge Water Augmentation Plan. The Rifle City Council allowed him to go ahead and work for LaFarge and this plant knowing that there was a conflict. Now, we have issues here dealing with the Watershed Permit and we have the firm of Leavenworth and Karp representing LaFarge, also representing the Watershed Permit even though their firms not here, it's just something to put in the record, saying, question No. 2) in a previous meeting, Mr. McCown asked Mr. Mike Smith here if the applicant understood the 200 ADT and the information. Mr. Smith said he thought they did, reading the application and things like that. I want to point out to you that No. 9 in their Access Permit is not boiler plate, it's not something that's written in there on all of them, it was specifically typed in and written that this particular application deals with using the passenger car equivalency to determine the total ADT. So it's not boiler plate, as I understand it. So I would think that at this time, in that permit, as an applicant, you have the ability to not sign that, you could say no, we need to negotiation a little bit further on this and get some of these issues about how you're going to do this straightened out before we sign it. In this case, they signed it. So I would assume that they know about Number 9. Now, I was personally confused about that because the ADT, because we only had the first page after a long time of the application, we didn't have the 2nd, 3rd and 4th page that deals with number 9. So, I would like to submit to you that I would say the applicant should have known about the ADT and some handouts were given to the Board. Exhibit U was admitted. This submittal is the traffic counts in front of our residence down there, it was done with a video tape so if I mess up and see a car go by too fast, something, and I could rewind it. The very first one is the 7/8/03 that the date after the meeting in which some discussion here was taken here about the sign taken down and no more commercial traffic, whatever. On the 7-08-03, the time 6.42 a.m. to 2:52 p.m. - that's approximately 8 hours they operate there, I think in the permit said that they have a 12-hour day. Well, this is not for the entire period of time – the tape runs outs. Some tapes have been messed up because the electricity has gone off – they've been working on the electricity down there and they shut if off and the whole generate pops on and the old vides just doesn't take that kind of response. But anyway, to get on, this is the in and out counts, the passenger car equivalents as X1, that days there's 63 vehicles that went through there that I could not identify. There were 11 that had LaFarge written on the side of the trucks, so I know that those are vehicles using that road going down there. The next is 2-axle dump truck, that's just a small truck, there were none that day. Three axle tandem trucks X2, remember I'm using No. 2 there passenger car equivalents; first one number 115 is how many there were. Exhibit U was submitted and contained a lot of technical information.

Doug Grant – addressed various technical information and continued to address the access permit and the passenger car equivalents 7/18 – Friday and bear in mind, Mike Smith said they would be in compliance by the 18, 18th at noon – spoke to Dan Russon and he told me in factually that they still do not have commercial access there, yet they are still selling to other than Wal Mart; Exhibit V was submitted pertaining to a note left in the mail box at the house 7/28/03 – signed by Robert W. Hazard – handed to the BOCC to follow along.
Chairman Martin – we've got an idea.
Doug – they'll be holding the mail, at the top – "we'll be holding mail until the mail box has been filled and properly graded at all times. 7/28 – observed trucks coming from the site that are not to Wal-Mart, on Mamm creek not east and west on I-70. What's the trigger is for non-compliance and quiet specific in Para 9 on the access permit, as told all that traffic would be counted as passenger car equivalents.
Commissioner McCown – who else gets the mail at this location? Does LaFarge? Snyder?
Scott Clark - his cousin – pretty much; CDOT may move and put it out by the intersection. Doing construction and not satisfied, it's a minor point and construction is still going on
David McConaughy asked the Grants how much money you think you've lost due to this business.
David McConaughy - How much money do you think you've lost – you did bid on the I-70 job didn't you.
Chairman Martin – commented this was not an appropriate question. We need to stick to the issues.
David McConaughy - argued that the entire point was very relevant. It goes to the creditability of the entire issue and it's very relevant.
Don DeFord cautioned the Board that this was outside the scope of the three items in the notice for this hearing.
Additional technical information was given.

Jim Snyder addressed the ADT's noting for the record that during this time the Grants were video taping and counting cars, the Snyder's were having large family reunion that last 5-dyas. Some of the teenagers went to town and back about 15 times and these vehicles were all counted by the Grants; there were several loads of hay and these shouldn't be counted. Ron Van Pelt shouldn't be counted. Pile of traffic that goes to the end of the road and just telling the Board that there is no way to decipher if they going to LaFarge, Grants or on down the road.
More technical information was provided.
David McConaughy asked two witnesses to speak briefly on this ADT issue.
Roger Neil – High County Engineering – familiar with the traffic study that was part of the Special Use Permit that was relied upon by the Board. We did perform the original study for this project and we did follow the criteria that was referred to in Phil Demosthenes letter and also prepared the application for the permit. It was very specific in the application that 80% truck traffic that was applied for and we actually specified the amount of trucks and the amount of passenger cars that amounted to 200. He referred back to Phil Demosthenes letter where there were two statements discussed that were very specific - one "in discussing the 200 AADT limit on your permit with Region III traffic, the staff at Grand Junction, it's clear the number applies to trucks without passenger car adjustments. Where the passenger car equivalents come in is in the use of design. Item 9 in the permit typically refers to the design in the permit and you do consider passenger car equivalents in the design. You also use equivalent axle loads in the pavement design and it also refers very specifically related to passenger car equivalents, he says, "the use of passenger car equivalents would apply during the analysis and application to determine any roadway design element and their size, not as an access volume limit. If the department needs to limit vehicle type use of the access point it will be mentioned specifically and clearly not as an interpretative passenger car equivalents, normally it would be a daily or hourly limit not an annual average. That's all I have for now.
David McConaughy – the last one, LaFarge conducted its own study Exhibit W –copies of scale tickets.
Steve Wood, with LaFarge - we took the actual weighted tickets, you had asked before if we would look at materials going out of the pits and we have on here by date the number of tandems, the number of in-dumps in this particular, during these days during these months of June and July; it is based on one in and one out, what we don't have on here is and we can extrapolate from Mr. Grants hard work that he's done relative to the numbers of pickups and add in I guess our pickups going in and out for our mechanics and that sort of thing, but this gives you an ADT total, by our scale tickets, by our weight tickets for the pit for the months of June and July and it is counted as one in and one out as per the definition people.
David McConaughy – the last thing I have is a handout – copy of Exhibit H – the notation circled on there are the total ADT, what I wrote underneath, if you don't include the passenger car equivalents but just add up the trips in and out, what you get. In fact one day June 25 it was 258 and that would be over, but if you add up the 5 days shown on here and divide by 5 you end up with 179. The point of that if you illustrate that based on Exhibit H and based on Exhibit U the recent handout and even the traffic study from ATD, All Traffic Data, everything we've got shows you are under 200 ADT if this passenger car equivalents issue doesn't apply. I would respectively point out that the Grant Brothers and their attorney simply don't seem to be accepting the answer from CDOT that it doesn't apply. And especially these permit Resolutions very clearly imply that the ADT's is to be interpreted in accordance with the CDOT permit based on the Highway Access Code. So they did make one very cleaver argument which was to the point you to Paragraph 9 of the Permit, but that should only give you half the picture because if you look at the permit, there's two headings there – this reference to the 200 limitation twice. The first time it appear in Paragraph 3 under Administration, it says collective traffic impacts from the 3 pits shall not exceed that listed on the face of this permit. There's no reference to the Section about passenger car equivalents. The second section is titled Design and that's where under 9 where it says, traffic limitations point to the section under passenger car equivalents. That is exactly what this Mr. Demosthenes and Mr. Smith have said that it applies, is when you're designing the length of a turning lane or the depth of the asphalt but not when you're counting traffic. So that's really just a red herring and pointing to a convenient sentence out of context, but you read that whole page and it clearly only applies to design as we've said. There seems to be this desire to trump an issue here, I don't think there really is one, the motive is pretty clear and apologize from my getting hot under the collar about it earlier, but if we have a permit that requires compliance with other permits and there's no government agency saying there's any problem. Mr. Clark says, where it is in writing that there's no problem. Well, in Exhibit O, the letter to Mr. Clark dated July 21 or the 24th, is says "I see no need for further administrative action beyond what we're already implying and therefore consider this matter closed." That's from Owen Leonard and Mr. Smith said today, CDOT has no problem, so I

guess the Grant Brothers would like there to be a problem, but that doesn't make it so. And as far as the 200 ADT goes, everything you have in front of you shows that we have not exceeded the limit because the passenger car equivalents simply don't apply.
Chairman Martin clarified there were no questions by the Board and no other person wanted to testify.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing. Motion carried.
Commissioner McCown- I make a motion in light of the testimony today from both written information from CDOT and verbal testimony today from Mr. Smith that the car equivalency is not used, should not be used in the ADT/AADT count, that the State has no issues of non compliance with the Access Permit and that the City of Rifle has no problem with the Watershed Permit with the Mag chloride and paving the project after they have completed the State project and not running over asphalt roads, and I see no reason for any revocation or suspension of this Special Use Permit. Commissioner Houpt – you have a second but I have something to say.
Chairman Martin – this is the time to say it, this is a no win situation, so give it a shot.
Commissioner Houpt – Well, I would like to first of all thank everyone who has participated in this because until today, I don't think anyone in this room had a clear understanding of what the rules where and CDOT, you guys are at the top of my list. All throughout your permits and I do see non compliance in this permit so it would be very easy for a person from the outside to look at that and say, well I have access to that, I can see the permit is not being complied with and there are problems with that. I agree the design issue is very well defined in here but before today there was not a clear definition on how ADT's were going to be counted, when they were going to be counted and I still don't have a clear understand as to who is going to actually regulate that. I agree that if Rifle and CDOT are fine with the way the permits are being followed, we shouldn't step in and say otherwise because the permit's with them, but boy communication is so key and the communication on this has been very sketchy and the I think a lot of information has been brought forward and has been critical to the finding of what was going on. So I don't think it was a waste of time, it's too bad that we had to go through a process to make it happen, and I think there's been people who have spent hundreds of hours collecting the data to really get down to what the true picture is, what the rules are that people are supposed to follow. I hope we all learn from this and have better defined agreements in the future.
Chairman Martin – I agree there's some problems in communications and we may have not done our homework enough or well enough to truly understand what we were approving in the first place, but it's there, we don't have any back up in reference to any kind of violation so therefore we can force something that's not there. If there's no violation, I can't invent one. I don't have those agencies saying there is one. So I will call for the question. All those in favor of the motion.
McCown – aye; Houpt – aye; Martin – aye.

REQUEST TO CONSIDER AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR THE SUBDIVISION OF 239 ACRES INTO THREE LOTS. LOCATION: APPROXIMATELY 2-MILES EAST OF RIFLE ON HIGHWAY 6 & 24. APPLICANTS: RADIMO, LTD./JOHN MCBRIDE – TAMARA PREGL

Tamara Pregl, Tim Thulson and John Kelley, Carolyn Dahlgren were present.
This was continued from July 14, 2003 reviewed the noticing requirements and advised the Commissioners they were in order and could continue.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000 as amended; Exhibit F - Staff Report dated August 4, 2003; Exhibit G – Application Materials; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated June 11, 2003; Exhibit I – Letter from Steve Anthony, Director of Vegetation Management, dated June 26, 3003; Exhibit J – Letter from City of Rifle dated May 27, 2003; Exhibit K – Well Permit no. 250904; Exhibit L – Resolution No. 77-31; Exhibit M – Building Permit documentation for dug-out/underground bunker; and Exhibit N – Deed dated March 1, 1977, between Stephen and Gail Price and John McBride.
Chairman Martin entered Exhibits A – N into the record.

Tamara stated the applicant requests an exemption from the rules of subdivision to subdivide approximately 239 acres of land into three parcels. The subject property is located approximately 2-miles east of Rifle on Highway 6 & 24 in the Agricultural/Industrial zoning with ISDS for sewer. The applicant proposes to divide the land into: Parcel A – 2 acres; Parcel B – 25 acres; and Parcel 3 – 211 acres. The property has two very distinct benches. The upper bench of the property is fully vegetated primarily with sage brush and cottonwoods. Proposed Parcel A is improved with a one-bedroom earthen structure/dug out that has been build into the hillside overlooking the irrigated meadows of proposed Parcel C and the Colorado River. On Parcel B there is a log home and various outbuildings that have been in place since the applicant purchased the property in 1977 and was constructed prior to zoning in the area, which in the Rifle area was in 1973, therefore the log house may be considered pre-existing legal non-conforming. 77-31 authorized the sale and the covenants recorded for Lot 2. The applicant is not requesting to separate from the contiguous Lot 3, rather to divide the property into three parcels. There is some confusion as to how Radimo acquired Lot 2 with a quit claim deed. Access also needs to be clarified as to the three points of access.

Well permits have been submitted for Parcels A, B, and C. For the well permits for D and E are included in the application as Exhibit K. In addition, the applicant is proposing ISDS – she did not do the research to see if there is an existing one for the dugout for Parcel A or the log house on Parcel B. The applicant will still to provide some kind of documentation.

Recommendation:

Should the Board of County Commissioners determine that the Exemption from the Definition of Subdivision complies with Garfield County Subdivision Regulations, staff recommends that the Board approve the Radimo, Ltd./McBride Exemption, subject to the following conditions:

1. All representations made by 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 have **120 days** to present an Exemption Plat to the Commissioners for signature from the date of conditional approval of the exemption, or an extension of time shall be requested and approved by the Board of County Commissioners prior to the expiration of the 120 days.
3. Prior to the recording of the Exemption Plat, the Applicant shall clean up title on the subject property through either Quit Claim Deeds or a Boundary Line Adjustment.
4. The 1978 Garfield County Zoning Resolution standards shall be complied with.
5. The Colorado Department of Health standards shall be complied with.
6. A Shared Access Driveway Agreement shall be filed with the final Exemption Plat with appropriate signatures.
7. The Applicant shall comply with the recommendations of the Rifle Fire Protection District, as follows:
   A. Addresses shall be posted where the existing driveway intersects with Highways 6 & 24. For a shared driveway, the address for each home shall be posted to clearly identify each address. Letters are to be a minimum of 4 inches in height, ½ inch in width and contrast with background colors.
   B. Driveways shall be constructed / improved to accommodate the weights and turning radius of emergency apparatus in adverse weather conditions.
   C. Combustible materials should be thinned from around structures so as to provide a defensible space in the event of a wild land fire.
8. Prior to finalizing the Exemption Plat, the Applicant shall provide a copy of the Denver and Rio Grande Railroad right-of-way license allowing all three lots access over the railroad right-of-way, or a new license shall be obtained for the new lots as needed.
9. Prior to finalizing the Exemption Plat, the Applicant shall provide to the County Vegetation Management Department a map and inventory of any listed Garfield County Noxious Weeds on the parcels. A Weed Management Plan shall be submitted to the County for the inventoried noxious weeds for review and approval by the Vegetation Management Department.
10. Provide a new pump test for the existing wells, and the new well as outlined in Condition 10 below, to verify that dependability of the wells. A water quality test shall also be conducted for each existing well and submitted to determine the quality of water produced from the existing well.

11. 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 drawdown 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.
    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.
12. 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.
13. That the following plat notes shall appear on the Exemption Plat:
    A. Water supply is limited in the area and fire flow capabilities will likely not to be available to extinguish a fully involved structure fire.
    B. Weed Management on all parcels shall be on-going in accordance with the Weed Management Plan approved by Garfield County Vegetation Management.
    C. Existing and proposed easements for utilities, driveway, and irrigation. These easements shall be included on the deeds for the proposed lots, where appropriate. All new utilities shall be buried. Tamara understands that the applicant wanted to address this issue.
    D. Defensible space around all structures shall be maintained.
    E. 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.
    F. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.
    G. All exterior lighting will be the minimum amount necessary. All exterior lighting will be directed inward and downward towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
    H. Slopes exceeding 40% shall be restricted from development. Areas of disturbance shall be re-vegetated with appropriate vegetation. Cut and fill areas shall be kept in balance and to a minimum. Disturbance of the existing vegetative cover shall be minimized.
    I. Geologic Hazards on the Parcels shall be mitigated per County regulations. Tamara – there are none.
    J. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
    K. 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.
    L. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

Tamara made some clarifications to Condition 13 – C – *"Existing and proposed easements for utilities, driveway, and irrigation. These easements shall be included on the deeds for the proposed lots, where appropriate. All new utilities shall be buried. Tamara understands that the applicant wanted to address this issue."* Her understanding with the applicant that they wanted to address this issue in reference to existing utilities that no buried, to not have them buried. And Condition 13 I – " *Geologic Hazards on the Parcels shall be mitigated per County regulations. Tamara – there are none."* Tamara stated this was actually it appears it would be a carry over from a previous exemption; however she doesn't think there are any geologic hazards on this property on both levels. And the last Condition to **add** would be – "that ISDS permits are required for each parcel." This would be Condition No. 14.

John Kelly stated that they are a limited partnership; the name was changed to Radimo.

Tim Thulson - The staff report sets forth and the conditions as modified as acceptable. Tim hasn't inspected the property, but John McBride has stated the utilities are buried. Due to the continuance, express condition on the restriction, simply do a boundary lot into parcel C and on restrictive covenants.

Commissioner McCown clarified that by doing a boundary line adjustment, Lot C would go away.

Tim – correct, it was really questionable if there was a line. It was not recorded and Tim didn't find it wasn't. When McBride family limited partnership conveyed it to Radimo, which is really the same, Lot 2 was included, but John just put it in a file and they didn't find out about it. The conveyance was good, but they didn't find out about it until someone asked where it was. This was a government lot according to Tim Hartert and it was conveyed separately.

Commissioner McCown – okay if the legal staff is satisfied.

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

Commissioner McCown made a motion to approve the exemption from the definition of subdivision for the 239 acres into three lots for Radimo/John McBride with the conditions as set forth by staff and as amended. McCown – aye; Houpt – aye; Martin – nay.

Chairman Martin – I oppose simply because I need to uphold my ruling and the way I see the definition. This is nothing personal.

PUBLIC MEETINGS

REQUEST TO CONSIDER AN APPLICATION FOR SITE APPROVAL FOR THE CONSTRUCTION OF A NEW DOMESTIC WASTEWATER TREATMENT FACILITY AT THE ROCK GARDENS MOVILE HOME PARK AND CAMPGROUND. APPLICANT: ROCK GARDENS MOBILE HOME PARK AND CAMPGROUND, LLC. – FRED JARMAN

Fred Jarman, Bob Zancanella, Ron Liston and Lee Leavenworth were present.

Fred Jarman stated that this application was withdrawn and the applicant has requested to set this for August 4, 3002 at 1:15 p.m. in order to further expand the information. Fred noted for the record that August 4 was the last day within the 60 day period.

Rock Gardens Mobile Home Park is located south and east of No Name, Colorado and south of I-70. They are proposing construction of a wastewater treatment facility at this location. It is a 17-acre property that consists of cabins, mobile homes, RV spaces, summer camp sites, single family dwellings, and other buildings associated with a river rafting industry. The property is currently served by two on-site water wells and wastewater is served by septic tanks and leach fields.

The request is to construct a Wastewater Treatment Facility (closed loop reactor system) to treat all wastewater generated from the park and to do this it will entail disconnecting and abandoning all ISDS systems then connecting into the proposed system. The effluent will then be discharged into the Colorado River.

Rock Gardens is not located in the service area of an existing provider or 201 plan. The property is not located in the Glenwood Springs 201 Plan. The staff discussed the proposal with the City of Glenwood

Springs and understands the City is in the planning process for a new wastewater treatment facility that contemplates including No Name in the study area. This planning process should be completed in less than a year. The City has not held discussions with Rock Gardens as to their plans, but did include the potential for hooking into the City's current system and was included in a current flow and population estimates/projections for that area as part of their planning effort. However, the main comments from the City were that if a treatment facility is approved, it should be approved to serve the area of No Name and not just rock Gardens. The applicant proposed opportunities for consolidation with the nearby Colorado Department of Transportation facilities and has determined that CDOT is not interested at this time.

A letter was received from Zancanella and Associates, Inc. on July 29, 2003 as a follow up to the comments and added additional information to assist in the analysis. The facilities have been grandfathered into the County Zoning Regulations as "existing, non-conforming uses".
For approximately the last three to four years, Dwain Watson with the Colorado Department of Public Health and Environments has been encouraging the Rock Gardens owners to upgrade their facilities to a central treatment system. The existing wastewater system is currently providing adequate services; the current density is in excess of that which would not be allowed for a new installation by the CDPHE. Therefore the CDPHE is recommending that the system be upgraded to a central system. As an alternative the potential of constructing a line to tie the No Name area into the City of Glenwood Springs was examined. The only reasonable route, given the canyon's physical limitations, would be to follow the US Highway and the bicycle path for approximately 13,300 feet. The system would require three pump stations at an estimated cost of $1,359,000. Additionally, contract was made to the Colorado Department of Transportation to connect with their Rest Area to the wastewater plant. CDOT refused the offer. The owners of the Rock Gardens Campground would be willing to make this a regional facility for the No Name area. The plant can be oversized a small amount for future use and could be reasonable enlarged if additional users want to connect to the central treatment system. Currently the No Name area is not within the current 201 plan for the City of Glenwood Springs.
This was referred to the City of Glenwood but is contemplating including it in the 201 plan.
Mark – they are in the process of amending the 201 and have considered including No Name in the area.
Recommendation:

Based on the current comprehensive plan designation of low density residential, the potential possibility of future connectivity to a 201 Plan, and an unidentified need, staff recommends that the Garfield County Board of Health **RECOMMEND DISAPPROVAL** of the site application for the Rock Gardens Wastewater Treatment Facility.

Ron Liston – representing Mr. Snyder, gave the history of why they are here before the Board and the request mentioning discussions with CDOT, the City of Glenwood Springs, and the State. This area is not included at this time in the City's 201 plan. The argument for consolidation is there and in time you can get the commitment in the user level, in time you can pull these all together like the Eagle Valley has done and this could be the case here. The State will issue the permit and they will keep the idea open of adding all the users in the area.
Tom Zancanella added several things, saying the State has added ground water regulations that put them into a site application of either an ISDS or a wastewater treatment facility. When the state identifies these kinds of areas that exceed the limits, they invite you to request a site application process. They are looking at a surface discharge system. Buffalo Valley was used as an example when there isn't a lot of waste; it loses its oxygen and results in a brown cloud. They had to pump water to clear it out. He named the hazards of No Name and reiterated what Ron Liston stated. Upper Eagle took in 7 to 9 small districts and consolidated and it worked well. They looked at the Bair Ranch and the Grizzly site but to add this into it, it overran the systems. CDOT said no. From an engineering perspective the best thing is to do an above ground system and expand it to a certain amount if that's the BOCC's wishes.
Lee Leavenworth – will water quality be enhanced over what is there now?
Bob Zancanella – treating the water can be.
Commissioner McCown – given the limited range asked if they could increase the IRQ's.
Bob – if No Name came in entirely, they could go to about 50,000 gals a day without modifications. To go much beyond that would require some plant modifications. To handle all of No Name you would need to add some lift stations.

Lee Leavenworth – one of the things he reminded the Board, this is a legal non-conforming use. The issue is water quality. The ability to monitor makes this decision a no-brainer. The option is to spend $350,000 versus over a million. Rock Gardens cannot afford a million dollar operation. He understands the staff comments on the comp plan but the issue is the opportunity here is to have better water quality. An interesting line in another plan was noted, "they have no authority to force them to a regional facility."
Commissioner Houpt – on consolidation, this land planned for this facility isn't large enough.
Ron – the building will be on the 30 x 60 area and will hold a capacity of about 50,000 gallons and to double that, they could expand and cut an area into the hillside. This is the purpose for going to this design.
Lee - the other point, the way you get true consolidation, is you have to start with a central system, once it's a central system, it's easier to connect to it. Until failed septic systems occur, there is no way to make consolidation occur in No Name. Two issues – better affluent and there's no way of know what's happening with the septic tanks. You can monitor the affluent to see if you are in compliance of the water quality.
Bob Zancanella – stream qualities, algae stealing the oxygen – these change over time and when the issue is throughout the Colorado River they can say you need to change.
Ron – struggling with two things – one the facilities – State Health has said, yes it should happen and go to the central treatment; no absolute of this happening in No Name, but you need to start somewhere.
Lee argued – they are plumed and could connect to another system and/or management consolidation.
Ron referenced the Gypsum plant and a quality slug used for landscaping but not landfill. They are looking at around 30,000 gallons with the ability to increase to 50,000.
Glenwood is drafting a 201 plan and are in meetings presently. There's no draft out yet. Larry Thompson predicted a year and $28 million to increase the plan.
Commissioner McCown doesn't like the proliferation – this will not change and feels more comfortable due to the monitoring. State Health makes you do a good job. Could take readings before No Name and after the bend to see what the levels are.
Commissioner Houpt – agreed it was environmental sound to have one or another.
Fred – the applicant hasn't made that clear. You can monitor it better.
A motion by Commissioner McCown to recommend approval the site plan. Commissioner Houpt seconded. Motion carried.

Board of Health

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Health; motion carried.
A motion by Commissioner McCown to recommend approval the site plan. Commissioner Houpt seconded. Commissioner McCown stated that consolidation is the better way to go. Motion carried.

REQUEST TO CONSIDER A PLAT AMENDMENT FOR LOTS 3 & 5 OF THE GOOSE CREEK SUBDIVISION. APPLICANT: HIGH COUNTRY STARSHIP LIMITED – FRED JARMAN

Fred Jarman, Don DeFord and Teresa were present.
This is a review of an Amended Plat for High Country Starship Limited for Lots 3 and 5 of the Goose Creek Subdivision to straighten the lot line separating these two lots and relocate the access point to Lot 5. The property is located on Blue Heron Lane, a private access easement off County Road 100 – Catherine Store Road, just east of Carbondale. Lot 3 will contain approximately 8.99 acres and Lot 5 will contain approximately 13.02 acres.
Recommendation:
The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, staff recommends that the Board of County Commissioners, pursuant to Section 6:10 of the Subdivision Regulations of 1984, as amended, approve this amended plat request with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval;
2. The Plat shall show that the original 10-foot gravel drive into Lot 5 from Lot 3 is eliminated.
3. Within 90 days of approval, the Amended Final Plat shall be reviewed (paper copy), then signed and dated (mylar copy) 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, as a minimum, the information outlined in Section 5.22 of the Garfield county Subdivision Regulations.

Exhibits

The following exhibits are provided for further review and contemplation:

a. Draft Amended Final Plat of the Goose Creek Subdivision;
b. Goose Creek Subdivision Final Plat showing current access through the property;
c. Vicinity Map for the Goose Creek Subdivision showing access from CR 100; and
d. Map of the proposed private access easement across Parcels D and A of the Robbins Subdivision Exemption (owned by the third party).

Currently access is provided to Lot 5 through Lot 3 and the applicant wishes to abandon that access.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve a plat amendment for Lots 3 & 5 of the Goose Creek Subdivision for High County Starship Limited; motion carried.

Invitation – ITRP – Tuesday, August 12 - 4PM – 8 PM

ADJOURN

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

Attest: Chairman of the Board

_____ _____

AUGUST 11, 2003
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 11, 2003, with Chairman John Martin and Commissioners Tresi Houpt 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

a. Airport - Master Plan - Close-out - Brian Condie

Carolyn Dahlgren and Brian Condie were present.

Brian submitted the Airport Master Plan Final Update and Airport Layout plan Revision stating that the AIP 3-08-0048-09 project is ready for final approval from the Garfield County Commissioners. He provided an update reporting that some basic objectives have been established that are intended to direct future airport development. The aviation activity forecasts and the various considerations on which the forecasts have been based support these objectives. These objectives support the goals of the airport:

a. Continued investment in infrastructure that provides increased safety for large general aviation aircraft operations;
b. Support community needs; and
c. Economic development generation.

Brian gave a brief summary of each chapter of the Airport Master Plan including the Introduction stating that the objectives have been completed as stated and establishes justification for the County to upgrade the airport facility to accommodate jets in the C and D categories.

He continued on to the Inventory Existing Conditions that identifies the location of the Garfield County Airport within the mountain region airport system, the history of the airport, population and employment trends; and it provides a current assessment of existing airport facilities such as runway data, airspace classification, navigational aids/lighting, apron, taxiway, auto parking, development areas, fuel farm, operations equipment and land use.

Aviation Demand Forecasts develops reasonable projections regarding the potential demand for the airport expected over the period of twenty (20) years. Once this demand is established, and the FAA concurs, the County may make informed decisions regarding the development of the airport. Forecasts show the strong demand of the airport by large business jet aircraft and small private aircraft. The need for additional infrastructure to meet this demand includes ARC upgrade, expanded apron, taxiway, utilities, access roads, and hangars. The economic impact for the County in 1996 concludes this chapter by showing an $8.1 million annual impact and the creation of 143 jobs. The aircraft operations have doubled since this report was made we may reasonably assume the economic impact has also increased.

Facility Requirements to meet the projected demand are recommended and include runway, taxiway, approach surfaces, instrumentation and lighting upgrades. Landside facilities that are recommended include a terminal building, aprons, access roads, hangars and other support facilities. Once these facilities are in place, Garfield County will be well positioned to capture significant market share of the regional aviation activity.

The Alternatives summarize the evaluation of development concepts and alternatives for the County. The main objective is to upgrade the facility to meet FAA design criteria to safely accommodate the existing and projected use of the airport by the large general aviation aircraft. The justification for this objective stems from the significant gains in corporate jet activity over the past several years.

Capital Improvement Program is the application of basic economic, finance and management rational to complete the Master Plan recommendations. Sources of development funding are identified in the following areas: the airport user, Federal Grants, State Grants, Private Sector financing and other funding sources.

Airport Layout Plan (ALP) includes the updated drawing set. It is a collection of all required data, standards and design criteria. This section must be approved by the County Commissioners and the FAA before any development may be federally funded.

Brian recommended the County approve this ALP at this time.

The Accounting Close out Request:

Final Invoice from Washington	$11,102.00
Final Request for Reimbursement from the FAA	12,629.00
Master Plan line item 130-6100-9327-0000-2300	10,000.00
Supplemental to Master Plan line item	1,102.00
Net increase to County	$ 1,527.00

Waivers involved and will be still be involved in every aspect. Brian stated this is the purpose for bringing in a consulting firm. There's a new supervisor in Denver and he will allow them to look into some other alternatives.
Jim Hybarger, Rifle Jet Center, it is strange that they will not use declared distances.
A motion made by Commissioner and seconded by Commissioner to approve authorize the Chair to sign the Airport Master Plan Final Plan and the close out; motion carried.

b. Professional Service Contract (Olsson & Associates) for Airport Consulting - Brian Condie

Carolyn Dahlgren, Peter Muller and Brian were present. This is a 5-year term contract.
Brian submitted the professional services contract with (Olsson & Associates) for architectural, engineering and planning consultant services, in accordance with Advisory Federal Advisory Circular (AC) 150/5100/14c, for improvements to the Airport, subject to the availability of Federal Aviation Administration (FAA) and/or Colorado Department of Transportation (CDOT) grant funds and BOCC appropriations. The projects may include but not limited to: Alternative analysis to upgrade Runway 8/26 from ARC B-iii to D-III, Apron expansion, Hangar taxiway construction; Upgrade runway 8/26 to ARC DIII, Widen parallel taxiway; Extend parallel taxiway; Pavement rehabilitation; Access road improvements; Land and easement acquisition; and TERPs analysis. The cost will be a stated ceiling amount for the Release to Contract unless the Sponsor has previously agreed to supplement the Release to Contract to permit such expenditures. The Release to Contracts referred to shall detail the schedule of planning and/or engineering services for each project. The release to contract will specify the amount to be paid. An additional $150,000 will be granted from the FAA this year.
A motion made by Commissioner and seconded by Commissioner to accept the FAA grant award for release to contract No. 1 and authorize the Chair to sign the contract; motion carried.
Peter Olsson addressed the question of modification to standards on declared distances.
Craig Sparks is the new - he cannot prevent the Airport from using if the County wants to. They will not recommend any modification to standards unless the FAA approves them. The way they would propose declared distances would be in a way that is easy and visible on the pavement to see what the declared distances would be.
Pending all this signed, Peter is ready to go to work tomorrow.

Assisted Living Project – Mesa Vista
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the signature of the Chair on the Mesa Vista Assisted Living Completion Report; a pass through from Department of Local Affairs. This is the final step - they've been in operation for the past several years. Motion carried.
COUNTY ATTORNEY UPDATE - DON DEFORD on vacation; Carolyn Dahlgren
No report.
Meeting with Public Health - Ambulance Licenses - Confirmation on the meeting for August 13th, from 10:00 a.m. until 12:00 noon in Denver. Chairman Martin was planning to attend.
City/County Meeting - Tuesday, August 12, 2003
Commissioner McCown will not be available.
Commissioner Houpt reported that she had several come and speak with her about some concerns with the new INS facility. They wanted to know when we had approved construction of the INS facility. She informed them that this was in the City of Glenwood Springs and it was their decision to construct it. Regarding whether or not to have a joint meeting, Mildred was asked to contact the City to see if there are any issues of concern to discuss. Otherwise, the Commissioners didn't have any discussion items.

COMMISSIONER REPORT

Commissioner Houpt - Legislative Impact CCI - Meeting with Glenwood; Pitkin Affordable Housing Trust; Rural Resort Region on Thursday; RFTA Board Meeting on Thursday; Picnic on Thursday, 8/14/03; on the12th a meeting on the re-write of the zoning regulations; Thursday, Development 6:30 p.m. here. Commissioner McCown - Spent time at the Fair - Friday, Cookie Jar; Employee Recognition Picnic on Thursday; Tuesday - Agricultural meeting at North Hall at the Fairgrounds; Tuesday, Meeting on the re-write of the zoning regulations. Steve Smith - County Roads Discussion - Club 20 - Next week on the BOCC agenda for a public discussion.

Instructions to Mildred were to post both meetings - in case two of the Commissioners are present. Chairman Martin - Workshop - Letter Campaign - Leaching in Gold Mining - Only one Mine - Teller County and experts in the field on health - Public Forum in September, speaker available. Saturday - 6 a.m. - Pancake Breakfast at 9th and Grand - Fundraiser event. County Fair on Friday, Cookie Jar; Parade on Saturday; Fair - Tresi's mother was selected to judge the Apple Pie contest. The cookies for the Cookie Jar have been supplemented and are on premise for sampling. Great Broads Hiking Group coming though Glenwood from Durango.

Dale Hancock reported that the Fair results will be distributed in September. Commissioner McCown noted it was very well attended this year. Swamp coolers being installed were discussed for the South Hall. The Events Center was extremely hot and the Commissioners heard many requests to air condition the building - impossible to do. Dale will do an evaluation on some possibilities to move the air.

Jesse complimented Dale and Patsy on the amount of work for managing the money flow at the Fair this year; the system they set up can continue on from year to year. Patsy put together a complete notebook.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - none
c. Inter-fund Transfers - none
d. Changes to Prior Warrant List
e. Authorization for Out-of-State Training (Small Airport Management in San Diego) - Brian Condie

Brian submitted the training agenda and stated it will be held September 20 & 21, 2003 in San Diego, California. This will provide an overview of the most issues facing airports today and will benefit aviation airport managers with creative and valuable tools that can be applied in the day-to-day management of the Airport. Total maximum authorization request - $1220.00.

f. Authorization to Attend Aircraft & Firefighting Training - Brian Condie

Brian submitted the information stating this will be held September 3 and 4, 2003 at the ARFF training center in Denver. The cost of the training is $390.00 and room expense if between $65 and $80.00 per night. The only meal expenses will be dinner.

g. Authorize the Chairman to Sign the Resolution and the Exemption Plat for Rex and JoAnn Coffman - Tamara Pregl
h. Authorize the Chairman to Sign an Agreement: Recurring or As Needed Engineering Services with Grand River Consulting - Mark Bean

As part of the approval for the Coulter Creek Ranch Subdivision, the applicant requested the option of paying an independent engineer's opinion regarding the possible material injury to water rights.

i. Refer the Sanders Ranch PUD Amendment to the Garfield County Planning Commission for Review and Recommendation - Mark Bean

Links Vest/Bair Chase LLC has applied to the County for an amendment to the Sanders Ranch PUD and approval of the Preliminary Plan for the Bair Chase Subdivision at Sanders Ranch PUD. Staff requests referral to the Planning Commission for the October 8th meeting.

j. To Consider an Exemption Extension Request for Coulter's Pocket Exemption. Location: East Battlement Parkway and County Road 308, Adjacent to the Battlement Mesa PUD. Applicant: Coulter's Pocket, LLC. - Tamara Pregl

Attorney Billie Burchfield requests an extension to complete the conditions of approval for the Exemption. The practice in the past of the Board has been to grant a 1-year extension and recommend an extension until August 11, 2004.

k. Liquor License Renewal: Sunlight Mountain Inn - Mildred Alsdorf
l. Referral of a Planned United Development (PUD) Text Amendment Request for the Los Amigos Ranch PUD to the Planning Commission for a Recommendation: Applicant: Elk Springs, LLC. - Fred Jarman

Fred submitted the request that the Board refer the proposed Los Amigos Ranch PUD text amendment to the Planning Commission for review at their September 10th meeting.

m. Authorize the Chairman to Sign the Amended Final Plat for Lots 3 and 5 of the Goose Creek Subdivision. Applicant: High Country Starship Limited - Fred Jarman

Discussion was held on items h, i, j and l with Carolyn Dahlgren questioning the action of these items being on the Consent Agenda. The Commissioners clarified that these were issues that were included in the packet and a discussion will be held with Mark Bean on the necessity of having some of these in a public meeting. Sanders Ranch (i), Los Amigos

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a,d,e,f,g,h,k,and m; motion carried.

Item i - A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer the Sanders Ranch PUD Amendment to the Garfield County Planning Commission for Review and Recommendation; motion carried.

j - A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant an Exemption Extension Request for Coulter's Pocket Exemption. Location: East Battlement Parkway and County Road 308, Adjacent to the Battlement Mesa PUD. Applicant: Coulter's Pocket, LLC. Motion carried.

l - A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer the Planned United Development (PUD) Text Amendment Request for the Los Amigos Ranch PUD to the Planning Commission for a Recommendation: Applicant: Elk Springs, LLC. Motion carried.

Sound System - Proposal

Mildred reported on the Sound System and the current problems being experienced. She noted that Current Solutions has added a mixer and other components, yet at last week's meeting Marian could barely hear. The problem has been isolated to the static coming into the recorder. The recording systems need to be upgraded. The bid from Current Solutions for a Digital system is $9770.

Tim spoke to Ed, and said we could probably take it out of capital this year.

This is on the existing vendor, but we have to three (3) quotes.

Direction - Mildred to contact Tim to request bids on a Digital System.

PUBLIC HEARINGS

TREASURER'S SEMI ANNUAL REPORT: PUBLIC TRUSTEE QUARTERLY REPORT - GEORGIA CHAMBERLAIN

Georgia Chamberlain, Jean Richardson and Carolyn Dahlgren were present.

Public Trustee Income Report

The quarterly report includes January 2003 through June 30, 2003. The first quarter yielded $30,441.43 and the second quarter $33,034.52 for a total of six months of $63,475.95.

Foreclosures and Releases

Releases - over 6,000 and Foreclosures activity for the first 6-months are $11,549.11; this has doubled the workload for this office.

Treasurer's Report

Grand Totals	**Total Revenue**	**Disbursements**	**Balance**
Jan-June, 2003	$143,862,995.50	$133,215,169	$32,710,626.18

Tax Collection is at about 92%, which is in line with 2002 and the fees are in line with what was budgeted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Treasurer's Semi Annual Report and the Public Trustee Quarterly Report and to direct Georgia Chamberlain, the Treasurer to publish in the newspaper of general circulation; motion carried.

PUBLIC MEETINGS

RANCH AT ROARING FORK AND CHRIS EHLERS PETITION FOR SPECIAL DISTRICT - CHRIS EHLERS

Removed from the agenda. Legal terms are trying to be resolved.

DISCUSSION REGARDING THE DEFINITION OF PIPELINE AND ASSOCIATED REGULATIONS - MARK BEAN

Mark Bean presented her report saying that staff has reviewed the issue of pipeline definition and determined that there are a variety of different approaches to the issues. In the early 90's the Board of County Commissioners made an informal decision to only require permits of gas companies for transmission lines. This was not codified and through the years the industry has taken the term gathering

line to be defined in a manner different that the Board originally intended. In reviewing the minutes, the Board wanted to have all lines that connected a number of well sites subject to Special Use Permit. Since it was not clearly defined, the staff has always said that gathering lines are not subject to permitting and the industry has built a number of pipelines that should have been subject to a land use permit. Until recently, staff was not aware that the industry was using a different term for gathering lines than the staff would have used for the same purpose. It has also been determined that there is no agency that regulates the lines from the "flow lines" as defined by the Colorado Oil and Gas Conservation Commission to the inter-state transmission lines.

Staff researched other jurisdictions land use codes for guidance and submitted those in Weld County, LaPlata County, Boulder County, and Rio Blanco County. There is no clear similarity between the counties, although Weld County does attempt to put a criteria to what they consider a pipeline; 10" or larger is the size that they require a regulation.

EnCana provided the definition from the Code of Federal Regulations and OGCC Regulations. Only pipelines regulated by any entity are the Transmission lines (FERC) and the Flow lines (OGCC) regulations. What is not covered are water lines that deliver water to a wellhead site or water lines that deliver water from a site (i.e. ditch) other than an wellhead.

Staff recommended a definition similar to the Weld County definition with specific sizes and other appropriate criteria, but be generic in terms of the type of material to be transported. Staff submits this language for the Board's consideration:

Mark Read into the record - *Pipeline: "Any Pipeline and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives, or liquids, that is ten (10 inches in diameter or larger, which creates a hoop stress of twenty percent (20%) or more at their specified minimum yield strength"*. Additionally, staff notes that the term pipeline will need to be added to a number of zone districts to ensure that the facilities do not have to be permitted under a different term.

If we go forward, standards and criteria need to be defined for the Board in making a determination.

Discussion

Doug Dennison agrees with what Mark has said, this has created a lot of difficulties in the last couple of months and will not speak for the industry, but in general the folks in the industry that he has talked to have said they would like to see this issue resolved one way of anther so they know when they have to get a Special Use Permit and what the standards are going to be applicable to it. So, I think it's important that we look at it and I'm sure you are aware that this is also an issue that the State is going to look at and may adopt some rules at the Oil and Gas Conservation Commission that could supercede what the Board decides to do this morning. *Jamie Atkins*, Oil and Gas Commission - Hoop Stress is an expression of the bust or collapse capacity of the pipe; it's just a --- and hoop stress focus on the rating of the pipe. So, that's a percentage of what that pipe is rated to be able to hold circumventally. That's why they use that term "hoop". Theoretically, the same shouldn't be weaker than the wall if it's been joined properly but ……..

Jimmy Smith - Project Development Industries representing both EnCana and at times Williams.

As far as the permitting process has been, Mark has brought up the criteria for setting a Special Use requirement has changed over a period of time, now only from County to County but Commissioners to Commissioners and so, therefore, it's been hard for the industry to schedule and plan for projects as to what's going to be determined and what's not. The concern about that is the production is coming on line at a rate that that gas needs to be delivered to a sales point as soon as possible. The period of time that it takes to permit a given pipeline needs to be figured in that process. And the challenge the industry would have is if we follow the regulations that have been a part of the oil and gas industry at least as far as the period of time that I've been in it, which is 30-years, gathering lines were considered from the wellhead to the point of delivery where that is sellable, marketable gas used both to the consumer so that would downstream of a process where that gas is processed and made available to a customer for sale. Whether that would be a transmission line for interstate transmission and those sorts of things, everything between that point was considered gathering because that's essentially what you're doing. You may have a large line, it may be 10 inch, 20 inch, 24 inch but that is still gathering. There are multiple facilities that are putting gas into that line untreated, unmarketable as far as to the consumer. It has not been processed. So that system is a result of volume, not so much the gas itself being a marketable product. So 24 inch line may be a result of the number of facilities and volumes going in it but it hasn't changed the characteristic of the line itself as being gathering or distribution. That's how the industry has looked at it for 30 plus years that's he's aware of and I'm sure longer than that. So that would be our recommendation as far as terminology of what's gathering and what's not. As the industry grows, particularly in this area, line sizes are going to grow. The

production response like it has been, the need for larger lines is two-fold: 1) is to handle the volume of gas forecasted from the area, and 2) the companies are more willing to put in larger pipelines so you don't have to come back and put in subsequent lines after that should production increase. You may need a 10 inch line today with the volume that you have on hand or the volume that you've got coming on-line, but as you're well aware of in the past the industry has been guilty of putting in a 10 inch line and coming back two years later needing another 10 inch line up to whatever size. But now we're putting in lines 24 inch as the last permitted line that we had that would handle the industry sees as the largest pipe absolutely necessary, in fact it's actually larger than what they see in their forecast way down the road, not just today's volume but way down the road. So, as far as the permitting process, the window of opportunity from the time you know your gas is available to the time that you need to get that gas on stream there's a window opportunity and a window of economics and that's where we're asking the Counties, BLM, and if you've seen in the paper this weekend, the Presidents' wording to BLM to try and cut down their process or at least shorten their process of getting the industry's gas available for market much sooner than it has been. In this particular County, and it does change from County to County, once the County here, our understanding as we're not able to make the application, submit the application to the Planning Commission until all of the permits have been gathered which would include BLM, CDOT if it was impacted, individual land owners and those kind of things have to be done in entirety before we start the County process. And then that is 45 to 60 days out from that, even after you've completed the first step, so, theoretically on any given line you're talking 120 to 180 days permitting time before that gas is available for market. That very much closes that window of opportunity of economic opportunity for any oil and gas producer so there needs to be some way, in my opinion, that that process can be shortened so that you don't lose control but that the industry still follows within that window of opportunity and of course it's all ultimately tied to money in the end not only to the producer but also to the County and State as far as revenue. So given the opportunity after others have had opportunity to speak, I'll actually have a recommendation that I would like to put forward to you that might in fact speed up that process. And I can do that now or later.
Chairman Martin - go ahead and give it now.
Jimmy Smith - And I'm speaking on our company's behalf, PDI the companies we represent may want to see it done differently, but I would I would suggest when you make out these packets that would speed the process. ADI - suggested - when we make out these packets for an individual line, these packets include every piece of information that the County asks for. When you go to the next pipeline, 90% of this information does not change. The standards for which engineering specifications and those kinds of standards that you follow for a pipeline do not change. Most pipelines are put in under the DOT regulations whether or not they're regulated by DOT, the company likes to put those it by DOT specs because it protects them as well as the environment and the residents. So a big portion of this would not change from pipeline to pipeline. Therefore, I think it would be a good thing for the County to have an individual company's master, a master set of specifications that the Commissioners would have, or the Planning Commission would have on their shelf, this is the policy that the EnCana or whatever company would follow and then for individual pipelines, a supplement be attached to this for any individual project which would include your individual landowner - those agreement, pipeline specifics such as size, pressure, operating conditions and those things that may change from pipeline to pipeline and associated permits that's with that. That would be as a part of the supplement. I actually drafted one up and this is draft that might be followed if that process were approved. The other thing I would suggest is if the County could see fit to start the process at the same time as we start the other permitting processes, in other words, the landowners, we know that we're not going forward with the project until we have all our landowners on board and those right of ways have been cleared through CDOT, BLM, Corp of Engineers. We're not going to start working until those processes have been met and if the County process could coincide with that time period so that when all of those things are done, a company could actually start work on a project versus that additional 60 to 90 days, whatever issues may come up in that they could extend that period. So that would keep the project within that window of opportunity and still keep the control that the County would see fit in handling that.
Commissioner McCown - do you see the size of the pipe as being a significant trigger on what should be permitted and what should not be permitted.
Jimmy Smith - Personally, and I'm speaking for myself and our company PDI, no sir. The same procedures, the same technology, even the same specification, engineering specifications would go into putting that pipeline together whether it was a 2 inch or a 30 inch.

Commissioner McCown - That's why I was coming from, I didn't particularly know what triggered Weld County's 10 inch diameter pipe, I didn't know what that was significant of that would be different from a 4 inch pipe because it's all to me more pressure related that it is the size of the pipe..
Jimmy Smith - that's exactly right and that's why I was saying that the supplement would cover, if that's a low pressure line of whatever pressure you would want to say is low pressure, normally in the industry we look at 200 to 250 pounds as being a low pressure line versus 1100 or 1200 pounds line, but the process for putting it together is all the same, so that would be covered in our supplement, the difference between those lines. The welder qualifications that you go through to qualify the welders to put the line tougher, you essentially use the same equipment to put the line it, a 2 inch versus a 24 inch may be a little larger equipment but it's the same equipment. So, in my thinking, there's no difference between a 2 inch and 24 inch as far as regulations. If you go to what the industry terms a transmission line, you go into a whole set of permitting process which could include perk and others like that, but regulate those lines even over a DOT line or a gathering line.
Commissioner Houpt - Mark, could you explain why you believe that the size is important and identify the kind of pipe.
Mark Bean - I have none, I was strictly going by what Weld County in their experience and of course I did not get a good explanation from the person I talked to down there.
Jeff Real - the Gathering Superintendent for EnCana in the Mamm Creek field, I worked for 14-years before that as the gathering superintendent for several companies including EnCana at the DJ Basin. I can give you a pretty good idea of why Weld County had the 10 inch and bigger. There's not a whole lot of pipe bigger than 10 inches running in the DJ Basin because of the volume of the gas, there's probably 5 to 10% of the pipe that's even been put in that basin that bigger than 8 inch or 4 inch or 6 inch; the 10 inch pipe, 12 inch pipe, 16 inch and 24 inch is all the major gathers that transmission lines, the IG and the interstate lines are run through there that are of any bigger size than 10 inch, so I think they picked that size based on the amount of business that was done and the type of gas transmission that was being done.
Commissioner McCown - so you're saying all of the smaller lines, which were prevalent in that area, were not permitted.
Jeff Real - no sir, I laid pipelines that were in the DJ Basin for 14 years that never permitted one gathering line.
Commissioner Houpt - why was that.
Jeff Real - just a guess, and personal opinion, the volume of pipelines that we run, the amount of lines that were run, the staff and the resources of the County couldn't handle, we laid 8 inch and 4 inch and 6 inch lines all over Weld County on a constant basis for the development of the field there's probably 3 or 4 pipelines being laid all the time in the County about the same volume of work we're doing now with 8 inch, 12 inch and 10 inch lines throughout the field, it's an enormous amount of pipe and an enormous amount of business and I don't think the County had the staff nor the wherewithal number one and number two I believe that the work is done in a working line manner like Jimmy said and a professional manner and the exposure wasn't there for the County to regulate.
Commissioner McCown - who did the inspection on the lines that you put in Weld County No Jeff Real - no body but ourselves.
Commissioner McCown - Did the company require x-rays of the wells and ..
Jeff Real - Yes, sir, we laid all the lines to DOT specs, in some places 100% x-ray and in some 20% - they're all hydro-tested and the bigger lines have 100% welding and weld maps and records. We keep files on all of them for our own protection and for the good of the people and benefit for the safety and welfare for all the people in the County. Most companies these days lay those lines to those specs and do a good job and keep the records afterwards in case there is a problem. In Weld County in the DJ Basin, a lot of the pipe that we laid was in Non-DOT areas and later became DOT regulated because housing developments came in and were built on top and around the lines and the records were there to show people, the DOT and the regulators what had been done just for those purposes.
Commissioner McCown - Is the secret where we want to go here today, the fact that you said most people put these in to DOT standards? Or is that percentage; that is not what we're concerned about.
Jeff Real - I can't speak for everybody in the industry but all those I know in the industry do it in that fashion. I really don't know where you people are headed at what you're looking at here. I could say for all the companies I have worked for and around it has been done in a very professional and correct engineering fashion and it a safe fashion for the environment and the general public.
Commissioner McCown - What's the average size of pipe that you're putting in for gathering now?

Jeff Real - For EnCana probably the average size pipe we're putting in right now 12 inch but the 24 inch off the mountain is an example, there's some 20 pipe being planned and pipe maybe as large as 30 inch could be in our future. The average is 12 inch pipe.
Commissioner Houpt for Doug - can you respond to the size?
Doug Dennison - No, I can't. What we're hearing Jeff said, I think we would really opens a can of worms if this 10 inch requirement, because most of their gathering lines are 12 inch. The amount of paperwork required to permit all those lines is probably something none of us want to deal with. Another approach is to establish some minimum standard the people have to meet when they're installing pipelines because I have seen a number of pipelines since I've been here that weren't installed correctly. The line itself is probably okay but the compaction and reclamation and things like that were not adequate. Most of the operators in the County do a good job and are probably doing it according to DOT standards like Jeff said, but like Larry implied, the concern I have are some of the operators that maybe aren't doing that, and so maybe another approach is to say for all gathering lines, that these are the minimum standards you have to meet in order to operate in this County. Also I have some concerns and maybe Carolyn can answer this what kind of liability the County opens itself up to if we're permitting these lines but we don't have the staff to be out there inspecting installation of the line and looking at the reclamation if there's a problem and somebody's house blows up, can they come back then and sue the County.
Carolyn Dahlgren - probably. You mean because we did not permit?
Chairman Martin - That would be a stretch.
Carolyn Dahlgren - That would be more difficult. That would be more directed to the industry.
Commissioner McCown - so it would be pretty much like our building permits. We know we have litigations pertaining to inspections from out inspection department on various stages of the building permits but I don't think it would be possible to go to the extent if we did not permit.
Commissioner Houpt - Yeah, I don't think that would be a good reason not to permit. Your concern about minimum standards is important and is important to the people in Garfield County and if we can define that well it would work better for everyone and it's opening the doors to any kind of pipeline construction.
Commissioner McCown - well anytime you develop those regulations you have to have the wherewithal to inspect it. They are basically useless without the other arm.
Dave Cezark - with Williams, I'm the principle environmental specialist. My question is the purpose and need for the regulations we're discussing today are to define when a special use permit if required, does that appear to be correct? It sounds to be me like the key is defining transmission versus gathering lines. I know that from Williams perspective there's pretty clear dividing lines between the two. With us our gathering lines are typically 4 to 6 inches in diameter and it's something that 3 man roust about crew installs so it's a fairly small operation. For us transmission lines are major lines that are typically 16 inches or larger and are huge construction projects. I give our DeBeque lateral pipeline project as an example that we installed last year from our new Parachute Creek gas plan to the Trans Colorado Pipeline, which is an interstate pipeline and that we felt clearly was a transmission line and we felt like we needed a Special Use Permit so we applied for one. But that one was a major construction project. It involved literally months of construction and then a hundred man plus crew, so a very large difference there. There's also a huge difference in terms of the number of these lines that we install. With EnCana drilling probably 200 wells a year and Williams drilling between 100 and 200 wells a year, each one of these wells require a gathering line and so we're talking about potentially hundreds of new gathering lines a year. To try and permit each one of those lines individually could become incredibly onerous for the County and the industry. So I think we have to be very careful on how we choose our definitions. It also most seems to me like the COGGC should have some jurisdiction here, I feel they do because it's oil and gas related issue. Maybe there's a reason why this hasn't been regulated for as long as it has, I don't know. But it would be nice to have uniform statewide standards that we could fall back to and maybe we need to look to them to provide a definition for us, like I said that we can apply statewide. I know there was talk about diameter pipeline and I agree with what Doug has said and others and I don't know that diameter necessarily is a very important factor here. It's more of what the pipeline is being used for. I know our gathering lines, we typically run through access roads, leading to and from wells so it's really not an issue in terms of installing those - they go right in the roadway. Transmission lines are more of an issue because they are bigger lines, they run longer distances and they typically cross many landowners' properties, it can be within private, state and federal jurisdictions so it becomes more complex so I can see a reason for more regulations there, more permitting requirements. But that would be like I said, my recommendation would be to look at the State on this and I represent COGO to the Colorado Oil and Gas Association and maybe COGO needs to approach

the Oil and Gas Commission formally to try to work at a minimum the definition of transmission versus gathering lines and go from there.
Chairman Martin - I've heard this several times, but I need to throw this out, you know we had a rule changing with the Counties, COGO, the Conservation Commission and citizens etc. sitting down and saying this is what we would like to do together and then presenting those changes, do you feel that this pipeline issue is one of those issues that we need to put back on the table and sit down and discuss with the Counties, the citizens, the industry, the rule makers and then come up with an agreement instead of going for new legislation what have you, but establishing that Statewide standards.
Dave Cezark - That may be appropriate.
Chairman Martin - Our problem also is as you know Dave is putting the pipelines and different utilities in the roadway causes an issue for transportation also for repairs for everything from drainage on through so we need to have some kind of input on where you're putting those smaller lines, etc. through our county roads and that has created an issue for us.
Dave Cezark - Yeah, the smaller lines, John, just to clarify that, don't typically follow the county roads, they follow typically private roads or BLM roads that are typically off, they're usually off …
Chairman Martin - Those are public roads through, BLM and Forest Service Roads are public roads, etc. and so they lead into county roads so those are some of the issues that we have to look into for now and into the future because there's going to be so many of them.
Dave Cezark -I understanding, like I said, I think we have to be very careful because there's so many gathering lines that are installed on a daily basis and it really hasn't been an issue with regard to gathering lines in the past and maybe it's for a good reason, like I said, if we try to regulate these gathering lines, I think it could become incredible onerous for all involved so we have to be careful.
Commissioner McCown - in looking the different definitions and methods that Mark put together from Weld County, LaPlata County, Boulder, Rio Blanco, I can certainly sympathies with the industry why they would like to see one regulation that was consistent Statewide as opposed to having 64 different regulations every time you hit a new county line and you have to regroup and see what that county's regulations were as far as pipelines are concerned. Again, I'm a little troubled, I think the 10 inch that Jeff talked about clearly was a number they picked so they did not permit the smaller lines but I think they did that on purpose to exclude those lines for whatever purpose, workload or whatever, I don't know, but without talking to them I can't say for sure but it seems like that was their intent by picking that size and then hearing Jeff's experience in 14 years most of the lines that were gathering lines were smaller lines. So I don't have a bit of a problem with a consistent statewide regulation but I don't want to see Garfield County go through the brain damage and the public hearings and coming up with a definition and a set of regulations and then next month, the state develops theirs and supercedes our. So I think whatever we do, we need to move forward on the same track. I would support your efforts in getting COGO to go to the Oil and Gas Commission and meetings with CCI and whatever to try and come up with something. If we don't feel that is adequate, then that would allow us to drop back and develop our own set of regulations.
Commissioner Houpt - that's my concern too, I think that the reason you see so many different approaches is because they're different issues and levels of drilling going on in different counties and a one-size-fits-all doesn't always address the concerns that counties have and to me this is a land use issue, it's obviously an Oil and Gas issue as well, but pipelines are land use issues and people are addressing this in different fashions because of the volume and they types of drilling that they are seeing in their counties. I've seen a lot of regulations that are on the state level or on the federal level that don't fit everyone's concerns and I think that's why we're at the table today is to address what's going in Garfield County. Any large industry that comes into a county regardless of whether it's oil and gas or construction, or manufacturing, is going to find a different set of regulations. They adapt to that. And you know I think I'm not sure I'm ready to have the discussion whether we should close this discussion and sent it to the state or I wonder if we shouldn't just figure out what's going to work in Garfield County and if at some point, this discussion is prefaced with the fact that the State will probably be discussing this at some time. But I think we need to address it for our county.
Dave Cezark - If I might, just because the State Oil and Gas Commission, it's their job, their role to regulate the oil and gas industry within the State of Colorado to me it just makes sense to me for them to take the first crack at this and see what they come up with and then if the County is not pleased with what they come up with, then you guys can always go from there, but to me it just makes sense for them to take the first crack because that is their business and their jurisdiction, it seems to me.

Chairman Martin - that's why I think we need to be there when they're discussing it with the State level and not go for legislation but also go for what's acceptable to all the producing counties and what have you, put all these concerns out so we know what we're working with. I think we have large success by doing it that way and then going ahead and to implementing the State's acceptance of that, so I think we can work with the industry and the state, I think that the County and the citizens have their concerns that can be put on the table. I don't think we are so unique in Garfield County that they're not affecting other areas. There may be one or two issues and different customs but at least we can put those out there and identify them. I'm just a strong believer that we'll find the solution if we all work together that way.
Dave Cezark - I agree John. I think you did a great job through CCI and you guys were able to come up with some good rules I think.
Chairman Martin - So, that's where I would be headed.
Commissioner Houpt - I disagree. I don't disagree that we shouldn't work with everybody and bring everyone together, but it takes a very long time to accomplish anything and there's a lot of production going in this county right now. And I think the industry needs to know what our expectations are as a county and we need to define what our expectations are and we can't do that by closing this discussion and taking it to the State and waiting till there's a generic direction. That won't help people who are out there working in this industry everyday and it won't help us or our planning department on an everyday basis and knowing what is going to be regulated and how we're going to define what we're regulating.
Chairman Martin - I would like to see Jimmy's also, his guidelines that he put together - to take a look at that. If we have to work on a parallel course but having the same objections on the County making sure we can identify just as you said, but take that to a different level to say guys, this is what we've come up with and would like you to look at it as well to make it a Statewide issue.
Commissioner Houpt - right, defining it locally first.
Chairman Martin - and it doesn't close the discussion at all, I think it just opens it up more and puts it out on the forefront. We really do need to have everybody to cooperate to solve the issue.
Commissioner Houpt - Sure, but I still think we need to fine it locally so our staff and the industry know how to work together on this issue.
Mark Bean - we do have a dilemma right now, I mean obviously the industry even acknowledges this that there's a big gray area of non-regulations essentially from that metering at the end of the flow line to the transmission line. Our regulations appear to give us the authority to regulate anything between there that doesn't meet the flow lines definition that's regulated by the OGGC so I agree from a staff point of view, I would like to know, because we have two companies that are sitting here listening to this conversation very closely because they both have projects that at least from a staff point of view we have told they them they're transmission lines and are subject to our regulations. And so it's something that we do need to determine here, what direction we're going to go speaking as staff.
Commissioner McCown - And from a County level do we need to distinguish between a transmission and a gathering or do we just to cover by pipelines.
Mark Bean - you're correct, we just to need to cover by Pipelines. That's correct. We need you to define what we want we want to or can regulate in terms of the standards by which we're going to do it.
Commissioner McCown - And that would still follow under a Special Use Permit.
Mark Bean - Obviously, there's some discretion, you have some authorities that you can impose in terms by way of example, Conditional Use Permits, there are obviously other means, again LaPlata County as an example, I believe some of their permitting in some of their pipelines at the Administrative level.
Chairman Martin - I think that's where we're headed setting down a set of standards that everyone would have to follow under the definition of pipeline, the industry would have that and it would be an administrative decision if they met those requirements that they would go forward in that process. Am I correct? Jimmy has supplied us with….
Mark Bean - That's an option. If that's the direction you all want to go. It's something that we have, adoption of those standards which are believe are national standards anyway of welding inspection - which we imposed on EnCana the last time we heard that hearing. They are actually self-imposed because Jimmy has to do it anyway with his company so if we adopt those we have those regulations that are well defined.
Commissioner Houpt - what are the time lines for permitting a Special use Permit?
Mark Bean - Again, it depending upon whether you refer to the Planning Commission. If you do not refer to the Planning Commission we can tell people that it will be probably 75 to 90 days. Now to go back to one of the other issues that Jimmy brought up regarding permitting, yes we do have a requirement you have other permits in hand, that's our own requirement, something to say that you could not change your

regulations to allow for parallel permitting and obviously condition any final approval upon all permits having been obtained. So that is an option as far as that goes, that's certainly out of the question as far as that issue goes. But again, that's just a Commissioner McCown - without being non-discriminatory, can we do it for one entity and not do it for all entities?
Mark Bean - Well, I guess I would defer to the County Attorney on that advice. But
Commissioner McCown - well we've already hear that there's preferential treatment given to the industry and we're talking about doing that again, how can John Q Public comes in and wants a Special Use Permit for his in-home business and we don't allow him to go forward until he has all his permits in hand, he's going to scream like a mashed cat, what's right for one has to be right for the other one. I don't have a problem with waiving it, but if we do it, we've got to do it for everybody.
Mark Bean - that's certainly, I guess I would have to concur; the more likely is going to be your mineral extraction industry, your gravel pull or somebody, oil shale if it ever comes back,
Ed Green - isn't the difference the oil and gas industry would already have detailed background information.
Mark Bean - Well, I think what they're saying is, we have many years ago at the old Oil Shale Projects were permitted in parallel tract that a lot of federal permits that they're requiring state permits required at the same time and obviously the final approval was contingent upon those permits actually approved and verified prior to the actual permit itself being issues which is where we're at, so
Commissioner McCown - I'm thinking back to the American Soda Project
Mark Bean - Exactly,
Commissioner McCown- all the permits were in hand weren't they?
Mark Bean - Yes. Mamm Creek Gravel, that was one of the big issues with them, it took them quite a while to go through that process.
Commissioner Houpt - well and that type of - any type of extraction industry is one that the general public wants to see scrutiny over and by not having the Planning Commission involved, I know in the past has been an issue for some other industries and if we're talking about being consistent, we have a pretty long process.
Mark Bean - I know and I'm not saying this necessarily that the Planning Commission should necessarily be taken out of the loop but what can be accomplished probably uniformly between different types of industry applications is the information they submit to use quite often is going to be identical to the information that is submitted to a state or federal agency so if we receive the same information and they're going through a parallel tract there and if the approval doesn't occur on the final end from our point of view until all permits have been acquired, that deals with at least one for the time line issues that we're hearing complaints about here so that is a possibility to do. We get the opportunity to review the same information, provide our input, the downside in a couple of cases may be that we don't have the benefit of the state or federal agency issues that they may or may not have identified that we want them to include. That's the only downside that I can think of right off the top of my head.
Carolyn Dahlgren - on the basis of the information that we have before you, can we make a distinction between this industry and other industries on the economic window of opportunity that the industry presented to you this morning.
Commissioner McCown - I don't think I can.
Commissioner Houpt - I think everybody has a window of opportunity.
Commissioner McCown - You're going to hear thing about the timbering industry, the mineral, the gravel extraction industry, you're going to hear that same argument - you're just talking apples and oranges - same economic window.
Chairman Martin - all right. Who else has some information we need to consider?
Rosemary Billicheck - I own a ranch in Divide Creek and I can just tell you a story. My experience with pipelines has been if you talk to PR person at Company A, and then you talk to the Land man at Company A and then you talk to the Petroleum Engineer at Company A, and then you know you may be talking to a few other people on the pipeline at Company A, all their stories are different and what I have in Divide Creek is probably one of the most very productive land out there and I do not want my ability to earn a living off of that land being determined by the benevolence of the person that I happen to have making that decision, so I agree with Doug's making some guidelines, some recommendation for the industry, but please don't forget the landowners okay because my recommendation would be that one of the requirements be that they deal with the landowner and work with us so that we can have them avoid critical ditches or critical fields of that sort of thing.

Chairman Martin - that's part of the requirement they're already under, according to the rules on how they're written; application may be different.
Dean Phyllis, a landowner up Divide Creek and I don't know what regulations there are for pipelines that exist, I know it seems like, I'm a building contractor, if I build a commercial or industrial project they have dust mitigation to take care of, now when these people are talking about 4 inch lines that are not as important as 10 inch lines. I think if you have surface disruption it doesn't matter what's underneath it, I think they need to be regulated as well as a 10 inch line because when that ground's disrupted, it disrupted just as well with the larger lines. I do have a pipeline that's 50 feet across the road from my house and I did call EnCana and out of their graces, they brought in a water truck but I think this is something that needs to be dealt with now. I don't what the regulations are as far as they are right now, but I think waiting for the COGGC to make a decision, I understand that pipelines for quite a while in this state so if there's no pipeline regulations now why are we waiting for new pipeline regulations, let's take care of the problems we have now and if they coincide with what GOGC says, then great.
Commissioner Houpt - one of the concerns to some of those minimum standards brought to us so we can be more specific and put together a regulation - that go beyond the size issue and into the process issue.
Commissioner McCown - you're talking about the boiler plate that Jimmy was relating to? Yeah.
Commissioner Houpt - I agree that, I'm not sure that I agree that size in an issue and anybody says you look at the different sizes of your pipes and what kinds of major construction happens in relation to one size pipe or another and really the amount of land that is disturbed is different, depending upon the size of the pipe, and so I don't think we can discount that immediately. I think after we specifically define the pipes we have to look at what kind of impact it has on the land as well during the process.
Chairman Martin - I think a lot of those regulations are covered. Jimmy -
Jimmy Smith - Yes, I would like to say that the size of line, actually the volume of construction from one end to the other might change with the size of line, but actually the same amount of right of way width is necessary for a 2 inch pipe as it is for a 10 inch or larger, so I would have to disagree with Dave Cezark in some respects that the size of line for Company A versus the size of line for Company B is volume related, not construction related cause you're right, the 3-man crew may be able to put in a pipeline from a well head off the pad but when you're going multiple miles across multiple properties, it takes the same type of equipment, the same manpower so to speak to put those pipelines in, so I think in my opinion you need not be as concerned about the size of pipeline as far as the impact on the county as far as the right of way length or width because of the size of a 561 side boom is just as wide on a 2 inch pipeline as it is on a 24 inch pipeline.
Chairman Martin - I think under those DOT regulations, dust control, re-vegetation, and inspection, everything else is the same on that line as it is the huge line - it's exactly the same standards. That's why I said I think a lot of those regulations are in there, if we adopt them.
Jimmy Smith - yes sir, and the supplement process, a generic package as far as what we were talking about and the supplement process would identify those line sizes or any added construction activities.
Chairman Martin - depth is also in there, 60, 64- 65 some standards that are universal on every pipelines that need to be looked out and I think if you adopt those, it covers every line - the industry already knows what they are.
Jimmy Smith - yes sir.
Commissioner Houpt - but there may be other standards.
Chairman Martin - there may be other ones but they're tough to find. They've covered everything.
Commissioner McCown - again, referring back using as an example a building permit, the inspectors on a building permit do not go through a different process on a 5,000 square foot house that they do on a 12,000 square foot house, it is the same inspection process. To me that's where we need to go with the critical path is, this is a pipeline, these DOT standards have to be met and then we go from there. We would know what we're looking for, the industry would know what they had to build to and everyone would know what in fact a pipeline was. I don't see the difference personally between a 2 inch line and a 24 inch line - it's a pipeline. Any buried pipe in the ground is a pipeline.
Jimmy Smith - yes but the only argument that would be the different
Commissioner McCown - transmission, I know that's still there Jimmy but you know yourself they go in just alike.
Jimmy Smith - yes they do, whether it's gas available to market or gas available for use.
Commissioner McCown - you can't look down at that pipe and tell the difference. I'm not familiar with those DOT standards and I would like to take a look at those and see what all they entail and bring this

back for further discussion after we've had an opportunity to see those and if there are areas of concern we still have, but if we feel that they are adequate.
Chairman Martin - I supplied Mark with all those on the last pipeline and I think we still have a copy in that file. This is also on CDOT's information.
A date was set for September 2, 2003 for information brought back to the Board.
Doug Dennison is going to LaPlata next week - he will get first-hand experience.
Mark Bean - when we talk to people over the phone, it's a little more difficult to get.
The Board requested some input from Doug on enforcement.
Mark Bean noted that LaPlata a good set of regulations.
Commissioner McCown - and a good deal of theirs is administratively.
Mark Bean - the majority of theirs is administrative.
Commissioner McCown - and it's based on pressure or size as far as the price is concerned. That's how their process works in their permitting process, size, depth of the well and those coincide with the cost of the permits. I'm not sure that's the avenue we're looking for to attach a dollar figure to the size of pipe. I don't think that's what I'm looking for.
Commissioner Houpt - we're looking at regulating and how they're maintaining.
Commissioner McCown - on the inspection and enforcement side.
Mark Bean - Agreed and part of what I'm hoping to get out of this sort of goes back to the other part of this question, we've sort of - we've had discussions and directions to staff to try and come up with some oil and gas regulations, quite frankly I've had some difficulty coming up with ones based on the discussions we had last time that are not potentially subject to litigation and LaPlata is obviously always pointed to as being an example so I want to understand that better. Reading through their regulations is one thing, but I think first hand experience may be a little different in terms of what we get in actual explanation.
Commissioner McCown - And they've got an in-depth set of regulations but the disclaimer at the bottom of most all of them is that "if it's not preemptive by the oil and gas industry.
Chairman Martin - this is still a work in progress. Your participation is definitely mandatory until we come up with something.

Sheriff - Change in a Contract - Federal Contract

Lou Vallario submitted the INS Contract for housing inmates in the jail. The contract is open ended and one line was added "provisional rate"- acceptance under the amount of the $55/day fee is an adequate amount." This is a 12-month contract and revenue is coming into the County but it's not a Tabor Issue. The County is not responsible other than the initial intake process. Medical costs required for outside services etc. are covered by INS; the $55 per day covers the in-house medical costs, etc.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt authorize the Chair to initial the addition of the "one sentence in the contract change".
Martin - aye; McCown - aye; Houpt - nay.

ITRP - Tuesday Evening - CDOT

Jeff Nelson and Randy Russell will be attending meetings in Rifle for the rewrite of the Zoning Resolution. Mark will attend the CDOT meeting instead.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

AUGUST 18, 2003
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 18**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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 NOT ON THE AGENDA

REQUEST FOR APPROVAL OF A MAIL BALLOT ELECTION - NOVEMBER 4, 2003
Mildred stated that a motion is needed from the Commissioners approving a mail ballot election being coordinated with the other entities in the County for the November 4, 2003 election.
Commissioner McCown – so moved.
Commissioner Houpt – second.
Motion carried.

COUNTY MANAGER UPDATE - ED GREEN

a. *Renew Fire Ban*

Guy Meyer presented the fuel moisture levels were at same level (6-8) and even though we had a nice rain, it will take a few days
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue the Fire Ban in its same state until September 15, 2003; motion carried.
Guy reported on the fire on Basalt Mountain saying it was not in Garfield County. This is still not totally contained. There were some small fires in Garfield County and some mud slides.

b. ***Slope Stabilization Design CR 109 – Hardwick Bridge - Randy Withee***

Randy stated that in April, the board approved a purchase of service agreement for an engineering assessment and design of the slope stabilization method for the cut slope adjacent to County Road 109. The scope of work for the project was the design work to be conducted in two phases, preliminary design and assessment followed by final design. He submitted the review for the preliminary design and assessment report.
A slope stability analysis was conducted for two (2) cross sections and a total of six slope conditions (three per section) were analyzed to evaluate the stability of the existing slope. Based on the slope stability analysis, the most critical surfaces are the shallow failures near the slope face with the safety factor increasing with depth into the slope. The report states: "the mechanically stable against large circular failures that would toe-out within or east of CR 109 and mechanically unstable at its face and will continually ravel from the slope face until a stable slope angle is achieved." Therefore, remediation will be required to ensure long term stability of the cut.
Based on the slope stability analysis, MFG presented three (3) mitigation alternatives for evaluation, soil nail stabilization, and mechanically stabilized earth (MSE) wall, and gabion baskets. MFG provided a table with advantages and disadvantages for each alternative and a preliminary cost estimate for each alternative. Randy recommended the mitigation alternative for slope stabilization. In the future there will be a need for some remediation in the area. Randy felt this was a project that could be held back for a couple of years, but to keep up with the design work.
Direction was given to Randy from the Board to move forward on the design and target it for 2005.

c. ***2003 Lift-Up Lease***

Ed presented the lease and Mike Powell with Lift Up was present. Mike stated his attorney was out of town and has not reviewed the lease. Mike and Carolyn have been working on this together. One question was asked on access to the basement. Carolyn noted that at the direction of this Board, access was not permitted by the public, only the staff for access for storage.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the signature on lease and contract based upon the review of the Lift-Up attorney.

The rent level was based on square footage and this was derived. This goes through the delta based on GASBY.
Carolyn Dahlgren stated the grant to Lift-Up is $23,883.00 to pay for the space utilization; actually there is no change of funds. If there are any proposed changes by Lift-up attorney, it will come back to the Board. Motion carried.

d. ***2003 Lift-Up Human Services Contract***

Carolyn - This is an update of the one the Board has seen over the year. She also asked what type of an audit would the Board want, the current wording states anything $25,000 and over will require an audit. The Board requested the wording be changed to at the direction of the Board and to increase the amount of funds given requiring the potential audit to $25,000 and change the wording to "may" versus "shall". If the Board hears of a problem, an audit would be appropriate. This has not been enforced in the past. This just clarifies the ability to request. The Board noted that any of the Human Services funds could be subject to an audit.
Don reiterated that the purpose of the audit was to verify the funds were spent on public purposes. If this were ever an issue, the Board would have the mechanism in place.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to leave the $25,000 budget amount for any Homan Services Contract and change the wording to "may" from "shall". Commissioner Houpt asked if we have the resources to keep tract of the expenditures given to these non-profit organizations.
Ed suggested this could be asked today at the 1:15 agenda.
McCown – aye; Martin – nay; Houpt - nay

e. ***Consideration/Approval of 2004 from Human Services Contract General Human Services Contracts - Discussion***

Payment for Contractors – Items c and d, page 2 of the Lift-Up contract was referenced.
Jesse explained that the books are closed on January 30 and any request after that date for the prior year throws off the budget.

Insurance - Par. 9 page 3 – Automobile Liability – Don agreed that this should be applied.
This is on company owned vehicles, not personal vehicles.

Amendment – Page 5, Par. 14 – this will be left in the contract.

Carolyn asked for the approval on these documents before they were actually printed for each one receiving funds. These contracts will be brought back to the Board.

f. ***Consideration of approval to Rent/Purchase (1) Low Hour High Volume Screener - Marvin Stephens/Tim Arnett***

This equipment is to be used at the Anvil Point Landfill. The Extec S-5 Screener will replace our present single screener a Norberg CV-40D model 1890 purchased in 2001. We will have a 4-month trial period and the County will pay a monthly rental fee and the total sum of the rental fee will be applied against the purchase price in 2004. The total cost is $127,500.00.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the rent/purchase on the Extec S-5 Screener from Inter-Mountain Construction Equipment for a total cost of $127,500, for the 4-month rental and purchase after the first of the year, 2004. Don clarified that this agreement would be based on the trial of 4-months. If it doesn't meet the approval of the Landfill staff, the unit will be returned. "And add if the County determines the need" for the purchase and if funds are available" to the motion. Motion carried.

g. ***Consideration of approval for Purchase and Installation of Guardrail on Various County Roads - Marvin Stephens***

Ed noted that guardrail was reviewed 900 feet for the Sunlight Road as Commissioner Houpt requested. There are some stripping savings and this could be moved to the guardrail.
The recommended award was to Adarand Contractors, Inc. for providing and installing guardrail on County Road 150 in the Sweetwater Area for a not to exceed price of $20,930.00.
Marvin stated guardrail is needed and it will protect the vehicle traffic in the entire cattle area. These are the critical places. This is on the inside curve on Sunlight. Sweetwater is on the outside curve. There are a lot of other roads that need guardrail.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the award for the 1400 feet at the bid price of $20,930.00 and add approximately 900 ft. if the same price can be negotiated with a change order, otherwise, this will require a new bid. Motion carried.

COUNTY ATTORNEY UPDATE - DON DEFORD

a. ***Indemnity & Release Agreement for County-Forest Service Cooperative Weed Management and West Nile Virus - Mosquito Issues - Steve Anthony/Carolyn Dahlgren***

Carolyn explained the indemnification, release and covenant not to sue Garfield County Vegetation Management as per the contract. This agreement is generic and will work for various activities. This is not an enforcement issue.

Steve Anthony two things are driving this. It's not a State grant, this is with the Forest Service, Region II, made available to the County on private ground that will help toward weeds and bug control. This is a small project and Steve preferred to bill them based on the work done. There will be more calls on the West Nile Virus and this will enable him to give small amounts out where mosquitoes were intolerable and they need some assistance. This does not address statutory enforcement. This is just a request and/or notice by Steve of the mosquito issues.

Carolyn and Steve wanted to make sure that this Board was in full support and directed Steve to move forward. This is just a grant and does not require a motion by the Board.

b. ***Executive Session: Litigation Update – Human Services Health Insurance Pool Issue***

Ed, Jesse, the Board, Don, Carolyn, Mildred and Judy Osman were to be in the session.

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

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

1-1793

COMMISSIONER REPORT

Commissioner Houpt – Met with the Latino community to discuss concerns over the INS facility in Glenwood and how best to educate everyone on who will be impacted and what they add to the community. Where they would really like to go is to organize a workshop for elected officials, employees and community members just to understand what everyone will go though and how they will be affected by having an INS in the community. There was some confusion between the housing facility and the Jail. She talked to Pitkin County about joining the Affording Housing group that Colin Laird has brought together. The Agricultural community met with the Building & Planning staff last Tuesday and had some very good and interesting conservation – issues that had been heard before. County picnic was very nice and she complimented the organizers. Women's groups – tour the Roan Plateau and discuss the management plan. Vacation next week – back the 29th.

Commissioner McCown – Communication Board – Thursday; Land use Meeting in Rifle and Picnic was last week.

Chairman Martin – Met with DOT rules and regulations on Ground Transportation – requires another meeting – inspections and IGA between counties and agencies outside the State for services; Pancake Breakfast successful – cooked pancakes for 5.5 hours. COHERA at Hotel Colorado – Thursday, August 21 for employees, 5:30 p.m. Encouraged all to attend.

Ed Green stated the Fair dollars will be down this year – Motor Event was priced too low for what the public received. It was $12.00 and we could have gotten up to $20.00 for the event.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Consideration and Approval to Select the Glenwood Post Independent as the Official County Paper - Tim Arnett
f. To Authorize the Chairman to Sign the Resolutions of approval for the Ziegler Special Use Permits for Accessory Dwelling Units on Parcel 1 and Parcel 2 - Tamara Pregl
g. To Consider a Special Use Permit to Allow for an Accessory Dwelling Unit. Location: 8153 County Road 312, Approximately 7 miles South of New Castle. Applicant: Bernard and Martha Long - Fred Jarman
h. Authorize the Chairman to Sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for the Mayfly Bend Subdivision - Mark Bean

Release of security in the amount of $241,734.50 with retaining $35,678.00.

i. Authorize the Chairman to Sign an Agreement for Recurring Engineering Services with Mountain Cross Engineering Services, Inc. - Mark Bean

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a, e,f,h and i. Mildred did not have the other items listed; motion carried.

REGULAR AGENDA
PUBLIC HEARINGS
REQUEST TO CONSIDER A SPECIAL USE PERMIT TO ALLOW FOR THE CLARIFICATION/MODIFICATION OF A RECENT SPECIAL USE PERMIT APPROVAL FOR THE STORAGE OF 30 VACUUM TRUCKS AND 200 FRAC TANKS, AN OFFICE, MAINTENANCE SHOP INSTALLATION OF A VEHICLE FUELING STATION. LOCATIONS: 1250 COUNTY ROAD 319, APPROXIMATELY 1.25 MILES SOUTH OF COUNTY ROAD 319, RIFLE, CO. APPLICANT: DALBO, INC. - TARAMA PREGL

Carolyn Dahlgren, Tamara Pregl and Nick Richens for Dalbo were present.

Carolyn clarified that the sale of the property went though and Dalbo is the current owner. She 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; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution of 1978 as amended; Exhibit D - Garfield County Comprehensive Plan of 2000 as amended; Exhibit E - Staff Report dated August 18, 2003; Exhibit F - Application Materials; Exhibit G -Resolution No. 2003-48; Exhibit H - Letter from the City of Rifle dated July 14, 2003; Exhibit I - Email from Doug Dennison, Oil and Gas Auditor, dated July 22, 2003; Exhibit J - Letter from the Rifle Fire Protection District dated August 7, 2003; Exhibit K - Excerpt from the June 10, 2003, minutes of the Board of County Commissioners - Draft Copy; Exhibit L - Copy of Well Permit No. 348771; Exhibit M - Staff Report dated June 16, 2003, with associated exhibits; and Exhibit N- Email from Steve Anthony dated 8-14-03.

Chairman Martin entered Exhibits A - N into the record.

The applicant requests an amendment to a SUP to clarify/modify a recent AUP approval for the storage of 30 vacuum trucks and 200 frac tanks, an office, maintenance shop, truck washing bay and storage of Potassium Chloride on 35 acres located 1.25 miles south on CR 319. The applicant is willing to comply with the specific conditions outlined in Resolution No. 2003-48 however; the Applicant is seeking clarification or amendments to some of the conditions. There is no process to amend a Special Use Permit. Therefore, these need to be reviewed by the Board:

Screening and Landscaping – the applicant is proposed behind the 6' fence, to provide shrubs and trees and Tamara listed those for the record.

Condition No. 4 "The applicant shall provide a plan to minimize the spread of cheat grass through any activity on-site. This may include, but is not limited to, 1) a plan to wash items before they leave the site, and 2) a plan that details how cheat grass seed production will be eliminated. The plan shall be reviewed and approved by the Garfield County Vegetation Manager, prior to the issuance of the Special Use Permit. The applicant met with Steve Anthony regarding these conditions and a plan for the storage yard was discussed. The applicant proposed to spray the yard each year to control the cheat grass in the yard. The applicant noted that it is not their intent to have any cheat grass grow or spread to any other part of the County from the storage yard.

Tamara stated that no comments have been received from Steve Anthony and the condition shall remain in place.

Condition 8 - Prior to the issuance of the Special Use Permit, the Applicant shall provide a copy of the actual well permit. In addition, documentation shall be provided regarding the physical quantity of the well for the propose uses. Should the physical water of the well not support the uses, the Applicant shall obtain additional water allotments or a water augmentation plan?

A copy of the Well Permit No. 249771 was submitted. In item no. 4, "the use of groundwater from this well is limited to drinking and sanitary facilities as described in CRS 37-92-602 (1) (c), for a commercial business, being further identified as a commercial trucking business. Water from this well shall not be used for lawn or landscape irrigation or for any other purpose outside of the

business building structure."

The applicant is aware that the well permit is only for the office/maintenance shop building and that the water from the well, according to the well permit, may not be used for the truck wash facility.

Amended - Condition 8 shall be amended to allow the applicant to amend the existing well permit to allow the use of water to include the truck wash facility, or a letter or a revised contract from West Divide shall be received by the County that allows the applicant to utilize the contracted water for the truck wash facility.

Condition 12 - Prior to the issuance of the Special Use Permit, the Applicant shall provide a copy of an approved City of Rifle Watershed Permit.

Matt Sturgeon from the City of Rifle noted that this condition shall remain in place; however, since the Watershed Permit initially submitted does not identify the proposed vehicle fueling station, the City will require the applicant to submit a revised site plan and a drainage plan clearly showing how they will handle the fueling station spill containment.

Condition 14 -Prior to the issuance of the Special Use Permit, the Applicant shall provide a screening/vegetation and landscaping plan to be reviewed and approved by applicable County Staff.

Applicant has identified some trees or shrubs along CR 319, the type of species and size of these trees/shrubs have not been identified. This site plan does not fit the spirit of this condition of approval and this condition shall remain in place.

Condition 15 - All parking (vacuum tanks) along the south end of the property shall be set back and in line with the office/maintenance shop.

This condition has not been met. According to the site plan submitted, the vacuum truck parking has not been setback or in line with the office/maintenance shop as required.

Condition 16 - The height of the tanks in the tank farm shall not exceed 25' in height.

The applicant is requesting that this condition be stricken to allow for a 35' tank as initially requested. The applicant requested 2 tanks to be 35' in height and 12 feet in diameter to hold KCI water 750 bbl capacities. The applicant has purchased these tanks and would like to install these tanks as initially proposed.

The board may impose additional restrictions on the lot area, floor area, coverage, setback and height of proposed uses or required additional off-street parking, screening fences and landscaping or any other restrictions or provision it deems necessary to protect the health, safety, and welfare of the population and uses of the neighborhood or zone district as a condition of granting the special use.

Condition 19 - The subject property shall not become a regional parking and maintenance facility. Only vacuum trucks and frac tanks used in the Hunter Mesa area shall be stored on site.

The applicant is requesting that the County Commissioners define the Hunter Mesa area. Mr. Dennison recommended that this condition be revised to read as follows:

"The subject property shall not become a regional parking and maintenance facility. Only vacuum trucks and frac tanks used in the area south of Interstate 70 and bounded on the west of Beaver Creek County Road 317 and on the east by Garfield Creek/County Road 312 and 326 shall be stored at this site."

Recommendation:

Staff recommends Approval the Dalbo, Inc. Special Use Permit, subject to the following conditions:

1. These conditions of approval shall supersede the conditions of approval in Resolution No. 2003-048.
2. All representations of the Applicant, either within the application or stated at the meetings before the Board of County Commissioners, shall be considered conditions of approval, unless specifically altered by the Board.
3. The applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended.
4. The Applicant shall comply with all State and Federal regulations and standards, such as Noise Abatement, Water and Air Quality.
5. The applicant shall provide a plan to minimize the spread of cheat grass through any activity on-site. This may include, but is not limited to, 1) a plan to wash items before they leave the site, and 2) a plan that details how cheat grass seed production will be eliminated. The plan shall be reviewed and approved by the Garfield County Vegetation Manager, prior to the issuance of the

Special Use Permit.

6. The Applicant shall comply with the following recommendations from the Garfield County Road and Bridge Department.
   A. A 30-foot right of way shall be deeded to the County from the centerline of County Road 319, east onto the property. No fences or structures shall be built within this deeded right-of-way.
   B. The Road and Bridge Department will issue a driveway permit upon approval of the Special Use Permit with provisions specific to the permit.
   C. A stop sign shall be placed at the exit of the driveway. The stop sign shall be of the size and located as required by the Manual on Uniform Traffic Control Devices.
   D. Truck turning signs shall be located on County Road 319 on either side of the driveway access for traffic going both north and south. The signs shall be of the size and located as required by the Manual on Uniform Traffic Control Devices.
   E. A sign showing the name of the company shall be in a visible location for emergency purposes.
7. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State and County laws, regulations and standards.
8. The Applicant shall comply with all Local, State and Federal Fire Codes that pertain to the operation of this type of facility, this shall include compliance with the National Fire Protection Association and the Colorado Department of Labor and Employment, Oil Inspection Section for the fuel farm (tan k farm on the site plan). The applicant shall also work with the Rifle Fire Protection District to mitigate any fire protection concerns with regards to the 12,000 gallon LP tank.
9. Prior to the issuance of the Special Use Permit, (omit - the applicant shall provide a copy of the actual well permit. In addition) Documentation shall be provided regarding the physical quantity of the well for the proposed uses. Should the physical water supply of the well support the truck wash facilities, as well as the office/maintenance shop, the Applicant shall submit a new well permit allowing all these uses. Should the physical water supply of the well not support the truck wash facilities, as well as the office/maintenance shop, the Applicant shall submit a letter or revised contract with West Divide that allows the applicant the ability to utilize the contracted water for the truck wash facility, (omit – obtain additional water allotments or a water augmentation plan prior to the issuance of a Special Use Permit.)
10. Any signage installed on-site shall comply with the County's sign regulations.
11. Any changes to the Special Use Permit for the storage of 30 vacuum tanks and 200 frac trucks, a 50' x 100' office/maintenance shop, 36' x 100' truck wash (omit bay) enclosed structure, 24' x 24' fuel tank pad, 12,000 gallon LP tank, and the storage of Potassium Chloride in 4 tanks, will require a new Special Use Permit.
12. Partial rehabilitation of the property, should the use terminate, shall consist, at a minimum, of the following:
    A. All frac tanks shall be hauled away.
    B. All vacuum trucks shall be driven away.
    C. All KCI storage tanks shall be hauled away.
    D. Building and structures may stay and be sold to other industrial uses.
    E. Replacement of stockpiled topsoil.
    F. Compliance with all prevailing COGCC and Garfield County regulations governing final reclamation.
13. Prior to the issuance of the Special Use Permit, the Applicant shall provide a copy of an approved City of Rifle Watershed Permit.
14. Groundwater resources shall be protected at all times. In the event of potential violations with respect to water pollution, the Applicant shall provide proof of compliance with applicable Federal, State and County laws, regulations and standards.
15. Prior to the issuance of the Special Use Permit, the Applicant shall provide a screening/vegetation and landscaping plan to be reviewed and approved by applicable County Staff.
16. All parking (vacuum tanks) along the south end of the property shall be set back and in line with the office/maintenance shop. (omit – The height of the tanks in the tank farm shall not exceed 25' in height.)
17. In accordance to section 9.03.05 of the Zoning Resolution of 1978, as amended, this Special Use

Permit is subject to periodic reviews not less than every six (6) months. The purpose of such review is to determine compliance or noncompliance with any performance requirements associated with granting the Special Use Permit. The periodic review is limited to the performance requirements and conditions, of this Resolution, imposed at the time of the original issuance of the Special Use Permit.

18. All lighting on the property shall be inward and downward with limited glare off site.
19. The subject property shall not become a regional parking and maintenance facility. Only vacuum trucks and frac tanks used in (omit – the Hunter Mesa) area south of Interstate 70 and bounded on the west by Beaver Creek/County Road 317 and on the east by Garfield Creek/County Road 312 and 326 shall be stored on site.

Applicant presentation: Nick Richens addressed the watershed permit; he received Paul Bussone from Resource Engineering a letter that a copy was sent to the City of Rifle; as of yet he has not received the Watershed Permit. Condition 16 – in the original submitted, they had 2-35' tanks, a 25' tank and a 100' tank. As he walked in the door at the last hearing, the staff indicated that the height restriction for an ARRD Zone would not to exceed 25' but Tamara indicated they feel that it was possible and would like to have the tanks they purchased be approved and the height limit increased if possible. Steve Anthony gave him a document on landscaping in Western Colorado on the types of native trees and shrubs and they planned on having alternating shrubs and trees and eliminate a block from the road as much as possible and still have some visibility for security. Nick committed to working with this information. The reason for the increase in size on the propane tank, if they are going to heat two buildings they can purchase a larger tank and get truck loads of liquid petroleum gas. He contracted the state and they indicated the distances needed to be from structure to property lines and they doubled the distance necessary. The reason for the fuel tank was suggested by Andy in case they want to ever put in kind of drilling up there versus having to drive the trucks out of the area to get fuel. The fuel tank will be enclosed to maintain any spillage or leakage for that area. The trucks will fuel up on a pad and all that water will run into the truck wash/silt area and they are mitigating any spillage. He is willing to work with Mr. Morgan on fire protection necessary for the structures. The increase for the truck wash area is that it is now enclosed to wash the trucks and since it's inside they need additional room. They can also work on trucks in the winter season.

Commissioner McCown requested Nick define the Hunter Mesa area.

Nick responded that last time he indicated that the majority of their work is done in the Hunter Mesa area, 85% of so. Currently they are violating this box the Board wants him to work within by hauling water across I-70. They get their water about 1,000 feet from I-70. Last year, the Forest Service dispatched us and when the Forest Service calls, you take the trucks off a job and send them to fight fire. Last year Dalbo hauled water to the firefighters in Glenwood Springs. A few weeks ago they had a truck dispatched to Douglas Pass to haul water for fighting fire. They've been up Sunlight area and occasionally they are on McClure Pass. He was more concerned about the exception to the box rather than the rule. He hated to see a Dalbo truck out of their designed area and being accused of being out of their box. The intent is not to have a regional truck stop where you have 50 trucks coming in and out of here. They have been assigned a number of trucks and tanks to work within this area. It would be a shame if someone had a home up Sunlight and they called for trucks and we had to tell them we couldn't go outside the box and can't haul water up there and all the houses burn down. He understands the intent that the Board wants him to operate a certain number of truck and tanks within this area. This didn't present a problem. But he didn't want to limited when he had a call to go to Parachute, Rifle, Silt, or Glenwood to do something, he could also do that.

Commissioner Houpt – before the Board was not talking about fires and can certainly understand write conditions for that, but what was talked about was the concern about retaining the integrity of the property in the area. This is a very large operation and she was surprised they are coming back with something even larger. There's so many changes presented here that expands what the Board had approved at the last hearing. The board can understand the intent of this restriction and would allow Dalbo to go to fires and if they are picking up water in a different location, that's okay, but what the Board was talking about was not turning this into particular operation into a regional operational area. The minutes reflected the Board's concerns over a regional facility. This is not only the exceptions but the opportunity for future expansion.

Nick commented that he can't control where the oil people go.

Commissioner Houpt reminded Nick that he stated before this was an operation being set up to meet the needs of the area. She is mainly concerned about not turning this into a huge industrial area that it becomes

the central location where we are servicing all oil and gas production.
Nick asked then what did he do when they move south to Uncle Bob's Mountain, does he not go out into that area? Does he have to buy another piece of property and put up another shop? He is also concerned about his competition if they see him out of the box. We haul water to anyone who calls, Forest Service, firefighters, checking for leaks on gas lines, tanks and trucks to McClure Pass - these are the exception; they also respond to flooded basements. He is more concerned about the exceptions; he doesn't want to get in trouble. He also has a concern when his competition finds out he can't go outside the box and they see him and then call some over here stating Dalbo has violated his Special Use Permit.
Commissioner Houpt asked Nick to explain this portion of his business because at the first hearing we were talking about servicing the oil and gas industry. She asked for clarification on what Dalbo does.
Nick stated we haul water, that's what they do to anyone who calls – firefighting people, for the Public Service Commission, checking gas line for leaks in Glenwood; they even have tanks up to McClure Pass. Logic says it should come from this facility – it's the closest facility. These are exceptions. This is why he is telling the Commissioners about them today. He suggested because he doesn't know, not being a lawyer knows what rights the county has as per Interstate Commerce, but he suggested this to Tamara that he knows a lawyer that Dalbo has employed in the past who could prepare documentation, terminology that maybe would make the Commissioner's happy with and present this to the Board and this would be reviewed with the County Attorney, so they can operate their business so they don't get in trouble and not make this a regional facility in this location but logic tells him that if someone calls from Rulison, he would sent a truck from here. A call from Glenwood, McClure Pass, Silt, Rifle, etc. a truck goes from this facility. It's the closest facility. There are times he will operate outside the box.
Carolyn Dahlgren – rather than trying to define a box, would it not fit the intent of the Commissioners, to simply have that paragraph say that the subject property shall not become a regional parking and maintenance facility for servicing the oil and gas industry and not define what trucks can go in there and the emergency issues discussed would be outside the Special Use Permit but since the intent is that this not become a regional parking lot, would this not work and would it suffice for Nick?
Nick – if the BOCC lets him operate outside the box then he thinks he could live with this. They will assign a certain number of trucks to work in this area. He is okay with Carolyn's proposed recommendation. He wants to make certain that he is not in violation.
Carolyn clarified that the Hunter Mesa Area was broadened to include Divide Creek and Dry Hollow and Mamm Creek, etc.
Carolyn said as she has heard Commissioner Houpt, her concern was the number of vehicles on this property and not so much where those trucks are going, so the bottom line is that this operation not becomes a regional facility.
Nick said if that is the case then the Board would not let him have 30 parked here and then 30 out in the field, that's not his intent either.
Commissioner Houpt – as the industry expands, the Board was talking about the number of trucks parked there and expands with that serving the various areas. But at the last hearing, we were only talking about oil and gas.
Nick stated that was true, but this puts him in a box and he came back to say that the box will not work.
Carolyn rephrased the condition – "the subject property shall not become a regional parking and maintenance facility for vehicles servicing the oil and gas industry."
Nick – this is true as long as it's understood that he can go to Glenwood or McClure or Rifle, from this facility he doesn't have a problem. We will work out of that facility.
Commissioner Houpt requested explanation from 1,000 to 12,000 LP tank.
Nick – explained that 1,000 gallon tank and small trucks haul us at higher cost propane, or we're going to have a second facility if it's approved, we're now heating two buildings, and our propane demands will be greater. Economics at the scale says, get a larger tank, transport at a lower price, it saves them money. Same with a transport full of fuel to his location cheaper than he can buy it at Silt or anywhere. What he is trying to do is to by bring the fuel station up there, it keeps traffic down and helps the roads because the trucks don't have to go somewhere to fuel and it saves money.
Commissioner Houpt – 25' height limit on the tanks – speaks to visual impacts and asked him to expand on the advantages of higher.
Nick – he did own the larger tanks a short time before the last hearing. He feels they should be allowed to have tanks higher because there are others in the area with tanks higher than 25' and what's fair to one should be fair to all.

Public: No comments.
Carolyn clarified Condition 15 on Vegetation and Landscaping – is the fencing and 10' spacing of native trees and bushes and the spraying of the cheat grass was an adequate landscaping and vegetation plan and we could therefore get rid of that condition that the applicant had to provide a plan reviewed by County staff.
Tamara – Condition No. 5 deals with the cheat grass and felt it should remain in place; Condition 15 all as long as the Board agrees with 10' spacing and the proposal vegetation which was approved and signed off by Steve Anthony.
Tamara - Condition No. 15 can be expanded and say that the landscaping and vegetation plan shall consist of a 6 foot fence with vegetation that is 10 foot spaced and with the vegetation as outlined in the plan provided by the applicant to the County.
Process question – Carolyn stated that it would be best to revoke the prior Revolution and adopt the new one.
Chairman Martin – his biggest hurdle is to be the water to allow the washing facility and looks like the applicant will have to request an amendment to the West Divide Water Contract on the augmentation plan. Just by the face document here it says you are tied to just drinking water, sanitation, etc. until you do otherwise and that's going to be on your shoulder.
Nick – Dalbo currently has a contract with West Divide for water and he has spoken to them and they will amend this to let them haul water to wash our trucks. What we are going to provide to them is a serial number, model, amount of gallons used so they can determine the amount of water, but we have contracts that will far exceed the use of that water.
Chairman Martin – by being in the water hauling business, I imagine you have the right connection for your augmentation plan and understand the issues. For storage, will you use your tanks because you can't draw off your well?
Nick said they will probably end up having a small tank in the end of the truck wash building and we'll haul water to there and have it draw off there for the washing. We are still in the recycling of that water as originally proposed and a filtering system as well.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the Public Hearing; Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a modified Special Use Permit to allow for the storage of 30 vacuum trucks, 200 frac tanks, an office, maintenance shop, truck washing bay and storage of potassium chloride with the Conditions listed by staff 1 – 19 also rescinding Resolution No. 2003-48 and that the Chair be authorized the sign.
Discussion: Chairman Martin – the standard that all testimony either by the applicant shall be included as conditions as well. This was directed to Nick because of the things that he had volunteered are also items of approval.
Carolyn - Assuming changes to Condition 15 and Condition 19 in that motion?
Commissioner McCown – Condition 19 with everything after the "subject property shall not become a regional parking and maintenance facility" will be stricken and on Condition No. 15 – assuming that the email from Steve Anthony they have met and it is adequate and Condition No. 15 will.
Carolyn – so we're not accepting the physical fencing and the 10 foot spacing of shrubs and trees as an adequate plan?
Commissioner McCown – I'm accepting whatever Steve and the applicant worked out regarding Steve's email which is that plan.
Commissioner Houpt - but would you accept Carolyn's wording for Condition No. 19
Commissioner McCown – other than the subject property shall not become a regional parking and maintenance facility, I thought that was,
Carolyn – I had added for vehicles serving the oil and gas industry.
Commissioner McCown – emergencies are not even a part of this Special Use Permit, any emergency response is not even an issue.
Commissioner McCown that also shows the striking of Condition 16 that only allowed for 25 foot tanks and it would allow for a 35 foot tank.
Carolyn – not clear if the Board has accepted their screening and landscaping plan or not of if you're telling them that they must submit another plan to you to be approved by staff.
Commissioner McCown would like it to read on the record that I am accepting what Steve Anthony has accepted from the applicant regarding his email dated Thursday, August 14. I have no idea what that is, if it

suits Steve, he's our vegetation specialist. This does not have to do with cheat grass. It addresses the vegetation concerns.
Commissioner Houpt – made a statement – this is a very extensive discussion at the first meeting and a clear picture of where Dalbo wanted to go with this project. She now feels there were too many changes brought to us today, so much more, and having a very difficult why this would not have come into the first discussion. Concerns about sizes of tanks, the water use issues and the radical changes after the initial hearing.
McCown – aye; Martin – aye; Houpt – nay. Chairman Martin reminded Nick Richens that this is subject to review in one year.

REQUEST TO CONSIDER A SPECIAL USE PERMIT TO ALLOW FOR AN ACCESSORY DWELLING UNIT. LOCATION: 8153 COUNTY ROAD 312, APPROXIM ATELY 7 MILES SOUTH OF NEW CASTLE. APPLICANT: BERNARD AND MARTHA LONG - FRED JARMAN
Carolyn Dahlgren, Fred Jarman, Martha and Bernard Long and David Alderson 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.
Fred 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 - Application; Exhibit F - Staff Memorandum; and Exhibit G -Letter from the Division of Water Resources dated 8-8-03 to the Building and Planning Department.
Chairman Martin entered Exhibits A - G into the record.
This is a request for an Accessory Dwelling Unit (ADU). The applicant proposes to place a manufactured home on their property to serve as an Accessory Dwelling Unit. The property to contain the ADU is known as Lot 3 of the Long Subdivision, contains 7 acres, and is located approximately seven miles south of New Castle on CR 312. Standards are not met required for proof of a *legally adequate source of water* for an additional dwelling unit. Exhibit G – was referenced that outlines an issue with the augmentation plan and it requires a ½ acre pond and the issue is whether this holds water. Further conservations were held and there is a possible condition that they will line the pond and have water hauled to fill it. The Division will investigate. The applicant has requested a continuance until September 2, 2003.

Commissioner McCown prefers September 8, 2003 due to a heavy agenda and made a motion and seconded by Commissioner Houpt to continue this public hearing until September 8, 2003 at the 1:15 pm agenda time. Motion carried.

PUBLIC MEETINGS – 1-4240
TO CONSIDER AN AMENDED PLAT FOR THE RAPIDS ON THE COLORADO SUBDIVISION. LOCATION APPROXIMATELY 1 MILE SOUTHWEST OF NEW CASTLE, NORTH OF CR 335. APPLICANTS: RAPIDS DEVELOPMENT AND THE RAPIDS HOMEOWNERS ASSOCIATION - TAMARA PREGL
Carolyn Dahlgren, Tamara Pregl, Gene Hilton, and Lee Leavenworth from Leavenworth and Karp 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.
Exhibit A - Letter dated July 21, 2003, from Leavenworth & Karp, P.C.
Exhibit B - Resolution No. 96-70 granting Preliminary Plan approval.
Exhibit C - Letter dated September 13, 1996 to the Department of Health and Environment from Entrench, Inc.
Exhibit D - Resolution No. 97-26 granting Floodplain Special Use Permit.
Exhibit E - Site plan of the 4.05 acres Open Space parcel. A preliminary plan showing the pond size and location.
The applicant is requesting the following modifications to The Rapids on the Colorado Subdivision Final Plat:

1. To relocate the walking trail on the west side of the pond from the top of the bank near the water to the ground level west of the pond.

This relocation would be on the west side of the pond from the top of the bank near the water to the ground

level west of the pond. The applicant asserted that the relocation of the walking trail will improve the path location and provide improved safety fro seniors and children. The applicant is also requesting a lot line adjustment between the Opens Space and Lots 24, 27, and 28. The applicant noted that the lot line adjustment adds 10-feet onto the west side of the open space tract and also straightens the south boundary of the open space tract.

2. Test modification in Plat Note 4, regarding the location of the leach-fields to comply more closely with Garfield County regulations:

a) Delete: "Must be located a minimum of 100 feet from the rear building envelopes lines....."

b) Add: "Must be located a minimum of 50 feet from stream or water course...."

The Plat note No. 4 currently reads "Leach fields for the disposal of treated wastewater must be located a minimum of 100-feet from the rear building envelopes lines on Lots 1 - 20 and on Lots 26, 27, 30, 31, 32 and 33 must be located a minimum of 200-feet from all existing domestic water wells."

The applicant is proposing the following text modifications: "Leach fields for the disposal of treated wastewater must be located a minimum of 50 feet from stream or water course on Lots 1 - 20..."

Recommendation:

Staff recommends that the Board Approve the Rapids on the Colorado Amended Plat application, subject to the following conditions of approval:

1. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval.
2. The 100-year floodplain of the Colorado River and Garfield Creek shall be delineated on the Amended Plat.
3. Plat note 4 shall be modified to read as follows:
    a) Leach-fields for the disposal of treated wastewater must be located a minimum of 50-feet from stream or water course on Lots 1 through 20 and on Lots 26, 27, 30, 32, and 33 must be located a minimum of 200 feet from all existing domestic wells.
4. A revised open space site plan illustrating the walking trail relocation shall be submitted prior to recording the Amended Plat for future reference.
5. 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.

Lee Leavenworth stated they are fine with staff’s recommendations and requested approval.

Chairman Martin – ground water is still an issue.

Gene Hilton – about 4-years ago he placed a 12” pipe for ¾ to eliminate drainage onto the County Road.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat with Conditions 1- 5 as noted by staff; Motion carried.

REVIEW OF PIONEER MESA ANNEXATION AND SUBDIVISION APPLICATION - CITY OF RIFLE - MARK BEAN

Mark Bean and Lee Leavenworth were present.

Mark Bean submitted the report stating the Annexation report was given to the Board. It includes a traffic report that analyzed the traffic impacts from the development on West 2nd Street and Highway 6. In summary, West 2nd Street has excess capacity and will not be overburdened by this development. The applicant intends to annex the portion of the 2nd Street right of way from the southeast corner of the project to the intersection with Highway 6. Additionally, he intends to improve a narrow section of 2nd street on the County section, by widening it to be consistent with the rest of the road surface.

The City of Rifle has declined to annex the rest of 2nd Street, east of the subdivision, due to them not having any City properties using the roadway. When those areas are annexed, they will annex the rest of 2nd Street.

The only recommendation from the traffic study that would affect the County is the need to trim the overhanging trees and bushes along the roadway.

Staff would suggest that the applicant be asked to be responsible for trimming overhanging trees and bushes all the way to the Highway 13 By-Pass Intersection in addition to the commitments already made for improvements.
Commissioner McCown – traffic count, and if there is a significant increase in traffic to Highway 13, would that require an annexation by the City of Rifle. The County road would be impacted and do we need to document how much, and if there is 20% impact can be enforce.
Carolyn stated we cannot force the City of Rifle to annex this.
Mark – the DOT is talking to the City of Rifle for excel and decel lanes in the roadway.
Lee stated the CDOT is requiring they obtain an Access Permit.

A discussion was held regarding additional trimming of trees all the way to Highway 13, but Commissioner McCown said this was a County responsibility and we should not ask the City of Rifle to pay for it. The County will take care of the tree trimming on the County portion of the road.
No comments will be made.

Grand Jury – Impaneled
The District Attorney impaneled the Grand Jury; the issue is not known; the DA did not budget for this in 2003.

American Legion Post
Dale Gray, New Castle - 2135 CR 245 – Lives across from the American Legion Post
Dale reported large gatherings the last couple of weekends at the Accessory Unit, known as the American Legion Post. Mr. Mayo has come short of funds to provide the meeting hall and has begun to rent out the facility to grounds of 200 plus. He wanted to know the outcome with the County regarding a Special Use Permit. There have been upwards of 50 cars parked at or around this building and the groups have been real obnoxious. What can he do?
The Board updated Mr. Gray stating that this was in litigation, but that Mr. Mayo had refused to take out a Special Use Permit. Had Mr. Mayo submitted the meeting hall to a Special Use Permit, there would have been a public hearing and Mr. Gray would have been an adjacent land owner that would have been notified as well as the public to come speak their concerns and/or support/opposition. However, since Mr. Mayo circumvented the process. The County has deemed this to be a public building and neighbors heed to have input as to the activities and safety concerns this present to their neighborhood. At this point, they suggested that Dale Gray could file a complaint with the Sheriff and notify the Code Enforcement Office, Steve Hackett of the violation.
Dale Gray stated that at first he didn't contest it because he was under the assumption that it was for a meeting place. Now he wonders how it got to this point and now what can he do to invest in his sanity.
The Board was grateful of Mr. Gray taking the time to come in and let them know and secondly the building must have a general inspection with respect to safety concerns for the residents.
Mr. Gray noted that he thinks this is just getting started; an operation like this works on money.
Board – deemed a public building, neighbors need to have input and safety.
He can call the Sheriff and the Code Enforcement Office and report the incident.
Dale added that he knew the building wasn't going to be an agricultural use even though Bob Mayo called it a chicken coop. Mr. Gray provided the Board with the following telephone numbers to keep in touch with him and/or for Steve Hackett to call him: 984-2031 at home and daytime cell phone of 379-5782.

HUMAN SERVICES COMMISSION
Sue Miesch, the committee approved the recommendations. The application process has been streamlined and they liked the changes. They also reviewed that this year's budget is high and they know that the next year
Thanked Penny for all her work on the spreadsheets.
There were three discussion points:
Computers for Kids, Salvation Army and Legal Services.
The former discussion regarding audits of those receiving County funds were discussed.

The contract states that any one entity whose budget is over $25,000 shall submit an audit of the funds to ensure they are being used as stated in the agreement. However, the County has not been requiring those audits.
Debbie Wilde from Youthzone stated that all entities that receive grants have to do audits and suggested this could be requested sometime during the year. The audit for 2003 could be given sometime during 2004.
Decision – The audit of the year prior will be requested to be provided by the recipient anytime during this 2003 year.
Carolyn stated she will redraft the paragraph and these contracts will be before the Board in September, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the recommendations of the Human Services Commission for a total of $295,000 in grants as outlined. Commissioner McCown noted that there is one other grant for $10,000, a capital grant included for the Traveler. Motion carried.

BOARD OF HEALTH

Mary Meisner, Kate Lujan, Steve Anthony, and Wanda Berryman were present.
Wanda said the Caring for Colorado Grant needs to be signed today.

A motion was made by Commissioner McCown to approve the Caring for Colorado Grant in the amount of $33,015.00 and the Chair be authorized to sign; Motion carried.

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

HEALTHY BEGINNINGS

Wanda Berryman reported on the enrollment; the numbers have decreased but they are still equal to the numbers from last year. She reminded the Board that by the 2006 they will not be funded by the State. In the years 2003 and 2004 they will be fully funded; in 2005 they will only be partially funded and by 2006 no more state funding. This is the Maternal/Child House Block Grant money that is a pass through from the State. It is well over 1/3 of their budget. For this purpose, the decision to merge with the federally qualified Mountain Family Center, a non-profit who does receive some funds from the federal government, was made. Valley View Hospital is currently renovating and remodeling the old Glenwood Medical Building where Mountain Family and Healthy Beginnings will be housed. Valley View will employee the mid-wives for the outpatient care of these indigent clients. However, eventually the mid-wives will become employees of the Mountain Family Clinic. This transition will take six months and one year.
Mary Meisner reported that this County is competing with the needs of all the communities. The raw data is not supporting the numbers. The problem for our health care is down. They are comparing us to communities like New York. It is based on a percentage. The federal government made the finding that this is a wealthy community based on the demographics to Aspen and Vail.
Commissioner Houpt – in the past several months, a better line of communication has been developed and we are now stating to talk about money. The reality of this money not being available and where we can access funds is the focus.
Wanda – we provide education involve the community and challenge them to reinvest in the program.

PUBLIC HEALTH

Steve Anthony, Kate Lujan and Mary Meisner reported on the ***West Nile Virus***
Reported 338 total cases in Colorado – folks who have had their blood drawn and there are more pending cases; 7 deaths so far. Of these cases 78% just had fever; 12% with Meningitis; 9% with Encephalitis
Kate stated that the State is reporting more West Nile cases due to the surveillance and following up that their symptoms that are meeting the criteria and the cases are getting care.
Steve and Kate have worked closely and are pursuing funds for the Mosquito's abatement from the State in case we need it.
Birds and animals have been tested and some positive cases have been documented.
Steve stated in June he had 45-50 bird calls but we can eliminate ½ or more. Tested 10 -11 and one positive out of Battlement Mesa area. Talked to Chamber of Commerce in Battlement Mesa on Thursday, education has been the greatest factor. 8 talks and reached 250 people. No human cases in Garfield County thus far.
Kate Lujan - Some calls consistent with West Nile; no funding source to get people tested.

Neighboring Counties have had positives with animal in Montrose, Eagle, Mesa, and Delta Counties. The blood test can be done in Denver or a private lab. DOH does not have the capabilities and have referred some cases to Mountain. Family.

Steve Anthony said the State has done a good job on preparedness plan. There are 7 levels: Garfield has moved from a 4 to a 5 – Larimer is at a 7 level. They wanted to bring this to the Commissioners to let them know how the levels are determined. Steve projected an assumption that next the West Nile Virus in this county will be worse. He suggested they could work on options in the winter.
Jesse – the number of cases and death reported in Colorado equals the entire rest of the nation according to the news.
Mary added 2003 has been a perfect year for mosquitoes.
Next year's budget should include funds for the prevention of the West Nile Virus including
Spraying as has been done in Moffat County. They spent $60,000 in chemicals and have a staff of 15 employees working on the Mosquitoes abatement. Steve Anthony has been putting out feelers for a cost of the equipment and Foggers run between $7,000 and $10,000. Aerial spraying has also been suggested.
Kate Lujan - ***Power Point – Good Public Health is also Good Immunization Program***
Kate gave the - Goals of Public Health Essential Service and explained the objectives and process for providing the services. In the future she sees continued Federal Funding; Decrease state funding for the purpose of vaccines; Phase II of smallpox vaccination and continued training with satellite, web casts.

Smallpox Immunization – the majority of folks feel that it is good for 3-years up to 74-years. A lot depends on the person. When it is currently given, first responders, they go through a rash amount of questions. They give care for the vaccine site. They have concerns of underlying conditions as well as cardiac conditions.

Cyanide leakage – Teller County of Gold Mine – Asked Mary to put together information piece with Chairman Martin for a meeting he will be attending in September.

Short staffed – Mary brought to the Board's attention of the shortage of staff due to one nurse out for surgery – Laura Littles' son in a burn center in Greeley, the have one vacancy and one new staff was just filled this morning (receptionist). Mary will manage the Rifle Office in addition to the other duties. Staff is doing a Master plan.
Chairman Martin – stated he only details and information she has available.

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

BOARD OF SOCIAL SERVICES
Lynn Renick and Diane Watkins were present.
Social Services
I. EBT Disbursements approval request: July 2003, payments were made in the total amount of $96,178.83.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sign the EBT in the amount of $96,178.83
II. Placement Contracts:

YT830244	Ariel Clinic Services	$10,645.32
Y878552	" " "	10,645.32
N989941	" " "	10,603.78
Y402225	" " "	12,408.30
Y656842	" " "	12,699.04
Y659778	" " "	12,699.04

A motion was made by Commissioner McCown and seconded by Commissioner Houpt as listed above and the Chair be authorized to sign; motion carried.

IV. Core Service Contracts
The Nine-County Social Services Directors have finalized the mental health and substance abuse

contracts for Board of County Commissioner's approvals. The request is for authorization of the chairman to sign the SFY 2004 Core Contracts.

The DSS received an increase in the 100% core dollars, not including the Mental Health and Substance Abuse Contracts) in the amount of $8,644 in SFY 03-04.

Mental Health - 2003-2004 - $10,708.55 per month;
Substance Abuse - 2003 - 2004 - $3,031.25 per month;
Youthzone - 2003-2004 - for 25 families - not to exceed $10,000.00
A motion was made by Commissioner McCown and seconded by Commissioner Houpt for signature authority of the Chair to sign the Core Services in the amount of $132,497.50; motion carried.

Into the Board of Social Services
A Motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into the Board of Social Services; motion carried.
Motion by McCown and Houpt to ratify the actions taken under the Board of County Commissioners on Action 1, the EBT transfers, the Placement Contracts, and the Core Services Contracts to be ratified under the Board of Social Services; motion carried.

III. WRAP Contract

In the Child Welfare Social Services budget for 2003, $10,000 was earmarked for WRAP services, which assists in preventing out-of-home placements. Although
the State has depleted this funding for the current state fiscal year, local agencies have continued to provide funding in order that families meeting specific criteria may receive assistance. The request is for direction for further action.

WRAP Services – this has been a local match and given as a grant. $10,000 was given. The Department of Criminal Justice funds no longer exist. Formerly it was on a memorandum of understanding. Carolyn stated they have developed a scope of services to be used for services under the Youthzone for services to 74 individual families. There are no County funds allocated under Child Welfare. Lynn called the State and we cannot expend any funds in the Child Welfare Grant for any case there is not an open child welfare case in the Social Services program. Sometimes they are but not always. The dilemma is we don't have reimbursement from the State. Whether or not we have been reimbursed in the past or not is unknown. If the family is not involved in the Social Services Child Welfare services has always been in the past the family was still qualified. If this is funded this year, there would need to be a case open or else 100% funded by the County. Carolyn stated it is incompatible use for state reimbursement.
Contract with Youthzone that have cases open in the Social Services and backfill with other funds the early intervention for those who are not in the system.
The majority of the kids would fall under the early intervention for avoiding out of home placement or expulsion from school.
No contract – no funds of $10,000 to Youthzone to provide these services.
Youthzone – this voids the contract with the community evaluation training, maintain the services directly and provide services for the open cases.
The CET will continue on but will have less money to operate. There will be some families that may not get served that are not in the system. Social Services will maintain open cases and provide treatment earlier.
CET used the $10,000 to buy direct services. It's an informal group that evaluates kids and provides services. RE-1 and RE-2 School Districts provide some local monies. In the past this $10,000 was used as a local match. CET can refer clients for services to Social Services. Lynn has informed CET that a grant will no longer be given because we have to provide direct services.
Lynn referenced the end of year progress report of a savings of over $100,000. A lot of parents do not want to become involved in the Child Welfare System. The report will show that the Department referred 16 families. This was caught in the audit.
Commissioner Houpt requested that Lynn keep an eye on the situation.
Carolyn – Youthzone would have to report back to the Board on the number of youth and families served but the auditors stated the reports should be provided monthly.
This will be explained to the CET Coordinator and Debbie Wilde.

V. CBMS Implementation

The Colorado Benefits Management System computer program, which covers all financial assistance payments and determinations, is scheduled for roll-out March 2004. Marva Hammons, Director of Colorado Department of Human Services, requested that counties attend regional meetings to discuss issues and concerns, with counties participating in a "GoNoGo Vote" by August 6, 2003. Janice George and Lynn Renick attended the meeting. Janice and her staff have also conducted an internal evaluation and test of pre-conversion requirements. The staff recommendation on the "NoGo" vote was included for the Board. It is understood at this time that the CBMS project will continue, even thought the final county vote was 34-NoGo; 21-Go. Beyond unfunded costs related to implementation of the system, the Department has determined that several unresolved concerns around client impact, internal controls and contingency planning have not been adequately addressed.

Lynn called to the Board's attention of a shortage of $60,000 due to a conversion into a totally new system. A minimum of 3 more computers is needed. This is extra ordinarily grim. They will be going forward as needed. Lynn was contacted this morning and there will be a 2-day work load training on August 25 and 26. By March of 2004 the pre-conversion by the State should be completed. Lynn cannot divert the information on these cases until March 2004. In the meantime a data element of 405 elements on each case will need to be transferred. This can be done by hand or in the existing computer system. This means they will have to be back in and input the information. If the system crashes, the County will need to have a contingency plan in place. The data elements will come from Case Files and are throughout the case. We will still have the hard case files. The information will need to be pulled out of the hard files and input this into the new computer. A lot of Commissioners have written letters, but after talking to Gregg Rippy, the Counties will have to absorb the costs. In addition, the client impact is of concern. You have to apply for all areas but then the State will send multiple services. This will not be fun.

VI. Audits - Financial and Program

The Colorado Department of Human Services will be submitting a draft report to the DOSS and Garfield County in approximately four to six weeks. A formal exit interview will be scheduled approximately two weeks after receiving the draft report. A corrective action plan with specified timeframes will be submitted to the State after the report is finalized.

The following reviews have also been scheduled by the Colorado Division of Human Services: 1) an Employment First audit/review is scheduled for 8-21 and 8-22; 2) a Food Stamp Management Evaluation Review will be conducted on-site August 25; 3) a Child Welfare Program Audit will be completed September 17 through 19.

Lynn invited the Commissioners to attend the audit meeting if they would like to attend.

The 135 for SEP almost doubled. We're probably looking at $222,000 and what wasn't spent will have to be paid back. Audit went into 2001 and 2002 and into 2003. $178,000 question on the office furniture but this is anticipated to go away.

VII. End of Year Close Out

A summary report was attached to Lynn's report showing the close out figures for Social Services are very position, with no county dollars being utilized due to over-expenditures of allocations.

VIII. Program Reports were submitted for the Board's review including:

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Social Services and into the Board of County Commissioners. Motion carried.

WORK SESSION: AIRPORT STRATEGIC PLAN - BRIAN CONDIE

Brian Condie, Peter Mueller with Olsson, Jim Hybarger and Andrew Doremus were present.

This is a discussion and not a proposal. It's not a budget request either but a lot is related to the budget. This is more to do with the management. Capital Improvement projects were relied upon the Master Plan Brian Condie submitted the Strategic Planning Report. The improvements outlined in the Master Plan need to be prioritized. In order to identify the highest priority improvements, the following criteria will be evaluated on - cost of improvement, funding sources, safety and security, economic development generation, preventive maintenance/loss prevention and other needs.

Airport Personnel - Proper justification for additional personnel is disclosed in the 2004 Personnel Adjustment Request.

Brian noted the growth at the airport with a staff of one. The request is for an additional part-time and could grow to another full time employee and a half-time.

Peter Olsson stated they monitor and staff some of the capital costs. His opinion is that an airport of this size operating under one full time person is highly unusual.

Commissioner Houpt thinks the airport needs another full time person and should look at the cost of not funding another. Brian stated the operational side is the place lacking.
Jesse - We have a part-time FBO. Jesse mentioned there is a 45% benefit load on top of the salary.
Brian agreed that 2-part time employees would work better for him.
Instrument Landing Procedure – The Senators are behind us 100%. Waiting on the analysis.
New ILS System - Working on the $27,000 annual expenditures. Need the support from the Commissioners from other counties.
Peter – first option is to get the FAA to take over the ILS and if it needs to be relocated they would do it. Help from the Congress may be needed later. The worst situation is for the County to relocate it and still take care of it.
The report is not a deterrent and Peter is planning to talk to FAA people on how to proceed. Brian stated within a 4-month period there should be some information.

Capital Improvement Projects

Upgrade to Airport Reference Code Upgraded to DIII – safety of the runway – expand Apron and Taxiway; GE Hangar Taxiways; ARFF/SRE/Office Building; Apron Strengthen; ATCT & ASR Benefit/Cost Study; Airport Lighting; ILS Remote Monitor; Chip Seal road and parking lot; Remote communications air to ground; Relocate existing offices; and Relocate road.
When you put the Capital Improvement Projects in progress, you are looking 6-years out. Brian stated the advantage was helping out the FAA so that this project doesn't get pushed back further. If they have any extra discretion funds, they need to spend it. We could be in the loop, accept the grant and go through a process of signing the grant and capability of proving to them you can match the funds granted. There is a small change, a remote change, and if the County wants to take it at 90/10 then the Board would need to be ready.
Peter stated you commit to having the funds at the time you receive the grant. It can accept credibility if you are going to turn the money down later. The big one is the Airport Reference Code (ARC) Upgrade to DIII.
Capital Improvements
Ed noted that the apron and taxiway expansion has been in the capital improvements 1) is the runway and the other is the Taughenbaug building replacement.

The upgrade will bring additional aircraft to the airport and we will need more ramp space. This needs to be a priority project and suggested using the entitlement funds.
Peter pointed out the options working with the entitlement, authorizing them to go forward and pursuing for the County to get 4 times the $450,000 as soon as this is passed into law. You can get other airport money allocated to the County and then in other years the Airport is repaid by giving the County entitlement to those who loaned us money. Peter stated the State is willing to help in giving the County a list of Airports who don't want their money this year and then an agreement can be made. The County would end up ahead by getting the entire $450,000 – Brian wants to use the entitlement funds for this now and not wait.

4) Apron Strengthen - 14,000 pounds of strength is currently available and we have an overage of pounds due to the use at the airport at the present. This will require a 2" overlay. Some structural deficiency is being noticed. The FAA may help find some discretional funds to assist in the strengthening process. The estimated cost is $535,295 at a cost of $50,000 to the County.

For any left-over discretionary funds through the FAA, the County needs to ready to put up their share of the match. At a moment's notice the County would need $125,000 and $50,000 – a total of $175,000 per Jesse with the State expecting to kick in about half of that.

2) GA Hangar Taxiways – this is eligible for funding – the cost of this is $289,934 – this is for the local pilot. Brian suggested the County putting in the 10% to get local pilots and hangars – roughly $30,000 – total up to $200,000 last year.
Brian stated they can say to the pilots that they can pay the 90% and we will repay in rent rebates.

3) Current office – the State and the FAA have indicated support to help.
The most that could be expected will cover the garage at $112,000 to $115,000 if they have extra discretion funds.

If the area is leased to another entity, then we'll need to find another office location. Brian's been talking to the BLM to recoup some rent on the building for the Fire department.
This is a hard sell item. Brian recommended using 2- mobile homes and let the FAA pay for their own. We can't do the ARC upgrade and not do the operational upgrade.
This needs to be an effort on the State, Federal and the County.
Commissioner McCown – suggested the 90/20%.

Peter suggested doing project Number 1 and Number 4 and then another $100,000 on this building and going to the State for assistance.

5) ATCT & ASR Benefit/cost Study – Tower or Radar System - $8,000 but none is available for federal funding. A study may drop this.

6) Airport Lighting - $14,532
Lighting for the entire Airport and would be born by the County. This needs to be a priority project as it has safety written all over it.

7) ILS Remote Monitor - $15,000
Excluded from after hours – a priority – we own the instrument monitor and we have to put this in. This would maximize the diversions.

Maintenance Issues:
No. 8 – Chip Seal – Phase II of the Road and Bridge project – parking would be additional costs.
9) Remote communications air to ground – cost unknown. Need the pilots to talk to the monitors in Denver. A safety and capacity issue; this is all county money.

10) Relocate existing offices – cost unknown – whoever leases the land where Brian's office is located should be a shared expense and pass it along to whomever leases.

12) Relocate road – look at this in the building layout plan – it goes across the soon to be Rifle Jet property. This will be borne by tenants/FAA and the County.

Reference was made to the additional 10-acres of land the County will receive from Bob Howard at the completion of Phase I of the Airport Road.

Updates for the runway length and building growth.
Peter requested feedback from the Commissioners in growing this airport the way they want it. The recommendation is to lengthen the airport runway by 8300' of a total of 7300' for landing.
Vice President Dick Cheney couldn't use the airport due to the fuel load; he had to use Grand Junction.
Feedback – not to look 20-years in the future but the entire build out for 50 years.

Peter suggested one way to address these issues and how to go about getting these funds. He suggested to before the CEA and State Aeronautic Board that will meet in October in Steamboat Springs and at that point someone from the County would be required. He emphasized that the elected officials are the ones that need to show this committee of their commitment to the growth of the Airport. He stated that the Chairman of the Commissioners stands up in front of the Board and explains the project, the funding and why the local community can't put in more funds. They want someone to tell them why more money – they will bargain with you. Things like the community are behind the airport plans. As far as the FAA in Denver in concerned, Peter will assist; this occurs in November and they do their future planning in January. At that time we will have firmer costs of the DIII.
You may ask the State for ½ and then you bargain. An elected official and Ed would be better to negotiate.
Needs to show the Commissioners are behind the growth of the Airport.
The FAA's only concern is the length of the runway. Extending the apron is a County priority. Take photographs. Each one will have 5 to 10 minutes to explain what you need and why. They don't like to see consultants so Peter will remain in the background.
Jesse suggested if a commitment was made to Nos. 5, 6, and 7 - $40,000 would this help – this is all safety

related.
Commissioner suggested No. 9 to find out the cost and the Board could possibly commit to it. We have a month to find a cost on No. 9. All would go to increase capacity and hours.
Peter agreed absolutely. The State wants to see the economic development. The FAA doesn't have an interest in this aspect. To demonstrate what the need is, is the important.
Commissioner Houpt liked the priorities outlined by Brian; on her list the high priority is to get another employee in there as well. When you're asking for money, they need to feel that this is being administratively handled. Need to be ready for the projects when the money is available. Her notes were submitted to Brian.

Brian requested direction from the Board as soon as possible. The County is not committed to anything until after the budget.
Peter added that if nothing is done on the building, we can ask the state for dollars for something else.
No. 1 Apron Expansion and Taxiway and No. 4 – Apron Strengthening Paving were agreed as projects to move ahead on and priorities were No. 6 – Airport Lighting; No. 7 – ILS Remote Monitor; and No. 9; Take No. 5 – ATCT & ARS Benefit/Cost Study to the state. A new ILS – No. 7, if fully funded by the FAA would get a vote to proceed.

Peter asked the Board for known contacts with Aspen and Eagle Airport. Chairman Martin can supply the contacts. Any support in getting a million dollar guiding system would be beneficial to these two airports.

SUMBS – project study is included in the scope of work.

Issue on Green Lane in Rifle – group tearing up roadway putting in fence. People were arrested and the Sheriff confiscated the equipment. Road by the Red Barn that goes behind Powerline and behind Cottonwood – encroaching on the right of way.

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

Attest: Chairman of the Board

_____ _____

SEPTEMBER 2, 2003
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 2**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Steve Smith – Grand Valley Citizens and Colorado Network – Roan Plateau

This Friday, Club 20 will consider full gas development and endorsing an energy plan and opposing its natural state. He encouraged the Board to sent a letter stating that more time was

Commissioner Houpt felt this was a valid request; Marian Smith received those last week and as the representative of that committee, submitted the Resolution today.

A decision was made by the Board to review this material and discuss it later in the meeting.

COUNTY MANAGER UPDATE – ED GREEN

a. Employee of the Month – the Human Resource Department will be developing employee recognition.

b. Chaffin Memorial Bench – Thelma Zabel and Julie Olsen for Advocate Safehouse Project

In memory of Bob Chaffin, a long term and dedicated member of the Board, the Board of the Advocate Safehouse Project is proposing to construct and five to Garfield County a marble memorial bench at the front entrance (south side) of the County Court House. The Board would also request that if there are any fees associated with this that those be waived.

The plan is to place this marble bench on a concrete slab along the east side of the front concrete building entrance walkway. The bench is approximate 5 feet long and 18 inches wide and will set on a stamped colored concrete slab approximately 5 feet by 8 feet in size. The sprinkler system will be rerouted around the proposed concrete slab and disturbed grass areas will be replaced with sod grass. The Board of the Advocate Safehouse Project will be responsible for all expenses related to the installation of this memorial bench. They will not be able to complete the project by the September 26 anniversary of Bob's death.

Commissioner Houpt felt the Board needs some policy for this approval to place something on County property.

Commissioner McCown didn't feel there was any need to come back for the dedication only to work with Richard Alary.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to support the Memorial Bench; motion carried.

Ed was directed to do some research on dedications.

a. ***Office of Preparedness, Security and Fire Safety*** – Guy Meyer

This is a first release against that grant. This is the master grant and is released to the County for exercise and training. This is the Homeland Security Grant that enables the money to be released. Last year Guy stated they requested a large amount of money.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to approve and authorize the Chair to sign the State Contract for $74,000; motion carried.

b. ***Health Care Policy and Financing – UHA #2104-0122*** – Mary Meisner

Ed stated this was approved last meeting.

c. ***Policy and Procedure Changes*** – Judy Osman

Judy submitted the proposed policy changes in a memorandum. Those changes included changes to policies: 2.06 – Job Sharing/Alternative Work Arrangements; 3.05.2 – Emergency Pay for Non-Exempt Employees; and 3.09 – Time Sheets.

2.06 – Job Sharing/Alternative Work Arrangements - This gives us a policy and something to enforce and is directed to address some of the Commissioner's concerns.

3.05.2 – Emergency Pay for Non-Exempt Employees - If a facility is closed for one day we would pay the employees, but if there are two or more days, the employee would need to use PDO or MSL. Judy completed a research on this policy but found there was no specific time addressed. This is what the Personnel Committee decided.

3.09 – Time Sheets – They are requesting meal times be noted on the time sheets. Human Resources are trying to develop a less complicated time sheet.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adopt the policies as presented to the Board. Motion carried.

d. ***Discussion of Possible Revenue Source Re: WRAP Services and Consideration of Six Month Contract*** – Lynn Renick

Lynn received information and this is an updated report. This had been a County only dollar contribution up until last year. Work participation incentives for $52,844 and earlier another check for 2001 incentives $50,796. These are not County funds but can be used at the discretion of the Board. What they are proposing is taking $5,000 out of these checks and drawing up a check for July 1, through December 31 and reviewing the budget item for next year to Youthzone. Lynn recommended the $5,000 be paid toYouthzone.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize $5,000 to be directed to the Youthzone as a flow through for Community Evaluation Team. Motion carried.
Information:

Conservation District Grant - $10,000

This is up $2,500 from last year. This is for weeds for next year. This supports the three Soil Conservation Districts in the County.

Carbondale Trails

Request from the ***Carbondale Trails*** in modernizing and doing safety upgrades for $125,000 for the Sutank Bridge. They are asking for $30,000. They are hoping to receive a match of $95,000. This will be discussed during budget with Road and Bridge. Some in-kind services may be possible.

COUNTY SHERIFF UPDATE: LOU VALLARIO

Lou reported that they hired an Animal Control position and is in the process of getting the animal control in place; an update of the Resolution is being addressed. Amy Sepelle was hired from within. She's had former experience in Eagle County with Animal Control. Amy has met with CARE and Eagle County in developing this position.
The department is interviewing the Information Technician individual for the Sheriff's Department - a full time position. Lou is working with Brain Sholten.
Search and Rescue Operation over the weekend, Lou stated contrary to what the newspapers are reporting, it started as a missing persons issue and ended up in rescuing two individuals.

COUNTY ATTORNEY UPDATE – DON DEFORD

Consideration of Resolution establishing Procedure for Payment by Warrant or Order, Repealing Resolution No. 97-08 and all Conflicting Resolutions

Mildred, Jesse and Georgia were present.
Don submitted the proposed Resolution and a memorandum stating that he had reviewed the proposal and altered the provisions of this resolution in accord with the comments of Georgia, Jesse and Mildred. Paragraph 6 was specifically discussed. The statute requires that the Board examine the Minutes and actually compare with the documents they approved. This has never been done and Don suggested that Jesse and his office complete the task and report to the Board.
Jesse stated in the process of the annual audit they verify the cash between Accounting and the Treasurer. A formal report has not been made to the Board. This can easily been done by doing a cash reconciliation twice a year and submitting a report to the Board.
Georgia stated she has been doing this. Jesse and Georgia met with the Controller and discussed if this statute could be accomplished. A voucher list has been presented to the Board. The reality in today's world is we are controlled by what the computer can do. The Board will be given the vouchers and then at the Board's meeting, Jesse will bring in the list and put in front of the Board so they could verify they are the same. The warrant list of those paid will become part of the Clerk's records.
Georgia – her signature will no longer be on the warrant list. A debate was held about her signature. When the warrants actually hit the bank, then she pays them. Now the Board will be checking her.
Mildred stated that in the new process the Board will be authorizing Mildred to attest to these documents. The draft Resolution as presented was deemed appropriate. A new banking agreement will be brought to the Board next week. This will start as of October 1, 2003.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Board to sign the Resolution in draft form establishing procedure for payment by warrant or order beginning October 1, 2003 and repealing Resolution No. 97-07 and all other conflicting resolutions; motion carried.

a. Consideration of Request to Execute Gould Annexation Map and authority to Execute Quit-Claim Deed Transferring Right of Way of CR 346 to the City of Rifle

A letter from James Neu of Leavenworth & Karp regarding the County Road 346 was submitted and discussed. This involves a forty foot (40') right-of-way deeded to Garfield County in 2938. The City of Rifle does not have any indication that the right-of-way was ever annexed and has been ignored through the years.

Mark Gould is annexing approximately 50 acres into the City of Rifle along Airport Road and the City made it a condition that he also annex this 40' right-of-way in front of his property east to Taughenbaugh Blvd. so the City can construct a 5th lane on Airport Road. The concern was that not all of the right of way was being annexed and to resolve this concern, the City could commence annexation proceedings for the County's signature on the remaining portion of the right of way. The proposed Annexation Map was submitted as well. However, Jim stated that an easier solution is to have the County Quit Claim the remaining portion of the right of way to the City simultaneously with executing the Gould Annexation Map, thereby transferring jurisdiction of the entire right of way to the city, part through annexation and part through conveyance. Once the annexation is given, the property becomes theirs and they could do whatever they wanted to do.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the original Mylar and to execute a quit-claim deed transferring right of way of CR 346 to the City of Rifle. Motion carried.

Consider Potential Process for Resolution of Zoning Violation for Okanela Ranch Regarding Fencing – Fred Jarman and Tim Thulson

Fred Jarman, Tim Thulson, and Don DeFord were present; Fred and Tim presented the issues.

Fred - at the Okanela Ranch, they have constructed a fence that the County believes in on the setback and is eight plus feet and higher in some areas, which is three or more feet higher than allowed by the regulations. The applicants are coming before the Board later this afternoon for a Special Use Permit for a Resort.

Tim, on behalf of Peter Knobel, presented a proposal stating Peter is changing the ranch to a private compound and will be raising spices and herbs and the fence is necessary to keep the wild Elk out. This fence has created three issues: a building permit issue; the setback requirement; and a proposed zoning change that would be appropriate for the entire County. The applicant is willing to waive any time limit to cure the zoning issue. A right of way issue is being addressed with surveyors on site to determine the legal dedication.

Commissioner Houpt – due to a number of issues she requested to defer this to an Executive Session. The time line to address the zoning would go beyond the time limit and stated they would be willing to waive the restrictions. Tim stated that they would condition the SUP on the zoning change. Nothing has been drafted as they need the Board's direction. If the fence is in on County right of way, this is just a matter if they are in it, then it's up to this Board as to what they do on County property. They are not just stealing the County's authority to govern. The applicant is willing to work with the Road and Bridge on the trees in the right of way.

Carolyn reported in a conversation with Bobby that he did an inspection of the property and the client had agreed to move certain trees that are necessary for safety reason and that Bobby didn't want to go any further in these discussions until the survey was available.

Commissioner McCown asked if these trees in questions are on the road side of the fence.

Tim stated they are on both sides. Most of the ones being questioned are on the road side. There's an 8-foot wide cottonwood that's obviously in the right of way that a car could hit but for one reason or another the County has let that stay in place and this is the way they are looking at these trees, maybe there's a way to work out the safety issues with Road and Bridge and are willing to work with them on this. The trees do improve the aesthetics of the property. With regard to the north side of the right of way, that's all Gamble Oak. They would just like the opportunity to present this to the Board.

The Commissioners stated they will address this at the 1:15 p.m. time today when the Special Use Permit is being discussed.

Executive Session: Litigation Update and Legal Advice Procurement and Renewal of the County Health Care Policy – Ed's Issues – Zoning Violation for Okanela Ranch – TIF Litigation - Personnel Matter for the Clerk's Office – Zoning Code for Religious Institutions – Healthy Beginnings Update – Contract and Lease Negotiations on Lift-up – Updates on Litigation on Sanders Ranch, Bair Chase and Okanela Lodge

Don, Carolyn, Mildred, Ed, Jesse and the Board were requested to be present for the hour long session.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Action taken:
Don stated the Board may want to consider giving direction to the Planning and Zoning Department to prepare a draft Resolution for the Board's consideration that would amend your sign code to account for the new Federal Legislation, Land Use and Religious Institutions.
Commissioner McCown so moved. Commissioner Houpt seconded. Chairman Martin - that is to work on the sign initiative for the religious communities. Motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Rural Resort and Club 20 – Referendum A needs to be discussed and a Board position on it.
Commissioner McCown – Associated Governments on Friday.
Chairman Martin – Final Draft of the PIS of I-70 Thursday 9-4- in Lakewood; CCI in Denver on Friday.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers – None, item removed
c. Inter-fund Transfers – total $157,947.84
d. Changes to Prior Warrant Lists – 030983 voided in the amount of $$618.10 dtd 8-4-03 due to duplicate payment to the client was changed from resident status to non-resident status and was previously paid under the residential billing.
   031363 – voided on 8-25-03 – due to incorrect vendor name – The Dark Room – and the check will be reissued with the correct vendor name.
e. Authorize the Chairman to sign the Resolution of Approval for Dalbo, Inc. Special Use Permit – Tamara Pregl
f. Authorize the Chairman to Sign the Permit for the Collins Special Use Permit- Tamara Pregl

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a,c,d, and f - ; carried.
Item e – Commissioner McCown moved to approve Item e on the consent agenda.
Commissioner Houpt – this was a project that she felt had taken a different approach when it came back the second time and she would not be in favor of the Resolution. Houpt – nay; McCown – aye; Martin – aye.

ADJOURN

Attest: Chairman of the Board

_____ _____

SEPTEMBER 2, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

PUBLIC MEETINGS
CONTINUED DISCUSSION OF THE REGULATION OF PIPELINES IN THE COUNTY ZONING RESOLUTION – MARK BEAN

Mark Bean, Don DeFord, Carolyn Dahlgren, Dave Cesark with /Williams; Steve Soychak with Williams, Jake Jacobs with EnCana, David Grisso with EnCana and Doug Dennison were present.

The Minutes of the Board of Commissioners from the meeting held on August 11th were submitted.

A fax dated August 29, 2003 was submitted from Richard Griebling stating the staff assessment is: 1) the COGCC doesn't have clear or comprehensive statutory authority to effectively regulate the operation and eventual abandonment of pipelines and gathering systems; 2) the COGCC doesn't have the staff expertise or the resources to effectively regulate the installation, operation and eventual abandonment of pipelines and gathering systems in Colorado; 3) the existing COGCC rules don't address the installation, operation and eventual abandonment of pipelines and gathering systems; and 4) Staff would feel obligated to clearly state 1, 2, and 3 above to the Garfield County Board and we don't anticipate that it would be beneficial to the process for us to do so.

Welding of Pipelines standards were submitted by Mark and the standard for development by EnCana.

Discussion

Commissioner McCown – the fax from Rich Griebling, the Oil and Gas Commission, they do not regulate and showed no interest in being present. Industry is present and well represented and doesn't get the feeling that industry is not opposed to some type of a consistent and uniform regulation and would concur that this is necessary. This is an area that is not being looked at. Jeff testified last time that he put in hundreds or thousands of miles of pipeline in Weld County and no one every took a look at these. I think it is something that needs to be looked at and said he envisions some type of a performance based inspection that the industry would bear the cost of hiring an independent 3rd party person to ensure that that all the x-rays on the wells have been submitted, all that is done properly, the pipe is installed properly, if bedding is required it is bedded properly, the compaction is there that's necessary so that you don't get settling problems in the future that the people or livestock or whatever could fall in and break a leg and that there is a re-vegetation program. What he wants is something very basic and simple that will also ensure the safety and consistency of these installations of these pipelines. Whether we decide on ten inches being the magic number or six inches, there's been a lot of discussion and a four inch line with as much pressure as a twenty-four inch line with less pressure, which is your most dangerous situation. He feels we need to settle on some number of the inch of pipe and the amount of pressure necessary that would trigger the need for the Special Use permit. What can we efficiently and effectively enforce? The inspection of these from an inspection standpoint would lie with the operator that is putting in the line and that would be an additional cost they would incur very muck like the subdivision people if they have to have specialist come in and supply us with information, he would see the industry bearing that cost. But the figures, all the data, etc. would be given to the County to be kept in a file with that special use permit.

Mark – in terms of the issue of what we can enforce, and from a legal perspective didn't think this is something we want to certify. As to the re-vegetation, Steve has limited ability to walk the pipeline to certify; as to the construction and how that occurs, timing of that construction would be a timing issue particularly when cutting across county roads, and other safety reasons such as values, etc.

Why did Weld County pick the 10" pipe?

Ken Wonstolen, Senior Vice President and General Counsel of the Oil and Gas Association in Denver (COGO) – worked in Weld County in 1992 and worked in the drilling of well over 1500 wells and couldn't ever recall going before the commissioners on a pipeline installation. He checked some of the operators out there, recently Kerr/McGee and they had the first one they recalled doing last fall but it was associated with their compressor facility and it wasn't field level or well head type of gathering at all. He used to know the picking of that number on the 10 inch. He commented that this issue has come up here and some other counties lately after many years of not having very much attention being paid to this issue. He urged the Commissioners to go slowly and get it right as we go forward with this if Garfield is going to be the lead county on this. He suggested 1) that it is his information that the department of pipeline safety, part of the USDOT is close to or about to issue some revisions of its jurisdictional guidelines. They've been hassling over this issue for three or four years. He personally was involved in a project that came up an API practice with respect to defining what is a gathering line that's jurisdictional to a gathering line and what isn't and that took the industry months and months of meetings. It's not an easy thing to define due to the variety especially if you look at a national level. His understanding is that OPS is not going to adopt the API standard but is going to be looking at some sort of jurisdictional trigger based on encroachment of

structures and population on near pipelines. At least one of the companies he talked to has indicated that in Okalahoma alone that might render over a thousand miles of currently regulated USSDOT line no longer regulated by DOT but that there would be other segments of the lines that would come under that jurisdiction. Once DOT/OPS does exercise its jurisdiction they will regulate those segments of line, so one thing that would be helpful is to see where they are going and what is going to end up being regulated by USDOT/OPS standards. We should know that in the next couple of months – there's something coming out in October. Another factor is that there are substantial body of industry technical standards, API, ASME and they are very technical and not the kind of thing very assessable by local governments or state government. They are industry standards to make sure their pipelines function, because if they don't function or have accents, that's a negative for industry regardless of any state regulatory perimeter. He thinks there are problems with bringing pipelines by oversight by the local governments, but are for functions. There are problems with bringing pipeline regulations under the USR approach or Special Use Review. Special Use Review is a discretionary review process and in most contexts you're looking at approving the location of some land planned use and ultimately having the ability to say yes or not on a plan. Those are aspects of USR that are hard to fit with pipeline regulations. First of all on the location issue and then if these lines are being laid from well head production areas under leasehold rights of egress and ingress and then into the whole issue of mineral rights and negotiations with a landowner of surface rights and the mineral owner about the location of those lines. If they're not being laid under leasehold rights, then they are being laid under negotiated and purchased rights of way. Basically you have before someone comes to you, someone, whether they be a surface owner or the purchaser of rights of way easement, there's not a lot of latitude in terms of location –this is where they've negotiated and purchased it and it would be hard to say, stop and go back over that and certainly disruptive to the productions practices. The other aspect of URS is that because there is the element of discretion, this Board presents the opportunity for those proponents of oil and gas generally or pipelines in specific to simply put pressure on you to say no. This potential for confrontation is something they would like to avoid. He has always recommended to the Commissioners that if you put yourself in a position where you can say yes or no, someone is going to be unhappy whichever way you go. Delta County was sued by the industry, then by the citizens when they said yes to the industry. He doesn't have any problem with Garfield County being involved in this area, that some type of site review process, which is more than just an administratively based land use process that doesn't put the Commissioners on the spot might be a more advisable way to go and those site plan reviews could be based on something that the planning that EnCana had to present to you that gives you a good overall picture of where the lines are going to be developed and they can compliment that with individual information, such as particular segments of line. COGO has gone to their Board and working committees about potentially asking the COGGC to do a rule making in this area. Greg Bledsoe has been contracted with CCI and he indicated an initial interest is that. COGO would certainly offer to sit down with this Board in the context of CCI or just as an individual, if CCI doesn't want to go in this direction and see if there are things that could be done at the state level that would bring uniformity to this area and having a bunch of regulations county-wide would be helpful to anyone. CoGo Board meets on Wednesday and Ken said he will discuss this with them and will also be meeting with Director Rich Griebling and Director Mackley later in the afternoon of the same day. They are interested in moving this forward and the model they have in mind, at least on a preliminary basis is to look at the 1100 series of Commission technical standards that are applicable to flow lines and see if they make sense being applied to other lines. There are definitional problems here – a flow line in the industry terms is a good sized line because it's collecting from four to eight or more wellheads. So coming up with an arbitrary number would not make sense because it may be more important to look at some functional distinction and make sure that coordinates with the OPS standards as they come down this fall as well. Looking at the 1100 series which address burial depth, reclamation, particularly on crop land, integrity with materials, maintain integrity corrosion protection, monitoring and those types of things may be a good way to start doing this in this State. The Commission does have in place today, a bond requirement for gathering lines in the 700 series, 706 and that bond is in place for the ability to address spills from pipelines, other incidents that require environmental mitigation and remediation under the Commissions 900 series of rules so they have addressed this to some degree through their financial concerns program and they at least assert the right to hold those gathering lines to the 900 series of environmental rules. There are no questions they have statutory authority because the term gathering lines is specially put in the definition of Oil and Gas Operations which are subject to their jurisdiction. Mr. Griebling will ultimate answer to the Oil and Gas Commission is the Oil and Gas adopts a rule that says we're going to apply these standards – it will happen.

There may be some budgetary issues given the severance tax we have available and their ability to flow to mill levy up or down, that shouldn't be a huge issue to them but this is something they will explore with them. They are addressing this issue, thinking about it, and his members are not adamantly opposed to any oil regulations but they might like to see a regulations that is coordinated with whatever OPS does this fall and 2) that it does not impose excessive delays and one problem with the URS is in general, you've got to bring a complete package forward to get that kicked off at any local government level and at that point the operator may have gone through several land reviews and logical clearances, etc. and that may have taken months and then to throw another 30 – 60 – 90 day process especially if your public hearings and opposition generated, you could lose all construction season. So coordinate with OPS, looking at alternatives to USR as a site plan review based on plans for development and exploring of where uniform standards would make sense and perhaps proceeding to get with CCI and approach the Commission and put things that make sense in place is what he hopes we can accomplish in the next couple of months. In Colorado we do not have anyone doing x-ray reviews, etc.

Petty Uteush – Grand Valley Citizens Alliance – no one out there inspecting what is being done. Her concern was the damage being done on property when the soil is damp in the spring.

Commissioner McCown – he would much rather see a statewide uniform set of guidelines, rules, whatever we're going to call them, than he would having 64 counties coming up with something the industry would encounter every time they hit a county line. Be it a pipe size regulation a wall strength regulations, an x-ray, a burial depth, whatever, we are creating a nightmare for enforcement not only for our own county but adjoining counties. This 10 inch size of pipe that Weld County picked as a magic number in their regulations, he was not at the same comfort level with picking an inch size, unless everything over 6 inches would trigger a special use permit. An improperly, poorly installed 2 inch high pressure gas line is just as dangerous as a 24 inch low pressure gas line. We have survived for years without this special use permit process other than the transmission lines that go from the compressors to the big market and gathering lines have never been an issue; but we've never been faced with the size of pipe and the amount of gathering lines we are looking at now. Ken struck on it clearly, where you have multiple well heads on one pad, you don't have a 2 inch line coming off there handling that gas anymore. By the mere presence of the directional drilling and the limited number of surface disturbances, we created another problem by the size of the line it's going to take to off bear the gas from that site. This is the dilemma. Garfield County does not have the wherewithal to initiate a full blown inspection process that would be solely at the county level either in Doug's department or Mark's department. We do not have the expertise or the financial ability to do this. He would like to see this done by an independent third party engineering company or whatever paid at the expense of the individuals putting the pipe in and not so restrictive that they're unable to operate but he does feel the citizens of Garfield County need to know that that pipeline was property installed, that the wells were x-rayed, that it was checked and we have that same security from power lines, roadways, and everything else that takes place in the County and there is no difference in this. How we move forward after today is unknown but he would support the industry, CCI and the Colorado Conservation Oil and Gas Commission being the players that make this thing work.

Commissioner Houpt – agreed with Commissioner McCown to a certain extent. We went through the DOT regulations and it's very comprehensive and anyone would not disagree for those regulations to be followed and then be inspected to make sure that the regulations have been properly complied with and safety has been maintained. She also sees a second layer to this process of regulating pipelines. There are definite technical regulations that should be consistent across the State, however, the way we regulate land use should be a local concern. We need to talk about timing of laying pipes, whether it impacts a county road or private property, restoration of an area including weed control, county road use. Timing of trenches being dug with respect to the different types of pipes being laid, looking at the least amount of ground being disturbed. There are local concerns that she believes need to be addressed separately from the technical regulations that should be consistent. She would like us to look at this as a two-layer process, our local regulations being more a land use than technical construction regulations. She agreed with Commissioner McCown that the size of the pipe doesn't make too much difference.

Commissioner McCown – the number of linear feet of pipe going into the ground in Garfield County and what it would take to permit everything from a special use permit would be a huge factor. And if you have a large landowner that has no problem with that pipeline being installed on his property why should that entail a land use anymore than him digging a well and running a water line to his house.

Commissioner Houpt – perhaps it should be an administrative process so that everything is in order. At times ditches have been dug to lay pipe across fields that in the middle of crops. She is not convinced that an agreement is always in place.
Commissioner McCown – it may not be a favored agreement, but almost assured Commissioner Houpt that there was not a ditch dug unless there was a legal easement across the land because if not there could have been a legal action taken. In the egress of the right of way they have the right to do that and they're going to cross crop lands in other occasions, but others they move lines so they didn't have to disturb crop land.
Commissioner Houpt asked Mark for his opinion on the administrative direction where we just made sure that everything was in order and in place before pipes are laid.
Mark Bean – who gets to do that job? This would be a tremendous workload issue.
Chairman Martin didn't think Mark's department should be the one that would take on this responsibility. This should be reviewed by the Board and he doesn't want to delegate all his authority to staff to make decisions for him and then say, oh, it's Mark's fault.
Commissioner Houpt – the Board would determine the regulations were in place then that would be what Mark would follow and that means the Board has already reviewed it and made a determination and then rely on our staff's expertise to make sure they are being followed. Commissioner McCown – are we still getting to where we want to be by creating another level of bureaucracy. The health, safety and welfare is the primary concern here and to make sure reclamation is done properly, but again a lot of those, 99% are issues between that property owner, that surface owner and that company that's going across the land with the pipe. If that ditch subsides I'm sure there's recourse for coming back and reclaiming that back to the level and extent that landowner wants it. The surface agreements undoubtedly ensure proper reclamation of the ditch. And by Mark simply doing a cursor administrative review prior to this pipeline being done, he's not sure that will answer Commissioner Houpt's concern.
Commissioner Houpt – she was not suggesting that this be a cursory review before the pipeline's laid, but will take a lot of work to put together a process that we can figure out what should need to be covered and what doesn't need to be covered. The industry is in the County and we all benefit from having that industry in this county; but what she was hearing Commissioner McCown say was that the surface owner's recourse is not going to be support from the county to make sure pipelines are laid without proper reclamation but potential law suit where they would have to expend their money to make that happen. She heard Commissioner McCown say that there's a huge difference between the county's responsibilities and the property owner's responsibilities in the whole pipeline laying process and she feels it is more of a land use issue and we really can have regulations that help out the surface owner.
Commissioner McCown – where the problems arise and where they continue to be with the industry is when minerals have been severed and that agreement that allows the industry the egress goes with the mineral rights conflict with the surface ownership.
Peggy Uteush – the issue is just an involvement in the planning process. This is not happening with the pipelines. Divide Creek this spring, the industry came to the property owner with cash and the property owners were not advised that it was going to go through their property. Putting the pipelines in the right of way did help the property owners.
Chairman Martin – he agreed and that's also why we have the form we did and came up with the rule changes and also used the industry standards and their participation and enforcement arm of the oil and gas and that's the arena we need to be in. That's what we're talking about on Friday of this week at CCI and we will have that representation for the citizens, the industry and the government because we are all in it together.
Peggy Uteush – perhaps rather than a special use permit, have some citizen involvement in the planning process.
Chairman Martin – and running at a parallel course with the industry with their timing as well. That could be a consideration. He sees this as a state standard so that all people in all counties are part of it and not just Garfield County and this is what he's looking for in this process.
Commissioner Houpt – this takes too long to get everyone involved at the state level.
Chairman Martin – the citizens have brought this to the state and he believes there is cooperation in working with the industry and citizens. We can't just regulate ourselves and have the enforcement arm, we will be challenged and the cost of defending ourselves instead of working on the issue is not what he feels is necessary. Various things need to be explored and other counties perhaps some of the same concerns. We need to find out how the industry will handle those and find solutions.

Commissioner Houpt – she still feels there are land use issues within the County that she would not be willing to hand over to the State. She wants to define what would be a county issue versus a state issue.
Commissioner McCown – Ken brought up a good point that even though Rich Griebling failed to allude to it, they have the statutory authority to do this but they have never been asked to do it and so they have not adopted any rules that would govern pipelines per se. We as Garfield County, if we would take the lead in something, we should be asking that this action be started and that they start looking at some rules that would develop a statewide standard. At the local level, he is somewhat reluctant and confused as to where we would go with a sort of a land use review but not really a land use review that would be very confusing to everyone. Do you have a review for every pipe from the time it leaves the well head till it hits the Trans Colorado or it is just those that come out of the compressors, is it the ones that are over the 6 inch in diameter, which ones trigger that review? A lot are on private property or property owned by the industry that they don't want this review. The property owner doesn't want any inspections, any review, they could care less.
Commissioner Houpt – feels this is a public health issue and a safety concern.
Commissioner McCown – If you're in the middle of 13,000 who are you threatening?
Commissioner Houpt – any type of industry would be happy if they could be self-regulated and not have to go through any type of regulation, that's not the reality of most industries.
Commissioner McCown – exactly and that's why the statewide regulations would be more amenable. You're talking specifications; he's talking reclamation, subsidence, percent of backfill, the entire process.
Chairman Martin – at this point it puts it in Doug's review as well, those are the standards, the requirements that have been put in place and they need to be addressed and if not then bring this to the attention of the Commission to make sure they do get addressed and then the enforcement arm takes over.
Doug Dennison – LaPlata does permit pipelines as well as everything else in the industry but they look at it specifically from a land use but much of their permitting process is an administrative process and the Commissioners don't get involved unless it's a major construction project. He agreed that in trying to invoke a Special Use Permit for every pipeline in the County would just be overwhelming. He's an advocate of getting the state involved; there are a lot of issues of locations, how they are staked out, Williams, and EnCana work with property owners on location. A lot of the smaller operations will try and go in and try to roughshod a property owner. He's on the fence for these smaller companies. He doesn't have an answer. Most typically is the route being taken of the pipeline. LaPlata is doing some things in their general process but not specifically with pipelines. They have the same problem, they write a Special Use Permit but they do not have enough staff to go out and inspect. There's no follow-up. They are charging for these permits.
Commissioner McCown – they are charging for permits and turning it into a cash cow process. If they are charging for permits and are not doing any service to the public, then it is a money making effort only.
Doug Dennison – Yes they are. LaPlata is doing some good things and if the landowner raises an issue then they would inspect, but for Garfield County, are we prepared to have that follow through? If you change for permits you need to inspect those.
Commissioner Houpt – this is what she is saying, if you charge for permits, then you need to set up a realistic program that will pay for itself and not have those monies go to other departments.
Chairman Martin – the direction that he feels we are going to work on is to work on a parallel course both in house and as a statewide effort. The meeting on Friday with CCI, we will work with the industry and the local governments trying to come up with local concerns and also address the standard procedure for the state and make sure that all counties are covered on these operations. At the present time, the direction would be to look at the two tier issue raised by Commissioner Houpt. If there's some burning desire that we need locally, that we don't do in the statewide process, then we could address those and take them to the state as well.
Commissioner McCown – favors to wait and see what will be addressed statewide before we can backfill that with any local stipulations.
Chairman Martin – reiterated his position to get a forum throughout the state started, Garfield County will take that lead with that conversation on our issues and then bring it back. We'll also address it again on the local issues that are now concerned for revision.
Commissioner Houpt – for the record, she totally disagrees. This has been a two meeting discussion, very productive, we've heard from the industry, citizens who are concerned, we've received information from other counties and why we aren't willing to take the lead and bring our recommendations to the state and

identify, take a risk and identify what's impacting us locally and what we want to see happening locally is just beyond her.
Chairman Martin – just said he was going to do that. To sit down at the roundtable that we've had with all the producing counties, the industry and also the rule making changes, not change legislation but to work on a standard statewide industry standard that everyone is expected to follow and then if we have extra items of local issues of pipelines going across potato farms, or something else that need to be address, then we take those up locally and also take that forward saying this is an operating standard we need to follow as well.
Mark Bean – a question as far as staff is concerned, this parallel course, we need to know what direction the state is going before we go forward on local concerns.
Chairman Martin – the time line would be rule changing and that would be by the end of the year to ratify it and at the annual CCI convention in January 2004 and the industry would have their annual convention as well and could discuss those rule changes as well with the policy making folks. We have done this before and the result was positive on both sides. If there are some very specific areas about Garfield County, yes, we will have to discuss those and attach those to it that affect only our County.

SPECIAL EVENTS LIQUOR LICENSE – PITKIN COUNTY REPUBLICANS – MILDRED ALSDORF
Don requested no action be taken due to the fact that this was amended for this afternoon.
Linda McCloskin – endeavoring to increase turn out in the Republicans and would like to have this event September 28, Peter Wallison, and hoping to serve beer and wine. This will be held at the Equestrian Estates.
Posting of the sign was all that was required. Mildred informed them of the restrictions on serving.
Linda stated they will use wrist bands so they will know who is to be served or not. Both Republican parties from Eagle and Garfield County are invited to attend the event.
Mildred stated if this is an open event anyone could come.
Mildred requested this be continued until the 1:15 agenda time for approval since it was posted on the agenda for that public hearing time.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until 1:15 p.m. for a decision. She complimented the staff in the Clerk's office. Motion carried.
DISCUSSION ON RS2477 – Don DeFord/Steve Smith
Steve Smith, Don DeFord, and were present.
Steve requested that the Board hold a discussion of the now-repealed Revised Statute 2477 and its possible residual effect on road and rights-of-way claims in Garfield County and in Colorado. Steve also provided a basic fact sheet on the R. S. 2477 issue and recent actions related to it:

- June 4th letter from Colorado conservation organizations to Governor Owens challenging assertions made by the State about 2477 road claims;
- July 14th letter from northwest Colorado businesses to governor Owens similarly challenging those assertions;
- July 16th letter and proposal from Moffat County to the Colorado Counties Incorporated Public Lands Committee, asking for a CCI position on the 2477 issue;
- Proposed policy resolution to be considered on September 5th by Club 20 Board of Directors; and
- Legal memo analyzing 2477 issues as they relate to important public lands in Colorado

These documents provide a sharp contrast in interpretations of the 1866 statute that was repealed by Congress in 1976 and highlights the important issues and lands at stake depending on which interpretations are ultimately employed by federal, state and local governments.
The most extreme model to surface in Colorado has been presented by Moffat County and it has been used to craft the resolution approved by the CCI committee. A letter from the State of Colorado and the resolution are now being considered by Club 20.
That model is extreme, exaggerated, and does not reflect the views of Coloradoans, the vast majority of whom cherish the few remaining unroaded public lands in our state. The standards for defining road rights-of-way must be much more narrowly defined and must be subject to extensive public input before taking final form. The Moffat County model, endorsed by Garfield County at the CCI meeting, does not require that a claimed road be constructed or even to exist before it is claimed. This extreme proposal also asserts that the exact locations and dimensions of claimed roads do not even need to be specified.

Steve said that Garfield County has not been prone to take extreme positions, but rather to pursue more reasonable approaches to matters of public policy like this one. He added that such a reasonable and sensible approach to resolving 2477 road claim issues will include:

- Comprehensive opportunities for citizens to participate in road assertion selection;
- Establish deadlines for asserting alleged road claims;
- Heightened protection for national parks, wildlife refuges, wilderness, potential wilderness, and other special places;
- Standards that ensure only true "highways" that were truly "constructed" before 1976 are recognized.

Discussion: Steve requested the Board not use the Moffat County model.
Steve proposed some suggestions to be adopted by this Board.
Commissioner Houpt – suggested that one of the alternatives Steve suggested was a true highway.
Steve – they have seen legal memorandum from Moffat could be as simple as someone passing that way as a public route, and others were structures built to support the road. Cow paths, foot trails could be developed into 2-lane roadways. Steve favored a national ruling versus local variations.
Commissioner Houpt - in reading Moffat's resolution, she is surprised as to their definition of highways. The purpose is to create an avenue for allowing wilderness designations and she wouldn't support defining highways in this manner.
Chairman Martin – wilderness didn't exist until after 1976, and he is not in favor to repeal the movement of citizens to move freely on public lands. This is guaranteed right by Congress of the people. There have been numerous public roadways.
Commissioners Houpt's – suggested that highway linked to trails.
Chairman Martin – make no mistake regarding the Ute Trail – it's up to interpretation.
Steve – agrees with Chairman Martin – the purpose of this grant is to ensure access to public lands and need to apply some common sense.
Commissioner Houpt raises the question that there may have been activities by 10,000 people and now this County has over 40,000 people.
Chairman Martin – this amounts to the freedom of movement. It the use changes from the historical, you still have the right to move through that right of way. He cannot see taking this away from the use of the people. We have the vacating of rights of way in a public hearing. Disagrees with Steve and feels he is trying to revoke the use of these rights of ways by the people.
Steve – put restrictions, these are modern times, we look at our lands differently than 1866, we support freedom of movement, and America after 1866 has discovered some additional values on the public lands. They suggested a list of standards that needs to be included to revisit what was done in the 19th century.
Chairman Martin – Congressman Udall's Bill has all of the items and there was no support except for one County – Pitkin- in the State of Colorado.
Steve – roadways to passage ways that are still important and fit with American values should be pursued under the 2477 authority.
Chairman Martin – each State has interpreted these differently.
Steve – hasn't looked into Udall's Bill, and the appropriations, all 7 voted for some level of constraints.
Commissioner Houpt – this is a mater of looking at where we are today versus where we were when this was put into place. To say you need to keep all rules in place without updating them is living in the past. This is a real stretch to call a livestock trail a highway.
Chairman Martin – JQS Trail was developed to get to the top of Roan Creek. The original use of that was to drive cattle. The use has changed and now it is a County Road.
Commissioner Houpt – Steve is saying you can drive on the Roan Creek and use trails that livestock has used and with this wording those could be used as highways.
Chairman Martin – The Taylor Memorial Trail, was a stock trail along the Grand River, 4 to 6' wide and now it's called I-70 through Glenwood Canyon.
Steve – The JQS and Taylor Memorial are good examples but these are not necessarily implies that all will end up having the value that I-70 does today. Look at those in 1976 and identifying those of existing value. Preservation of wilderness and preserving access is a difficult mix. The primary concern is that there we find some common ground, or defining words or procedures in order to get on with the process.
Chairman Martin – this is a moot point until changes are made by Congress.
Steve – the final solution will be from the ground roots and doesn't want to wait until Congress votes on it.
Commissioner Houpt – when CCI discussed this, were their other points of view like Steve's?

Chairman Martin – Udall had a representative.
Commissioner McCown – supports as the statute was written, supports maintaining it. Through discussions, if it is a county or public right of way it can be used for a highway.
Chairman Martin – the definitions - when a highway was originally defined, it meant something differently that it does today. The definition of highway in 1976, is what he supports
Commissioner Houpt – we're not in agreement on the subject matter.
Steve – in closing stated that he appreciates the forum today; this gives us both some opportunities and agrees we still need to do some defining mobility. There are still ways to honor the old routes without making them full fledged motorized ways of travel.
No conclusion was reached today.

PUBLIC HEARINGS:
FIFTH SUPPLEMENTAL TO THE 2003 BUDGET – JESSE SMITH
Jesse Smith presented the fifth supplemental to the 2003 budget along with Exhibit A and B and the publication from the newspaper.
He explained that these were the result of changes in Personnel Costs in Exhibit A and Exhibit B represents changes in line item appropriations as requested by the department heads.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Fifth Amendment Supplemental to the 2003 Budget as presented by Jesse Smith; motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Bob Mayo from New Castle said he decided that the important thing was that if I was going to complain, bitch and moan, I ought to come and keep you apprised of what we're finding out. Number one is that these planning and zoning meetings, I attended one of them down in Rifle, one your commissioners was there, I don't know if he made a report on it or not, but it appeared to me that the planning and zoning's idea of improving planning and zoning was to make more regulations and expand their control. They didn't do anything to address the current regulations they have, nothing was brought up during this meeting. And I think, I don't know if that's what you intended for them to do, they're paid employees, they were down there, four senior planners in the County.
Chairman Martin – well, no, there's a set of consultants that we hired, but go ahead Bob.
Bob Mayo – Well, I don't know, you're paying them anyway, so, tell me, it seemed to me that they weren't really interested in reworking the regulations or anything like that, they were only interesting in advancing their particular idea of how the regulation should work. That was my opinion and my opinion is worth about that and a dollar might get you a cup of coffee. Otherwise, that's it. But I talked to several other people that were there and they seemed to get the same impression. I never saw a report on the meeting in the newspaper; I never heard or saw anything on the Planning Commissioners getting a report on it or anything like that, so I don't know what you did.
Now, one or two other little things while we're…
Chairman Martin asked to respond on that – the information that we're putting everything on the table, rules and regulations, the potential of new regulations, the potential of doing away with all regulations, etc., it's fair game, everything's on the table. What our job is to see what's working and what isn't working and then redo so it's user friendly and so it really needs to be what we want in Garfield County, in other words, everything is up to review, everything. And the other one is that they are the consultants that were there, they're to solicit ideas, thrown out ideas and see what reactions happen. And the other one is, all the information on the report, the positions, the talking points, excretal, are also available – I hate to tell you this, on the web site of the Building and Planning Department's computer site, you can pull that up and look at it, or if you don't have that I'll make you a copy and bring it out to you. Now, go ahead.
Bob Mayo – laughing, you'll attend our coffee classes in the morning; I understand you have those anyway. The other things is that the lawsuit, now that we're involved, we're right now meeting with several different attorneys at the Rocky Mountain Legal Foundation, American Land Rights Foundation, these people are all interested in the case. We set aside this morning a hundred thousand dollars to pursue our case in cash in the bank so we can obtain legal expense and everything, I mean we can cover. We're very amused because the County Attorney and the Planning Department fell in the trap we set for them; because I made the statement several times that my wife was my major consideration, so they served all the papers

on her and didn't serve any on me. I don't know what's going on, I mean I know, but technically I don't know, so it's progressing and we fully intent to pursue it. This may, you're Planning and Zoning Meetings, I'm not interested in having you barred from doing any planning and zoning, I think a very limited area is available for the County to exercise responsibilities in but everybody seems to think that we're in an excellent legal position to pursue it; we've had offers from ambulance chasers who would like to do it on a contingency basis. I'm not interested in that, and I'm not interested in destroying your Building and Zoning, your Planning and Zoning and your Building Department. We're also have obtained from people who have called me and volunteered information and we're compiling this information to give to the District Attorney to empanel a Grand Jury concerning the incompetence and inappropriate actions, and I'll just site one of them, the County Enforcement Officer signed a building permit card as doing a plumbing inspection. So you know what areas we're looking at. I think it's only right that we should tell you what we're pursuing because it will definitely have an effect on a lot of things in the County I think and we're getting all of these, we're compiling, documenting all the evidence. We found that the majority of people do not want to testify or bring up these things because, well, like one guy said, I got my occupancy permit, granted he didn't inspect but he signed off on my occupancy and I got my mortgage, I'm living in my house, I'm happy. But happiness is not what we're concerned about. We're concerned with the legal ramifications that are involved, so, we have to talk to the people – it's quite a bit of work, but I'll also be attending every possible Building & Planning meeting that you're going to have. If I'm going to bitch about it, I'm going to be a part of it. And I guarantee you that you'll hear more from me, but I'll keep coming in. Thank you for your time. Is there anything else you would like to know? We're not hiding anything that we're doing legally. We'll disclose to you anything we plan on doing.
Chairman Martin – Bob, we do appreciate you coming in and talking to us.

Road Safety Issue – Divide Creek

Elizabeth Phyllis – Divide Creek – concern of the safety on the roads due to the traffic. Since Saturday, she has had several incidents with workers and wondered if the County could help in asking EnCana and their subcontractors to be more safety conscience. Workers they stopped had been on duty since 2 a.m. and it was 7 p.m. No stop sign. Blind hill – white trucks taking part of the road where it is blind. Feels like in order to get a head start before someone is killed, perhaps the Board could ask the industry to speak to their workers about their safety.
Chairman Martin – Doug showed the monthly report and it had numerous issues.
Elizabeth – requested the Board address these issues with the industry.
Doug was directed to notify the oil and gas industry of this concern.

PUBLIC MEETINGS

TO CONSIDER A REQUEST FOR A PLAT AMENDMENT FOR LOTS 3 AND 5 OF THE GOOSE CREEK SUBDIVISION. APPLICANT: HIGH COUNTRY STARSHIP REPRESENTED BY TIM WHITSITT OF WHITSITT & GROSS – FRED JARMAN

PLAT AMENDMENT FOR LOTS 3 AND 5 OF THE GOOSE CREEK SUBDIVISION. APPLICANT: HIGH COUNTRY STARSHIP REPRESENTED BY TIM WHITSITT OF WHITSITT & GROSS

Fred Jarman and Tim Whitsitt were present.
Fred submitted the following exhibits for further review and contemplation:
Exhibit a – Draft Amended Final Plat of the Goose Creek Subdivision; and Exhibit b – Mylar to be signed and recorded by the Chairman of the Board of County Commissioners.
Fred submitted the report and stated that in August 2003 the Board recently approved a plat amendment for Lots 3 and 5 of the Goose Creek subdivision. Upon closer review prior to recordation, it appears the plat contains some erroneous language in the "Certificate of Dedication and Ownership" section which was inadvertently overlooked. Specifically, the language stated in the dedication portion (entire 3rd para):
'Grant to the Town of Rifle, for use, the streets shown hereon including avenues, courts, drives, places, and alleys; the public land hereon for their indicated public use and utility drainage easement shown hereon for utility and drainage easements for utility and drainage purposes only."
The erroneous language above has been removed and replaced with the correct language stating the following:
"*That said owner does hereby dedicate as private easements to the private use of the owners of the lots of said Goose Creek Subdivision, their heirs and assigns, the easements as shown hereon; that their use also included in this dedication, the right and privilege to use said easements as shown on this plat to install,*

construct, reconstruct, and maintain utilities within the width of said easements for the purpose of serving the lots in said subdivision, and does further state that this subdivision shall be subject to the protective covenants filed and recorded for this subdivision in the office of the clerk and recorder of Garfield County, Colorado in Book 835 at Pate 892, as they may be amended."

Staff recommendation: Staff recommends that the Board of County Commissioners, pursuant to Section 6:10 of the Subdivision Regulations of 1984, as amended, approve this amended plat request with the following conditions and authorizes the Chairman to sign the Amended Final Plat of Goose Creek Subdivision for Lots 3 and 5 with the Condition No. 1 – "that all representations of the applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval."

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve this amended plat request with the following conditions and authorizes the Chairman to sign the Amended Final Plat of Goose Creek Subdivision for Lots 3 and 5; motion carried.

PUBLIC HEARINGS:

TO CONSIDER A REQUEST FOR A SPECIAL USE PEDMIT FOR A RESORT FOR A PROPERTY LOCATED AT 2518 CR 137 (CANYON CREEK ROAD) ALSO KNOWS AS THE OKANELA LODGE PROPERTY. APPLICANT: PETER KNOBEL – FRED JARMAN

Fred Jarman, Peter and Trease Knobel and Michael English, the contractor in charge of the public notices, Catalina Cruz, and Tim Thulson were present.

Catalina 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. There were no green returned receipts. Tim Thulson stated they were requesting a stipulation they will refer these to the Board when received by the applicant. Catalina stated the wording does not require certification of being received; only mailed. The Board will accept the notification.

Chairman Martin swore in the speakers.

Fred 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 as amended; Exhibit E– Application; Exhibit F – Staff Memorandum; Exhibit G – Letter from the County Road and Bridge Department to the Building and Planning Department dated 8-2-03 and Exhibit H – Joyce and Tom Clark; Exhibit I - Fax from Pam Szedelyi dated August 27, 2003; and Exhibit J – Letter from Carol Turtle.

Chairman Martin entered Exhibits A - J into the record.

Exhibit K - Kay William's letter was entered into the record.

Tim Thulson requested a delay of the public hearings and only received the letters and note they have not done the neighborhood meetings as they should. Surveyors are on-going on the right of way issues.
The County is doing a survey of the County's right of way.

Public Comments were taken but the matter will be set over.

Pam Szedelyi – once this is granted there is not going back. Her letter is Exhibit I. She is a supporter of property rights and they have not been fully apprised of the applicant's plans. The permit was pulled for construction of a barn and once this is granted, her concern is that they will want to convert this to commercial use and it would only require an additional permit. This has already impacted the neighborhood with traffic and the Sheriff has been notified. This has not been used as a public facility for over 16 years. Her concern is that a decision could not be reversed. They have heard this is not to be used as the Knobel's primary residence. It is suggested that this is to be a dude ranch and this is about process. The staff has worked hard for the Comprehensive Plan. The applicant is in violation of the building permit process, he is attempting to change the zoning with the fence, and she would like these concerns addressed before the approval, not afterwards.

Malcolm Jolly – owns property and is also a defender of personal property, but is here on the traffic impact. Kaiser Trail Head has already increased the traffic and with the Knobel's proposal will also increase traffic. What he wants addressed is the road; it is very wash boarded and they are not receiving maintenance on this ½ mile of gravel road. We need to get Road and Bridge on this road; they blade it once in the spring and if lucky once in the fall.

Violet Mooney – concern is with the volume of traffic and accelerated speed. The school bus can no longer use the bus stop due to the speed of the traffic. Their grandchild is left off on the road at the mailbox and she is meeting the child for safety reasons.

Pricilla Cates – concern that the process is being ignored. Seems to her that if this is a private entity it could be handled with a variance.
Carol Turtle – submitted a letter but since she has written the letter, she counted the new residences and there are 12 new properties. As she delivered the letters to her neighbors, there are a lot of blind corners with the driveways entering the CR 137. There is a wanton disregard for the speed on the road and it may be a law enforcement issue. She doesn't have a problem with a family compound being built; the problem is it being called a Resort. She would also like to see more respect for the Planning and Zoning. When she called, she talked to Fred and was told they were only building a barn. But when she found out there were bedrooms and kitchens, she did have a problem.
Bill Bullock – look back at past history of the Okanela Lodge and it was a very special place. The community has missed that. The Brown family formerly owned the ranch. To me it was a commercial zoning and the community accepted it. Since the sale to Rosemary Glass she did have commercial use on the property with Elk and Deer. She did have fencing in place. He talked about the affects and he shares 2/3rds of common property. This is going to be a very special place and being across the property he sees the activity and wants it noted for the record that he fully supports the Knobels.
A motion was made by McCown and seconded by Commissioner Houpt to continue this public hearing until October 6 at 1:15 P.M. – Continuance

Enforcement Issue – Fence – Zoning Issue
Tim Thulson – enforcement action held in abeyance until after the staff and he have perhaps resolved this in a different manner.
The Board noted that he still has 2-weeks left on the citation.
Mark Bean – they have 30-days to take corrective action and they have until September 18. Mark suggested the Board have a report on September 15 and decide at that time what to do.
TO CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR A PROPERTY LOCATED NORTH OF THE INTERSECTION OF CR 214 AND CR 238 BETWEEN NEW CASTLE AND SILT ON CR 238 (SLAUGHTER HOUSE GULCH). APPLICANT: DAVID MAVES – FRED JARMAN
Fred Jarman, David Maves, and Catalina Cruz were present.
Catalina 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.
Fred submitted the following Exhibits: Fred submitted the following Exhibits: Exhibit A – Mail Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended and Exhibit D - Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000 as amended; Exhibit F – Application; Exhibit G – Staff Memorandum; and Exhibit H – Letter to the Building and Planning Department from the Town of Silt, dated 7/16/03; Exhibit I – Email to the Building and Planning Department from the Road and Bridge Department, dated 7/29/03; Exhibit J – Email to the Building and Planning Department from the Vegetation Manager, dated 8/4/03; and Exhibit K - Letter to the Building and Planning Department from the Burning Mountain Fire Protection District, dated 7/17/03.
Chairman Martin entered Exhibits A - J into the record
This is a request for approval for an exemption from the definition of subdivision for David Maves on a 38.10 acre property split by CR 238 located north of the Intersection of CR 214 and CR 238 between New Castle and Silt.
The property split by CR 238 leaves approximately 7.4 acres on the east side of the road and 29 acres on the west side on an upper bench. Staff conducted a site visit to the property on July 9, 2003 and submitted photos showing an easterly and westerly view from CR 238.
At the discretion of the Board, any parcel to be divided by exemption that is split by a public right of way, County Road 238, preventing joint use of the proposed tracts, and the division occurs along the public right of way, such parcels thereby created may not be considered to have been created by exemption with regard to the four lot limitation otherwise applicable. CR 238 is also known as "Slaughter House Gulch). This request is consistent with this language and may be created as its own tract via Exemption and not count as one of the for exemption lots.
Staff Recommendation – 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 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.
3. That the applicant shall have 120 days, until ***January 2, 2004***, to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. The Applicant shall submit a final exemption plat indicating the legal description of all the lots created, dimensions and areas (in acres) of the lots, and all easements (such as the access and well easements) encumbering the property.
5. That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption lot prior to approval of the exemption plat;
6. Prior to the signing of a plat, the Applicant shall provide proof to the Building and Planning Department that a well test has been completed for the newly created Lot 2 which demonstrates an adequate pump rate and water quality pursuant to subset ***a*** – ***f*** below. If the aforementioned proof is not submitted, the Applicant shall be required to conduct a well pump test that demonstrate the following points:
    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 drawdown 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. The water quality is tested by an independent testing laboratory and meets State guidelines concerning bacteria and nitrates.
7. That the following plat notes shall appear on the Final Plat:
    a) No further divisions by Exemption from the rules of Subdivision will be allowed.
    b) No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. sew. 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.
    c) All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
    d) Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
    e) 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.
    f) 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.
    g) One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be

required to be confined within the owner's property boundaries.
Lot 2 would not be considered an exemption lot – the question before the Board today is will it be considered.
Chairman Martin inquired about a possible drainage issue.
Fred didn't hear from the R & B regarding this issue.
Applicant comments:
Mr. Maves has property and with the 38 acres and it makes the other property unusable and there is no other way except though Cedar Hills. By this proposed exemption it allows sale of the 7-acre piece.
Richard Murr – Highway 6 – New Castle. The Murr property adjoins Mr. Maves property and the fence line isn't on the record line and he has property that was adversely possessed. They have been utilizing this strip of ground and the county road. This has been in use for over a hundred years. Mr. Maves is willing to do what is right but it is not completed yet. This needs to be taken care of and recorded before final plat. He said that there is about one acre missing on his property. This is not how he accesses his property. When he purchased the property was the only way in and the present access is not suitable for everyday access and egress. In 1991 he applied for an exemption for three lots and one is adjacent to this lot being discussed. The Board of County Commissioners approved the egress and access on County Road 138. Access for his property is of utmost importance.
Commissioner McCown – was it plotted for the egress access. Was the access across Lot 4 recorded. But this was a condition the Commissioners approved?
Mr. Murr – yes.
Commissioner Houpt – with the discussions are you working on the access.
Mr. Murr – he is willing to quit claim the acre of property and is willing to grant him a right of way across the property which connects to CR 138 in the form of an easement. The Murr's are east of the 7.71 acre property. This could possibly be a lot line adjustment. It looks promising.
Mr. Maves stated he met with Mr. Murr and the neighbor next door. An easement currently exists but would be better on the other side of the ditch. He doesn't see this as a problem getting access onto the Murr property. The fence line is not an issue.
Chairman Martin – what does the future holds if they do the new easement?
Mr. Maves – the next door neighbor wants to purchase additional property and the private access is not part of CR 138, it is a private easement.
Mr. Murr – hopes to work it out and if he ever wants to develop, this is the primary road and hopes to get enough right of way to have adequate access.
Chairman Martin – might have to go up to CR 214. This is the swampy area and it depends on the proposal and the kind of development Mr. Murr would be looking at.
Commissioner McCown – would there be any problem if this were to be a condition of approval that an access easement be worked out. Can this be accomplished by the January 2, 2004 time frame?
Mr. Maves – yes he can.
Chairman Martin – is Mr. Guccni the other neighbor.
Mark – The easement for a road would be a minimum of 30 feet but it can be up to a maximum of 60 feet. There may be different standards in year of two. Therefore, he suggested the easement needs to be at least 60 feet.
Mr. Murr – his heirs will more likely want to develop the land. He doesn't have any problem with Maves proposal.
Fred – one comment, since we are requiring the easement he wanted to note the issue on the Parrington and suggested entered into an agreement under Condition 8 on the fence line.
Mark – suggested that Mr. Maves go ahead and do the boundary line adjustment prior to his final plat. He said he was talking about locating the easement, we would do the adjustment to the easement and it would all be on the final plat so there's was not more recording of paper work being done, it would a one deal.
Mr. Maves thinks this is a workable deal. He met with Cedar Hills Homeowners annual meeting and discussed this with them ahead of time and there was no opposition to this proposal.
Commissioner McCown moved to close the public hearing; Commissioner Houpt seconded; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Application for a subdivision exemption with conditions 1 – 8, Number 8 being that an easement be agreed to by all parties and be in place prior to final plat being filed on January 2, 2004; motion carried.
REVIEW OF CLUB 20

Steve Smith reviewed the basic points and stated this Resolution does not support "F" for managing the top of Roan Creek Plateau. Nor does it protect the Board's interest on drilling. Marian Smith is on the Energy Committee but was not present during this discussion. Optimizing Energy Development but this is not a position the County has arrived at and needs the message sent to Club 20. Alternate F does not exist any longer.
Chairman Martin – wanted to include our letter as the stance on Roan Creek Plateau.
Steve was in agreement that Club 20 should see this letter.
Optimizing energy was not the county's priority.
Commissioner McCown noted that Oil Shale is very critical.
Marian Smith and Dale Hancock will be present at the meetings. This would be the April 5th letter.

Liquor License – Special Events - Pitkin County Republicans

A motion to approve the Liquor License for the Pitkin County Republicans McCown and Houpt; motion carried.

EXECUTIVE SESSION ***continued – Club 20 Communication; CMC Litigation, Other issues from earlier***

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

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

County Health Care Policy

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sent a letter with a 90-day notification to CTSI and the Chair be authorized to sign; motion carried.

County Health Care Policy

A motion was made by Commissioner McCown and seconded by Commissioner Houpt for the County Manager to review the funding waiver of bids for requirements to protect the interests of the County and the County Attorney and County Manager to sign; motion carried.

TIF Litigation – City of Glenwood Springs

Commissioner Houpt made a motion that our legal counsel write a letter in response to the City of Glenwood Springs government communications pursuant to CRE 408 outlying the discussion we had in Executive Session. Commissioner McCown seconded; motion carried.

Referendum A – Commissioner Houpt stated she thinks it will go a long way if we as a County took a county position on Referendum A and write CCI and Club 20. She thinks that it is a situation where there would be blank check given to the Governor for use of water projects that could impact the Western Slope and benefit the Front Range and she is support of it.
Chairman Martin – Referendum A is just to go ahead authorize the ability to bond up to $2 billion for projects and then the first two projects would be outlined by the Governor for his advisors. This is not a total open check book but still thinks it needs to be handled more as a County project overall. The inventory needs to be completed, we need to know what the objective is, we haven't done our own homework to know exactly what projects would benefit this County or what we have in place that we could go ahead and develop or redevelop water storage capabilities within Garfield County or how much it would cost. To just look at brand new projects it beyond the scope of what we need to do. We need to improve our own water storage capabilities as every other county does. This will save us a whole bunch of money.
Commissioner McCown – I oppose it. I'm a firm believer that we need more water for storage but doesn't like the way this particular Referendum is written, this is not going to be the answer. If there's additional water storage, I would wholehearted support if it was identified.
Commissioner Houpt – but that message needs to be sent out to appropriate parties too. She made a motion that we sent a letter stating the Board of county Commissioner of Garfield County took a position of opposition on Referendum A – this would actually be supporting the Resolution of Club 20 as they also oppose it; Commissioner McCown seconded; motion carried.

Club 20 – RE 2477 – All positions were stated this morning.
Commissioner McCown and Chairman support Club 20's position. Commissioner Houpt does not support it.

Okanela Ranch

Tim Thulson – Point of Clarification on Okanela – He was under the impression that Mike English sent the notices out. For the record, he never sent them out. Therefore, they will renotice. He will also be contacting all the neighbors that participated in the discussion.

Discussion on noticing

Commissioner McCown – since when did we require the return receipts and is it only that they be sent out and the green notices did not have to be present.

Carolyn Dahlgren – a manner of practice, people generally bring them in and says by "return receipt" but it doesn't say whether it is when it is mailed or the received.

Commissioner McCown – if they don't get the return receipt, there's no proof they received it. This validates notice.

Chairman Martin – we have noted in several public hearings that the receipts were not presented and we ruled it was ineffective notice.

Commissioner McCown – is legal notice the fact that it was mailed and you do not have to have the return receipts or do we have to have the return receipts.

Don DeFord – thinks our code says they have to present the return receipts. He explained the problem we've had with that is the classic person who refuses to accept their mail and it sits in the post office and so that's why we measure the time period from the mailing to the return.

Commissioner McCown – this individual had been noticed when they were mailed out, but like Tim just confessed, they weren't mailed out and therefore if we had no returned receipts, and all that's required of your code is that they be mailed out, this could be a real problem.

Carolyn Dahlgren noted the Code addresses the receipt – is this the white receipt stamped by the post office.

Don – the green cards are supposed to be the proof.

Commissioner Houpt – agreed that this was true as well.

Don – no, this is not true. You do have to have the green card and the only exception is for some reason they come in and say it was mailed but didn't get it back from the post office. Within 30-days they should have them back.

Chairman Martin – requested to know we are running the correct course with out staff and do a memo to them stating they have to have both the white and green cards returned.

City of Glenwood Springs – Joint Meeting – Tuesday, September 9, 2003 - Agenda Items

Notify them of the Bench for Bob Chaffin
Common Area
New Community Corrections Program
Animal Control – Discussion Funding of CARE
Joint Planning
Update on the Meadows
Transportation Priorities/TPR

ADJOURN

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

Attest: Chairman of the Board

_____ _____

SEPTEMBER 8, 2003
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 8**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Lake Springs Ranch - Ron Liston – reported on the need for the request of a 120 day continuance on the process before the Planning Commission.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant a 120 day extension and descent the referral to the Planning Commission and the Preliminary Plan submittal for the February 4, 2004 or before; motion carried.

Dave Force – Needs the Fire Ban lifted

The Commissioners will review the Fire Ban at the September 15, 2003 meeting. Dave was informed that he could obtain a permit from the Sheriff's Department if he needed to burn before that time.

COUNTY MANAGER UPDATE – ED GREEN

a. Summary of Response and Lessons Learned – Failure of Well Head on EnCana Well of West Mamm Creek South of Rifle – Doug Dennison

This occurred on July 17, 2003. On August 14, 2003, critique/lessons learned evaluation of the response to the failure of a well owned by EnCana Oil and Gas (USA) Inc. took place at the Garfield County Road and Bridge Hunter Mesa Facility. The critique involved the following personnel: Guy Meyer, Emergency Management Director; Lou Vallario, Sheriff, Doug Dennison, Oil and Gas Auditor; Mike Morgan, Chief and Rob Jones on the Rifle Fire Protection District; and David Grisso- Operations Superintendent, Chris Williams, Regional ES&H Director, and Kathy Friesen, Public Relation for EnCana Oil and Gas.

The memorandum included thee discussion topics and objectives of why we are here, incident review, what went right and what went wrong, and the lessons learned. The discussion was not to place blame with any one organization or company but to look at how all of the organization involved could do a better job in responding to such incidents in the future. This incident had been handled very well and that EnCana should be commended on their professional response and cooperation in dealing with the incident. All the attendees concurred with this opinion. EnCana discussed their investigation of the causes of the well-head failure and the timeline associated with the failure. EnCana is still completing its investigation of the event and therefore the conclusions presented at this time are considered preliminary. One of the things hampering EnCana's investigation is that a crucial piece of the wellhead that failed could not be found, but it is believed that something inside the well impacted the wellhead with enough force to cause portions of the wellhead to fail. The wellhead in question was designed to exceed the operating pressures and environment anticipated, however, EnCana has redesigned all future wellheads to overcompensate for the anticipated operating conditions.

One of the concerns was the time delay in notification to the Sheriff and Rifle Fire Protection District. Remedy – EnCana personnel will be advised of the notification process and will so notify immediately the proper personnel.

The group agreed that this incident established the standard of care for how industry should respond to such incidents. It was also concluded that it will be incumbent upon industry to provide the bulk of the expertise and equipment to respond. Below is a list of lessons learned and action items required.

a. There is a need for a coordinated effort between industry and responding agencies in providing information to the public;
b. As discussed, early notification of the responding agencies must occur, and a system for such notification with the Sheriff Office and Rifle Fire Protection District was established.
c. The use of the Cameo computer program developed by EPA for responding to chemical emergencies was extremely helpful in projecting the potential migration of the natural gas plume and identifying evacuation areas. Additional trained personnel and equipment

needs to be available for operation of the Cameo computer software, and Guy Meyer indicated that additional software was being obtained by Garfield County and training would be available to personnel in its operation.

d. There is a need to get other industry operators involved in planning for such emergencies to ensure that they are prepared to respond effectively. Some of this planning will be accomplished through the Local Emergency Planning Committee (LEPC) but Doug Dennison also indicated that he was planning to hold a meeting with all companies operating within the county to begin discussing this and other common issues to all operators.

Doug said on-going conservations are with EnCana and Williams who have stated they will discuss the issue of whether or not they could assist the smaller companies with their attorneys to make sure there are no liability concerns.

Ed mentioned on September 18, 2003 they will be holding a Mass Casualty incident at the Airport and this could be a part of that training.

Peggy Uteush from Silt urged the Commissioner to take this a step further and develop some procedures. There was an incident about 3-miles from Silt where a leak occurred and a better way to inform the citizens. EnCana was called and the individuals were told there was no leak because it didn't show on their equipment monitor. Doug and a representative from EnCana came out and indeed found the well leaking.

b. Report on Visit to LaPlata County to Assess Oil and Gas Regulations – Doug Dennison

Doug submitted a lengthy memorandum on the assessment of the LaPlata County's Land Use Regulations Governing Oil and Gas Operations are effective in addressing landowner and citizen concerns regarding these operations.

Lolita's operating environment is very different than that in Garfield County. It is dictated by the geology of each area which controls drill spacing, drilling methods, and almost all of the industry's operations. Most of the natural gas production in the form of coal bed methane production versus Garfield's tight sands. The result is that LaPlata has 160-acre well spacing. Their wells are in the range of 2,500 to 3,000 feet compared to our 5,000 to 9,000 plus feet which results in smaller drill rigs to drill the shallower wells and smaller well pads and much shorter drilling durations and the majority of well pads in LaPlata contain only one well. LaPlata wells do not produce condensate resulting in the lack of tanks on each well pad to contain the condensate and the resulting visual and air quality impacts. The coal bed methane wells require pump jacks; use of the pump jacks in Garfield County is uncommon. LaPlata has a number of compressor stations required to transport gas; most of the producing area in LaPlata is within the boundaries of the Southern Ute Reservation resulting in somewhat of a patchwork of facilities due to the fact that the tribe does not recognize the laws of either the State of Colorado or LaPlata County. The level of activity occurring in LaPlata is significantly smaller than that of Garfield County – they have 75 to 120 well permits as compared to our estimate of over 400 permits; they have 3 drilling rigs compared to our 25.

BP America is the largest operator in LaPlata County to obtain his input. He thought the relationship with the County was good. Given time there would be more challenges; LaPlata requires longer setbacks from residences and this creates some problems. From BP's perspective that they have decided to be a good neighbor rather than challenging the County. When they do add more well heads to a site, with the setback requirements,

Industry has developed a counsel and places information on their web site. They discuss operating procedures and recommended Garfield County to consider beginning their own counsel.

Josh Joskwick was responsible for the development of these oil and gas regulations. The biggest outcome of this was to obtain input from both the surface and minerals owners. They have had 3 challenges. If this challenge goes against the County, it will kill these LaPlata oil and gas regulations. The challenge is referred to as the 303 process. This was a broad statement that if LaPlata develops regulations it would supercede the State regulations. The outcome would be that any regulations adopted would be pre-emptive. Good neighbor guidelines were suggested by another individual Doug met with. Any regulation the County passes would likely end up with a challenge.

He met with the individuals in charge of the regulations and the permitting process; Steve Clay does most of the work and his responses to what escalates the review are the neighboring landowners who complain. Industry tries to run the process in the County at the same time it is in process with the State.

Doug would not want to implement any type of regulations unless there was staff to follow up. Doug provided photographs showing visual mitigations including camouflaging and fences were required. One was a photo of a well below ground. This does occur in this County but the companies do not want to put

them below ground as water is the biggest concern. A landscape berm is required around the site, but it is difficult to get anything to grow. The industry has to keep a drip of water for a couple of seasons in order to survive.
Conclusion: it is very difficult to compare industry operations in LaPlata County with those in Garfield County and therefore it is difficult to assess the effectiveness of their regulations. Some of their regulations are positive and that is the increased participating of surface owners and other land owners in the decision-making process and mitigation of visual and noise impacts. Doug concurs with the burden for inspections by a third-party on industry with the county serving a quality control role to ensure that inspections are performed. Ultimately, there is an obvious concern in LaPlata that pending litigation may result in the regulations becoming invalid.
Commissioner Houpt noted that the pipelines are not regulated by the State. Doug said they require permits for the pipelines. Investigation yielded that pipelines fall within a major permit and they go through the extensive process. However, he doesn't have an exact answer to the size of pipeline
Chairman Martin – a meeting was set for this Friday to discuss the preliminary – CoGo, Griebling and the other counties were notified.
Commissioner Houpt suggested Garfield County present some proposed regulations in the two tiered process.
Chairman Martin – best practices for the County and there is a mixture of concerns that are discussed.
Commissioner Houpt wants to send the staff with some proposed regulations to this committee.
A list of items or recommendations on administrative concerns or ways Garfield County can implement regulations as they affect the County.
Chairman Martin – if we can proceed.
Commissioner McCown was unclear.
Commissioner Houpt – a more technical layer and the County doesn't have a part in the review, but would like to see the State implement. There are land use areas in the regulation process that she would like to have discussed at this meeting. She would like the Planning Staff to make some recommendations and if the Board approves, then
Commissioner McCown - If the state adopts rules to regulate the pipelines, he was certain that the State would address reclamation.
Don DeFord – during executive session, he plans to inform the Board on a meeting dealing with the oil and gas regulations, local regulations in particular. It might be better to hold off until after the executive session.
Chairman Martin – the industry is willing to work with the committee and adopt best practice management.
Peggy Uteush – with the pipelines, she urged the Commissioners to address location and the landowners concerns about ranching and farming. This would alleviate confrontations. Last week there was a discussion where LaPlata was collecting funds how much money is being generated for the inspections and oversight. If Garfield County adopts a permitting fee she would like to see this
Commissioner McCown – if we adopt a regulation – the industry will have to have the right of way and would not allow the public. On the money in LaPlata goes into the County and it could be allocated to the oil and gas inspection budget. It would be the County's priority to select and it could go into funds to repair the roads that were impacted by the industry.
Chairman Martin – believes the right process in underway.
Northwest Oil and Gas Commission has been doing a counsel and have been doing this for years.
Peggy Uteush – whatever, where is the citizen involvement. She would see a counsel made up of all those impacted, the industry, the landowners, Forest Service and BLM to give them a voice.
Doug received several letters from the Forest Service with respect to proposed plans that are in the County and will forward these to the Board.
The Board thanked Doug for the two reports and photographs.

c. Regional Housing Trust – Colin Laird

Colin Laird discussed the development and the IGA process. Randy Russell also discussed expanding the traffic study proposal.
Jean Martensen and Russ re also present. Colin stated after meetings, it became clear to this steering committee that we have a lot of local regulations and a housing authority that does Section 8, but no funding mechanism to find affordable housing. The Housing Trust fund was the outcome of these discussions and presented a proposed draft IGA for the Board to review.

A regional finance office was suggested to develop that would address land opportunities. The second piece was to develop some structure that would be an extension of local governments. Therefore, we are proposing that we create a separate entity rather than fit into the existing authorities. The trust would be the funding piece and would make it easier to allow. They are asking for $140,186 to be shared in a cost sharing amount for each entity.
Jean has been involved with affordable housing for the last 8 years and this is the most productive and resourceful action to come forth. This is very exciting and in Glenwood they have done a study of private land that could be developed. They have a fee structure in place for those who do not want to donate land and there is pot of money.
Randy stated all the entities were involved and at every level people felt this was needed. It's rare to meet with a group who agree on everything. If this is a team effort it will happen sooner.
Commissioner Houpt – this is a regional partnership and the practical way to bring funds to support the concept has been resolved. There are millions of dollars available and this is a mechanism to go after some of the funds available. The contribution of $29,000 being requested for Garfield County is a reasonable amount.
Jean – all the entities have not had the staff available.
Colin submitted documentation on the amount of money to operate the program. $40,000 would go to staff administration and $100,000 would be allocated as seed money for additional funds. Alpine Bank is interested in low interest loans and RE-1 School District. The school district has a lot of land available but they do not want to manage this but are willing to sign off on the idea.
Office space would be shared with the Housing Authority.
Chairman Martin brought up that rent restrictions have been ruled illegal and sometimes deed restricted housing creates concerns. Who will own these units?
Colin – they will be privately owned and would be deed restricted.
Randy – deed restrictions is like a covenant on the land. The fairness involved is self-imposed. The Garfield County Housing Authority has been working very closely on this issue and they are in favor of this financial entity as it is outside their jurisdiction.
Chairman Martin stated it all depends upon whether the Board decides this to be a priority during the budget process. Direction was given to Ed to
Commissioner Houpt made a motion to become a partner in the Regional Housing Trust and we apply funds toward this endeavor. Commissioner McCown seconded. Discussion: Commissioner Houpt that this issue has been before the Board and there is a need to know that Garfield County is in favor. Don – in terms of the IGA draft, is it where he could address legal concerns to the Board. Chairman Martin would like to lay this motion over until Don has opportunity to review and provide the Board with this legal and would like to hold this over until October.
The Chair took the position to table this until the first meeting on October 6.

Another motion was made to take the funding out of the motion and continue to participate with funding capabilities and consider it when the first motion is discussed. Motion carried.

Traffic Study – Randy Russell reported on the Healthy Mountain Committee was brought up and will be come a piece of this proposal. Randy was directed to locate some funds to add to this. The short story is that we may have some receptivity in the upper valley. Pitkin, Aspen and Snowmass will be meeting and they have a sizeable amount of money and they may select to match the County's $30,000.
Colin reflected the Board meeting and talking about the work Garfield County is doing and several members reflected that Garfield County should not be the only funding mechanism and therefore he made the request and will be meeting with the upper valley regarding the proposal for them to contribute some funds. Their corridor 1-3200 they see this as a good opportunity to participate.
Randy suggested to the Board that Garfield County should be the requestor and not Healthy Mountain Community at this time and asked direction from the Board.

Colin stated this deals with the transportation selections available to the public. Transit is 30% in Basalt in the winter months.
Randy mentioned that regional calling district was part of this study.
The Board requested Randy to attend this meeting.

d. Colorado River/Green Mountain Reservoir West Slope Litigation with the U. S. Bureau of Reclamation – David Hallford/Dick Hunt

Dick Hunt, the appointed Board Member for the Colorado Water Conservation District, David Hoffer, attorney for the Colorado River District and David Merritt with the Colorado Soil District were present to give the report to the Board.

The complaint filed against the Bureau of Reclamation was submitted on their decision on the Green Mountain Reservoir on the West Slope addressing the concerns over the water allocations.

Mesa, Summit and Eagle counties were also involved in this issue.

Today, they wanted to update the Board on the actions that led to this litigation. Green Mountain Reservoir has a long history of litigation over the water.

Dick – we've had the Bureau of Reclamation and tried to reason with them, they are unbendable and it is time to take a stance for the West Slope water users.

David Hoffer said this is a positive move and we hope there is a positive outcome to this litigation. This perhaps will go into a trial issue. The River District expects that the representatives in government will be made aware of the concerns and why it is being done.

David Merritt said they suggested last year that everyone take a hit on conservation and allocations, but the Bureau did not agree. This is the inequity and they are very concerned over that decision.

David Hoffer – the fact that last year the users were told they did not have water and secondly to

Dick referenced the fact that the Colorado River District will be having a DeBrucing question on the November Ballot and requested the Commissioner support this endeavor. It is needed in order to fund the fight for water.

The Board did not have any objections to the ballot question.

e. Pay Grade Equity Adjustments for Clerk & Recorder's Office – Judy Osman

Judy Osman and Mildred – Judy stated she compared the pay rates to other positions of similar positions and found they were lower. She submitted the current rates and the proposed rates to a 50% to market. Three of the positions would be promoted to Clerk II. The cost would be $15,200 to cover the remainder of the year. This brings the Clerk's office staff to the rest of the staff. Ed mentioned they were attempting to place everyone at the 80%. It was also noted that this would only remedy the situation for this year; in 2004 they would once again be lower.

Commissioner Houpt made a motion and seconded by Commissioner McCown to approve the equity adjustments for the Clerk and Recorder's office as presented. Motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Update on Lift-Up

Carolyn Dahlgren gave the update saying their Board found the lease to be favorable and fair.

b) Update on Bair Chase

c) Executive Session: Litigation Update – Advice on legal concerns regarding the Oil and Gas Regulations; Information on litigation and claims.

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

Carolyn, Don, Mark, Doug, Ed, Mildred were to be present.

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

Action Taken:

Direction on Oil and Gas:

Don explained that in a previous motion, the Board directed Mark to come back with draft regulations on a more limited scale than the Gunnison County Regulations, Mark is seeking further directions from the Board on where the Board wishes to proceeds on the discussion of pipelines and the Roundtable coming up.

Commissioner Houpt made a motion that staff writes a detailed memo on regulations for oil and gas that are currently able to be controlled by the County on a County level, those being as outlined previously by our attorneys including pipelines and emergency response/safety regulations. Commissioner McCown seconded. Motion carried.

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

Carolyn, Don, Mark, Ed, and Mildred were to be present.

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

COMMISSIONER REPORT

Commissioner Houpt – Rural Resort Summit on September 25 and 26. RFTA Board meeting on Thursday.
Commissioner McCown – Doug Dennison was requested to attend. Doug and Harold Shaffer will be discussing Oil and Gas issues. Associated Governments in Steamboat this week.
Chairman Martin – asked Commissioner McCown if he would attend the 7:00 A.M. Mayor's Meeting in Silt. Meeting with the City at City Hall at 7:00 a.m. Transpiration, Engineering and Building and Planning and the Sheriff would be invited to attend. The time and location at CCI will be scheduled on Friday. CCI updates on taxation, general government, health and human services and the justice system, and transportation was discussed. Budget cuts in various departments were discussed. Golden to Eagle County Airport is the latest direction and can give on more after the September 23 meeting in Silverthorne – each entity has about 8 – 10 minutes of time speaking on those affected by the I-70 proposal. This is quite a contentious study. Chairman Martin plans to work with staff to put together a presentation for Garfield County. The offside impacts are among the issues.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to Sign the Amended Final Plat of lot 15, of the Mitchell Creek Subdivision, Filing No. 1. Applicants: Kenneth and Carrie Melby – Fred Jarman
f. Authorize the Chairman to Sign the Resolution of Approval of Preliminary Plan for the Valley View Village Planned Unit Development – Tamara Pregl
g. Approve a One-year extension to the Lake Springs PUD Preliminary Plan Approval – Mark Bean
h. To Authorize the Chairman to Sign the "Acknowledgement of Partial Satisfaction" and the "Reduction Certificate Number 2" of the Blue Creek Ranch Subdivision Improvements Agreement – Fred Jarman

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a, b, d, e, f, g and h removing item. The warrant list was submitted and Jesse noted this would be standard. Motion carried.

REGULAR AGENDA - PUBLIC HEARINGS

ABATEMENTS – Shannon Hurst, Assessor

Chairman Martin swore in the speakers.
Main Street's Spruce Development, LLC - R007843 – this is a condo unit and the appraiser used the plat and when it was re-measured a decision was made to abate taxes - $1156.86 and R007847 for $1420.99.
Mountain Valley Developmental Services, Inc. R363777 – Abatement $1084.85
Thunder River Lodge – R090119 for 2002 for $1983.22 and 2002 for $1972.30.
Abbon L. Moreno and Clista Ascencion Moreno – Schedule – M003990 - a manufactured home abandoned in 2002. Abatement of $68.96.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the abatements, Main Street's Spruce Development, LLC. R007847 for $1156.86 and R007847 for $1420.99; Mountain Valley Developmental Services, Inc. for R363777 – Abatement $1084.85; Thunder River Lodge – R090119 for 2002 for $1983.22 and 2002 for $1972.30 and Abbon L. Moreno and Clista Ascencion Moreno – Schedule – M003990 Abatement of $68.96. Motion carried.

PUBLIC HEARING

REQUEST TO CONSIDER A SPECIAL USE PERMIT FOR A "CAMPER PARK" FOR SUNLIGHT MOUNTAIN PROPERTIES, LLC/GRETCHEN AND PIERRE DUBOIS FOR A PROPERTY IMPROVED BY THE SUNLIGHT MOUNTAIN INN. LOCATION: 10352 COUNTY ROAD 117 – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, Pierre Dubois and Gretchen Dubois were present.
Carolyn Dahlgren 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.

Fred 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 as amended; Exhibit E – Application; Exhibit F – Staff Memorandum; Exhibit G – Email from the Division of Water Resources dated 9/4/03 to the Building and Planning Department; and Exhibit H – Email from the County Building Official dated 9/4/03.
Chairman Martin entered Exhibits A – H into the record.
This is a request for approval for two items: 1) is a special use permit for a "Camper Park" in order to place four cabins approximately 400 square feet each on their property to expand the guest lodging capacity of the Sunlight Mountain Inn. 2) The application requests approval from the Board for a Plat Amendment of the subject property and the adjoining property. The Plat Amendment is requested to reflect a subtle relocation of the property line separating the two properties that runs along the centerline of Four Mile Creek. This is an adjustment of approximately 3,600 sq. ft. which would result in moving the boundary line to be consistent with the center line of Four Mile Creek.
Fred gave the history of this project and the determination of staff that the cabins could not be placed on the property because they did not qualify with the requirements of the zoning and building code which require inhabited buildings to be at least 20 x 20 feet square. The Stewart Cabins are much smaller than this dimensional requirement and do not meet any of the construction standards used by the County.
Upon further review, these cabins are actually recreational vehicles (RV) they have wheels and are intended to be pulled and are built under the American National Standards Institute Code 119.5 which makes them personal property that theoretically can be moved around on public roads with a motor vehicle license plate.
The site is approximately 1.8 acres and is currently improved by the Sunlight Mountain Inn, a 20 room guest lodge. The proposed cabins are proposed to be located on the eastern portion of the lot on a slightly lower bench from the main lodge in the area currently devoted to an ice-skating rink during the winter months.
The applicant will need to get well permits for this to proof an adequate source of water for the camper park.
Other issues – as a requirement for Camper Parks, these are pull in and pull out, but the applicants plan to permanent locate the cabins. Four of these cabins are proposed on the site.
The same individual cannot inhabit these units for more than 120 days.
Recommendation:
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. Further, this permit granted is for this specific use only as presently described. In the event any representations made in the application for which this permit is granted change and are no longer consistent with the representations in this application, the applicant shall be required to submit a new permit application to the county addressing the changes.

2. Pursuant to Section 5.02.13(2) of the Zoning Resolution of 1978, as amended, : All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall maintain a minimum horizontal separation of ten (10) feet from all domestic water lines. Sewers shall be at a grade which will insure a velocity of two (2) feet per second when flowing full. All sewer lines shall be constructed of materials accepted by state or local laws and shall meet design criteria of the Colorado Department of Health.

3. The Applicant shall comply with Section 5.02.15 of the Zoning Resolution of 1978, as amended for individual sewer connections. Specifically, if facilities for individual sewer connections are provided, the following requirements shall apply:
    a) The sewer riser pipe shall have at least a four (4) inch diameter, shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer system will approximate a vertical position;
    b) The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-eighth (1/8) inch per foot. All joints shall be watertight;
    c) All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth;
    d) Provision shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser;

e) Sink Wastes: No liquid wastes from sinks shall be discharged onto or allowed to accumulate on the ground surface.

4. All new lighting associated with the cabins such as walkway lighting and exterior lighting shall be directed inward and shall be down cast.
5. The Applicant shall obtain all necessary electrical permits from the appropriate utility company for any required specific utility plans for the installation of the four cabins. These approvals shall be provided to the Building and Planning Department demonstrating compliance this condition prior to the issuance of a Special Use Permit.
6. All utility service lines that serve the cabins shall be located underground.
7. The cabins are to be designated as short term guest accommodations and no cabin shall be inhabited by the same individual for more than one hundred twenty (120) days per year in any one (1) cabin.
8. The Applicant shall provide each cabin with smoke detectors, appropriate fire extinguishers, and telephone services for detecting, fighting, and reporting a fire. Garden hoses shall be available for use for each cabin. Existing Inn rules regarding open fires and candles, shall apply to the new cabins. Staff finds this standard to be met.
9. Prior to any improvements associated with this proposal at the property, the Applicant shall have the 30-foot live stream setback from the high water mark measured and staked by a licensed surveyor to ensure the cabin placement and all other development comply with this distance.
10. The Applicant shall provide an adjusted site plan to the Building and Planning Staff for review prior to the issuance of a Special use Permit that correctly shoes the required on-center distance between the cabins to be 20 feet.
11. The Applicant shall obtain the appropriate and necessary well permits from the Colorado Division of Water Resources for the Main Well and the Ranch Well that will effectively function in conjunction with the water contract (#FM030612SMP (a)) with West Divide Water Conservancy District for 2 acre feet which will include the four cabins. These new permits and associated / supporting documentation shall be presented to Planning and Building Staff prior to the issuance of a Special Use Permit.

The applicants stated they have spoken to the State after the report was submitted. Gretchen found out Friday they didn't have the correct well permits, it is a technically and it will take $1,000 and will take one to two weeks before they will obtain the permits. They weren't aware that they would have to re-designate the wells.
The engineer has been contacted and the site plan will be adjusted.
Time constraints are to have these in place prior to ski season. The Brattleburg shares the same waste water plant and asked if the capacity was available for these additional units.
Gretchen stated from Ski Sunlight it was confirmed by the engineer. And she received a letter to this regard. This will not change the new plant; it will change the amount they are charged based on these units.
Pierre, the existing contract is on a moving average, a past two-year average. They have paid engineering costs and it is scheduled for groundbreaking for next year. There will be new maintenance costs when this comes on board. This is reviewed and is in the hands for the Board for the Mountain. Greg Hall voiced support and wanted to get everything fair and appropriate for the number of units. Exhibit I was submitted, a documentation of the current users and units. Greg – the request is simple and would like the applicant to confirm they will comply with the agreement that all parties have agreed. Pierre and Gretchen stated they will comply. It will not include any costs for the new plant that has already been agreed upon.
Greg Hall – In paragraph 2 sentence number 3, cost share will be paid by all parties; fees back 24 months will be assessed upon groundbreaking. If there are new units, it will modify the construction finance costs. Gretchen assured that Sunlight will give them the costs and they will keep to the agreement they signed.
Greg Hall – a 13 page agreement on how the costs will be paid was verbally stated.
Tom Jankowsky – Waste water treatment plan – he is familiar with the contract. He spoke to Brattleburg and the first agreement signed in 1990 was not signed; the second contract was signed by the applicant. This agrees to the original agreement. In both documents this is a situation that was not addressed. All parties have the right to expand their facilities as long as it doesn't affect the waste water. The new waste water facility goes back to the 24 months from groundbreaking. They have spent approximately $100,000 this summer on the project. What the applicants are bringing in will not affect this particular contract, it's a matter of the applicant and Sunlight – it might mean a 1% increase in fees and it will not be a lot of change in water use. They are in favor of increasing the units for the applicant. The capacity is there now for the

30,000 of the waste water plant. The state had required them to put lining in their existing plant, and that's what prompted them to go forward with the new plant.
Commissioner Houpt – changing it to a camper park, her understanding is there would be no additional traffic.
Fred this is pedestrian access and all vehicles will park in the designated parking.
Commissioner McCown – can move forward with the condition that this water issue be cleared and submitted.
Commissioner Houpt favored laying this over for a couple of weeks.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a Special Use Permit a "Camper Park" for Sunlight Mountain Properties, LLC. For Gretchen and Pierre Dubois with the 10 conditions submitted by staff adding Condition No. 11 that the proper documentation from the State Water Engineer be provided to staff prior to staff issuing the Special Use Permit and that the Chair be authorized to sign the Resolution.
Commissioner Houpt did not favor moving ahead when water issues were involved.
Martin – aye; McCown – aye; Houpt – nay.
Pierre stated the conditions were agreeable and they would be submitting the well permits. He also noted that the first submittal to the Building and Planning was in February 2002.

REQUEST TO CONSIDER A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT FOR BERNARD AND MARTHA LONG FOR A PROPERTY LOCATED AT 8153 COUNTY ROAD 312, 7 MILES SOUTH OF NEW CASTLE – FRED JARMAN

Fred Jarman, Bernard and Martha Long were present.
This is a continued public hearing from August 18, 2003 so the applicant could prove that his pond, required as part of the augmentation plan, could hold water. As of the drafting of the staff memorandum, staff contacted the Division of Water Resources who had not received any contract with the applicant since their initial opinion. As such, staff has submitted the same report as previously submitted with the same recommendation of denial based on the fact that a legal and physical source of water has not been demonstrated.
This is Lot 3 for a 7 acre property to build an accessory dwelling.
The issue was their augmentation plan, based on physical plan it didn't appear functional. As of 1 ½ ago he received a letter and quote – the applicant had met with the Division on Friday and it was agreed that if they would install liners, it was done and is holding water and has been inspected. Exhibit H was submitted.
A motion was made to close the public hearing by Commissioner Houpt and seconded by Commissioner McCown; motion carried.

Commissioner McCown made a motion that we approve the Special Use Permit for an Accessory Dwelling Unit for Bernard and Martha Long with the testimony of staff as conditions, the no severance of the property and lease hold interest, all representation by staff will be part of the conditions of approval and should failure of this pond in the future to hold water be a condition of revocation of the Special Use Permit. Commissioner Houpt seconded; motion carried.

REQUEST TO CONSIDER A SPECIAL USE PERMIT APPLICATION FOR AN ACCESSORY DWELLING UNIT; LOCATION: 4715 COUNTY ROAD 233, LOT 2, RYDEN RANCH EXEMPTION. APPLICANT: JEFF AND STEPHANIE RIPP – TAMARA PREGL

Tamara Pregl, Carolyn Dahlgren, Mike Wilkey the neighbor and shares the well and Stephanie Ripp were present.
Carolyn Dahlgren 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 – 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 as amended; Exhibit E – Staff Report dated September 8, 2003; Exhibit F – Application Materials; Exhibit G – Comments from the Garfield County Road and Bridge Department; Exhibit H – Email from Steve Anthony, Garfield County Vegetation Manager, dated September 2, 2003 and Exhibit I – letter dated Sept 8 from Jeff Johnson concerning the ADU.

Chairman Martin entered Exhibits A – I into the record. This is a request for approval for the conversion of an existing residential unit to an Accessory Dwelling Unit (ADU) on the Ryden Ranch Exemption containing approximately 22 acres, addressed as 4715 County Road 233, Rifle.
The existing structure is approximately 810 square feet and the applicants have constructed a new house and need this change in order to receive a Certificate of Occupancy. The property is also improved with two log shed type structures and a couple of root cellars.
The letter received today from Jeff Johnson clears the ADU and approved by Building Inspector Andy Swaller. The applicant submitted a well sharing permit and did provide an updated well permit. All the agreements are in the applicant.
Recommendation:
Staff recommends that the Board approve the Ripp Special Use Permit for an Accessory Dwelling Unit subject to the following conditions:

A. 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.
B. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
C. The use of cistern as a source of domestic water shall not be a permitted.
D. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide:
    1) Documentation shall be provided to the Garfield County Building Department from a certified structural engineer that the proposed ADU complies with appropriate County building code requirements.

Mike Wilkey stated he was the neighbor to the east and is in favor of this ADU. There is an existing easement and it is indicated on the plat.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner McCown to approve the request for the ADU with the conditions 1 – 4 as provided by staff; motion carried.

PUBLIC MEETINGS
TO SCHEDULE AND CONSIDER A REQUEST FOR A SPECIAL USE PERMIT SUBMITTED ON BEHALF OF CANYON GAS RESOURCES, INC., OR REFER THE SPECIAL USE PERMIT REQUEST TO THE PLANNING COMMISSION FOR REGVIEW AND RECOMMENDATION, PRIOR TO THE BOARD'S CONSIDERATION. APPLICANT: CANYON GAS RESOURCES, INC. LOCATION: PARACHUTE AREA, SOUTH OF I-70 – TAMARA PREGL
Tamara Pregl, Carolyn Dahlgren, Rob Thompson of Trigon Sheehan Engineers and Constructors and Brian Peters, engineering were present.
Canyon Gas Resources, Inc. submitted a Special Use Permit request for the installation of an 8 inch natural gas gathering line that will collect natural gas from natural wells in the Parachute area and transport the gas to a processing facility. The length of the gathering line will be approximately 41,800 feet or 8 miles and will encompass approximately 48 acres.
Construction is anticipated to begin October 1, 2003, and be completed December 1, 2003. The application noted that there are 5 major stages of the operation which include: 1) clearing and leveling; 2) trenching; 3) laying of pipe; 4) backfilling; and 5) reclamation. The applicant is requesting that this item be expedited due to the aggressive time-frame outlined.
The permitting process was started over a year ago. They are familiar with the SUP process but didn't realize it would require a SUP for this pipeline. They were made aware of the process the end of August and are playing catch-up.
Rob stated that Phase I of this was completed over a year ago.
Brian Peters stated this was still a fuzzy area of requirement, but they are willing to go through the process to receive a SUP.
Chairman Martin noted the applicants have all the easements approved.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear this on October 13, 2003 before the Board of County Commissioner in a public hearing. Commissioner Houpt – this illustrates why we need to make some regulations on pipelines as she believes this needed to go through the process, however, this particular situation was a matter of confusion and would approve this to be heard by the Board. Motion carried.
ADJOURN

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

Attest: Chairman of the Board

_____ _____

SEPTEMBER 15, 2003
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 15, 2003 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown. 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 – JESSE SMITH

a. Review Fire Ban

Guy Meyer recommended canceling the Fire Ban.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to lift the fire ban as soon as it can be published. Guy suggested the fire ban be put into place earlier next year. Motion carried.

b. Request for Additional FTE (Cook/Jail) – Lou Vallario

Donna – the three cooks are working 40 hours and are alternating to cover the full 7 days, 3 shifts per day. If one is off, the other is covering with overtime. The need is to always have the two cooks.

Jesse explained the situation. The other cook had to cover a period of 45 days 3 shifts per day when the two cooks were both out.

Lou – fully staffed is at minimum staffing. In a crisis, there is a need to staff in an additional person. Four positions are what they need to cover the shifts per day.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve an additional FTE cook for the jail; motion carried.

Donna stated they have one person but may have to open it up again.

c. Non-Exempt Projected Hours; New Time Cards; Separate Payroll for Sheriff's Office – Judy Osman

Jesse Smith and Judy Osman presented.

Judy submitted in a written report the existing problems and some concerns regarding payroll such as employees receiving pay for time not worked; inaccurate reporting of actual quarter end taxes, etc.

She submitted recommended changes suggesting elimination of projected hours in the following manner – standard 20 day pay period with four 25 day pay periods each year with no projected time. During the transition pay period for October, November and December, 2003, they have projected hours of 2 days, 3 days and 2 days respectively. Projected hours for these few days will be much truer and easier to reconcile than the current system of two or more weeks. Effective January, 2004, no projected hours will be required. Effective December 2003, pay periods will begin on Sunday and end on Saturday making calculation of overtime (over 40 hours per week) easier to calculate and eliminate the need to refer to previous period timesheets for overtime calculation. Pay days will remain the same (last working day of the month). A standardized timesheet for all Departments has been developed which will result in easier time reporting and overtime calculation. Judy submitted Exhibits A, B, C, and D.

Judy included the recommended changes for the Sheriff's Office Payroll and submitted Exhibits F, G, H1 and H2. One major change would be to do two payroll runs each month for law enforcement personnel – patrol and detention; and one for regular, non-exempt employees.

Recommendations for change in process of payment for regular non-exempt and one for the Sheriff Patrol and Detention Deputies

Before the Commissioners, Judy said the information was included in the Board's notebook for this meeting.

There are a few issues and we formed a committee. Patsy and I were basically serving in an advisory capacity to any of the rest of the committee meeting. The members did all the work, so today she is just here presenting. Ricki, Linda and Donna did most of the work on this and they did a great job of putting it together. We had a couple of goals; one was to find a way to pay non-exempt employees without projecting hours and without advancing pay. We had talked before about advancing pay and then they would be required to pay it back over a period of time. We didn't go there. And the other goal was to make payroll

work process more efficient and hopefully more accurate. There's three legal issues involved here: 1) right now we're projecting hours for a minimum of two weeks and that makes it where we're advancing pay to employees which is not only against Garfield County's policy but against Statute. There are quarterly reports that we file with the IRS and the reports we file are never accurate. The last month that we report always has to be adjusted either up or down. Plus, the payroll for the Sheriff's department, the pay period that is stated on the checks is wrong every pay period. They never really know what exactly they are getting paid for. What we're proposing is beginning this month, non-exempt employees would be paid for 20 days per month beginning in 2004 employees will be paid for 20 days worked per month and with the exception of 4 times a year when they would be paid for 25 days a month that they work. This will help increase efficiency in the payroll department also in other departments because supervisors will not have to go back and check all the projected hours every month. But it will also help employees to accurately understand what they're being paid for. One of the biggest issues now is miss trust because they don't know what they're being paid for. They put down the hours they work and next month it always changes and they are never really sure that they're getting paid for what they say they are getting paid for. We're pretty sure they are, but if there's a miss trust issue with the staff and also the PDO and MSL reporting are never up to date and with this plan, all reporting will be up to date and hopefully accurate every month. I guess at this point I'll open it up to questions from the Board. We have the colored charts and if you have any specific questions that either I or the committee can answer then we're here.
Commissioner Houpt – I'm very impressed that you found a way to resolve this issue because it's been discussed and it's been a challenging issue for you I know.
Judy – well, if you don't have any questions on this, then we'll go into the Sheriff's department.
Chairman Martin – no questions, then go ahead and move on.
Judy – the Sheriff's department has been paid, as you know, on a rolling schedule for quite some time. The problem, which I just said is the pay period, is always stated wrong. We found out that we could run two payrolls at no additional cost so we could actually pay the Sheriff Detentions and Patrol Deputies for the people affected by this on a rolling schedule. Their pay period would change every month and they would no longer be paid on the last day of the month like regular staff but they'd be paid about 10 days after the end of their pay period every single month. And that would be published and they would all know about it and they would always know when their pay day was. And they'd end up the same way not projecting any hours because that's an issue right now is the Sheriff's Department is projecting hours just like we are. They would not longer have to project hours, they'd be paid about 10 days after the payroll and their time would also be accurate also, PDO and MSL would be up to date and reported on their check as it's used. It's not quite as complicated as the others.
Chairman Martin – it's still a thorn, need to take care of it.
Sheriff Vallario – the reason is we follow the law enforcement exempt FLS schedule 28 day pay period rather than a monthly pay period.
Judy and that's 171 hours.
Lou – Those 171 hours in there that turns out to be 13 pay periods instead of 12.
Judy – can I work there?
Lou – that's why it's a little different than a monthly.
Commissioner McCown – so in both of these we're eliminating the projection of any time, both the County employees and the Sheriff's department.
Judy – as of December, October will have 2 projected days I believe, November 3 and December 2 and then there will no projected days after December 2003. So that the projection time is much less during the last three months of the year than it has been but in order to get it rolling into January, there would no projection as it ran into January 1, 2004.
Commissioner McCown – and has the Epic Committee had this run past them.
Mildred – Georgia, Shannon and I met with Judy and Patsy on Friday to have her explain it to us because we had some questions. Our major question was the fact of what it did to the employees. But I think that at first they may be wondering what's happening and things like that, but if they do training which they say they're going to, and talk to all staff, that it will help. So staff understands where it's coming from.
Chairman Martin – are there any other persons in the audience that would like to give any insight.
Georgia – on thing that Judy glossed over was the committee. The selection of that committee were the people that are doing the work that have been doing the work, will be doing the work in the future and the two issues of efficiency and accuracy were really addressed and I think that the goal is really a big goal because Judy also mentioned the feeling of miss-trust. I think that the employees are going to welcome

having it more structured and not projecting, being able to do their time cards – just easier. And I think that this is a big issue and the way that they trained the elected was very good and I think they will be able to get the message across to the employees.
Shannon – I think they did a really great job and the new par form and the new time cards are wonderful compared to what we've had before. So, thank you. A motion was made by Commissioner Houpt and seconded by Commissioner McCown to adopt the change in process for payment of non-exempt Garfield County Employees including the elimination of projected hours as presented by staff and the changes for the Sheriff's office payroll. Motion carried. The Commissioners noted this was a good job and overdue.

d. Reclassification: Treasurer's Office – Judy Osman

Judy and Georgia met and discussed Peggy Chandler's job responsibilities and are recommending that the position description be reclassified from a Treasury Clerk I to a Treasury Clerk II placing Peggy at 85% of market. Peggy has been doing the work of a Clerk II since the beginning of January 2003. The change in hourly rate would be from $11.74 to $13.04. Georgia is proposing the increase be effective from July 1 for an additional $469.63. The additional pay for the last four months of the year would be approximately $900.00 with a total of $1,370.00. This is a pay grade 3.
A motion was made by Commissioner McCown and seconded by Commissioner to reclassify the position from Treasury Clerk I to Treasury Clerk II effective July 1, 2003; motion carried.

e. Facilities Sponsorship & Memorial Discussion – Dale Hancock

This was a request from the Board on September 2, 2003 – there's not a great deal of information. Only Pitkin County has a policy. Larimer County is working on a policy. This is within the purview of the Board. Commissioner Houpt felt a discussion and a process in place before something comes before us. Dale felt this is a lot of time to spend on the development of commercial sponsorship on a project. He favors the Board take each one at a time. The process would be very limited. The Board didn't feel this was the time to deal with this.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Discussion Regarding Request to Close Roads in Four Mile Ranch

Guy Harrell and David McConaughy were present.
Don originally contacted Lee Leavenworth regarding the current excavation work occurring on the property, Four Mile Ranch Subdivision (Red Feather). The discussion was in relationship to the work with drainage improvements under consideration for CR 117 and the intersection of CR 117 and CR 116. Another issue discussed was the blockage of the road into the development that Don had anticipated would cease forthwith and the issue should be discussed with the Commissioners.
Don stated that Guy Harrell, the Bank's representative via the law firm of Leavenworth & Karp submitted a letter of request to close the roads into Four Mile Ranch. Mr. Harrell stated in the letter that contacted the sheriff several years ago regarding the problems that are incurring on the site. There has been an extreme amount of vandalism of the property, including damage to the water system and the tank. Gang Graffiti has been painted on the tank. He named some other incidents that have occurred as well to support his request to block the road. Mr. Harrell was told by former sheriff Dalessandri that he was permissible to put up "No Trespassing" signs and gate the entrance to the subdivision. Don advised the bank this was not true. Mr. Harrell will be happy to meet with the Commissioners to discuss this further.
Don reiterated that he and Lee Leavenworth have discussed this issue and in the last several months, the water system has been vandalized twice. It is very clear that whoever undertook this vandalism knew what they were doing since they were able to completely drain 300,000 gallons of water storage. This places the fire station and property at risk of being out of water and having no water to combat a fire that might occur there or on the property. The fire chief has called the Bank on one of those occasions to say the fire station was out of water.
The Bank has listed the property for sale in bulk; however, it is likely that this process will take months and therefore its need to block entrance to the property is imperative and immediate and will need to occur for several months at least.
Additionally, Don submitted the letter he had received from Lee regarding the coincidence of Midfirst Bank moving dirt on the project over the last two years that it all of a sudden becomes the County's concern. Yancy Nichol was contacted and the plans reviewed that were submitted to the County. The work being implemented is the drainage plan approved by Garfield County. Much of this work is contouring for aesthetic purposes and is in compliance with the drainage study; Garfield County has no excavation permit process for such work. Yancy met with Jeff Nelson the Garfield County Engineer and discussed at some length how Four mile Ranch might be able to work with the County to assist the County in the resolution of

its drainage problems along County Road 117. Yancy and the Bank are willing to explore this issue and potentially possibly help the County but the Bank will not undertake that effort under a threat of action by the County in any way threatening the project as not in compliance with the approved plans.
David McConaughy – new letter – summarized – every time you drive by you can see people walking in their, beer keg parties are held in this area every weekend, and other types of vandalism.
Title 42 – streets and highways – see letter – Don received after the notebook was presented.
Commissioner Houpt – in Lee's letter he wanted the entry blocked. There's a huge sign at the properties entrance and lots are actively being marketed.
David requested the access be limited and access by a realtor until after a lot sale occurs and then it would refer to open.
Houpt understands the vandalism concerns and that's why the Sheriff is available. She is hesitant to agree to this.
Commissioner McCown – it's single ownership with public road going through it. If there is on-going vandalism with the water tank being drained, it becomes a safety issue.
Guy Harrell stated they caught 9 people but due to the bad press they didn't do anything. The drainage of the water tank addressed by the Corp of Engineers state that someone needs to know what they are doing. There is an access road to get to the water tank. A four-wheeler can access this area.
Commissioner Houpt noted there are a lot of people working on this subdivision. Who will police this with 20 or more people working everyday on the property?
Guy stated the construction workers are the ones who have the concerns. Their liability $220,000 in damage was done in one weekend and this is a huge issue.
Guy wants to put up a sign and a chain across the access. Legally they made a statement and then they can have those people arrested. David – suggested vacating the road and then rededicating it later.
Commissioner McCown – a 90 day closure and would be willing to consider that method. At the end of the 90-days the Board could review and see if the trespass issue could be addressed.
Chairman Martin – another suggestion is to go ahead and stay on public right of way and off roadway they can be prosecuted. There is a dedication on the public roads. This is wrong to take away the public road use. The 90-days are for road repairs, and maintenance. Recognizing the fact of the hardship to the Bank, but this is a Sheriff's responsibility. Trespassers will be prosecuted.
A decision will be deferred until after an Executive Session.

Executive Session: Litigation Update

Four Mile Ranch – Red Feather

Commissioner McCown favored a 90-day closure and then evaluate the situation.
Don preferred to address this in Executive Session.
Chairman Martin suggested putting a sign that says, "must stay on right of way"; public property and trespassers will be prosecuted. Keep the public roadway open and they can walk and/or drive on that public roadway but not on the private property. You have a public dedication of right of way through the subdivision and it becomes a right of way for the public and it was so with the action of the Board on the land use action and then to take that away is wrong. Once dedicated, it's always that way. To go through the vacation process, there is a process the Board has established to take of that and it requires a petition and then public hearings, etc. The temporary closure of 90-days for repairs or safety hazard that the Board needs to mitigate but once that's mitigated, then our process is to re-open the road. This would do away with the public right of way, per se. He wants to put the burden of enforcing on the Sheriff.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session to discuss the Four Mile Ranch Road Closure Request in light of the new letter recently submitted to Don DeFord; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action:
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to keep the public road for the Four Mile Ranch Subdivision open and recommend the property owner place signs - no trespassing signs, on their property indicating that the public is only allowed on the public roadway.
Commissioner McCown commented he would support vigorous enforcement and would love to see those names on the front page of the paper.
Commissioner Houpt suggested they talk to the new Sheriff about the vandalism and enforcement.

Motion carried.

b) Update Re: Lift Contract/Lease

The Scope of Services was given to the Board stating that Lift-Up operates at five (5) different locations in Garfield County and the facility at 1800 Railroad avenue serves two (2) functions: administrative office for one full-time employee, and a Thrift Store with on part-time employee. The lease rent for utilization of the space by Lift-Up under terms of the Lease, is net Two Hundred.
Carolyn noted this is not yet completed.

c) Authorization for Chairman to Sign Notice of Bond Cancellation Re: Williams Production, C.R. 309 Pipeline Construction

Don submitted a memorandum from Jake Mall, District Road Foreman stating that he had signed off on the CR 309 pipeline that Williams installed, at the completion of the project. The work and the cleanup were performed to the County Road and Bridge requirements and the construction bond should be released.
Marvin explained stated when they make a request they go out and inspect the road. Jake stated they make sure all requests were complied with and in this situation, Williams did some additional work.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sign a release for the Bond Cancellation for the pipeline construction on CR 309. Motion carried.

g) Revisit Code Enforcement on Okanela property (Fred Jarman)

This is an issue held over from last week. Tim Thulson stated there was a permit being pursued and Code Enforcement has agreed to hold off while that process is going on.
Fred suggested that a 30-day time frame be given to the applicant to get the fence in. There is an issue of the right of way as well and the applicant is working on the survey to see if the trees are in the right of way.
Tim stated the survey should be done by this Wednesday.
Fred suggested the process be that the County Survey review the private surveyor's work and within 30-days of this meeting to review this.
Pam Syneny – not clear on what is happening and it appears nothing is happening except that it's another 30-days that the applicant has to address the zoning violations, so as long as it's in the public record that they are coming before you and the public can keep up with it, she doesn't have anything to say.
Tim with regard to the SUP and that hearing to be continued to October 6, they will be redrawing the SUP application and will be going in a different direction. The enforcement issues, we will address that separately.
The survey reviewed by the County Surveyor, the applicant and the Road and Bridge and hold off on direction until these reports are complete. The right of way within that tree issue and the Board could not give direction to staff until that survey is completed.
Commissioner Houpt – the fence issues, will the applicant be doing a text amendment.
Tim said with regard to the alleged zoning violation, yes. And they realize then through the process, we get whatever we get. And added that they would waive any argument for waiver.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until October 13, allowing for the right of way survey to be completed by the applicant for that survey to get in and time for the County Surveyor to review that and to determine if the fence and trees are on the County Road right-of-way. Clarification on the text amendment – the application will be in by October 13, but it may not be heard on that day. This will be a noticed public hearing. Motion carried.

Executive Session: Update on Three (3) Items in Active Litigation; Two (2) Issues on Zoning; One (1) Issue on Road Status; One (1) Issue on Personnel; and One (1) Issue on a Water Issue for a Building and Planning for Public Hearing this morning

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
Mark, Marvin, Jake, Jesse, Lynn Renick, the Board, Mildred, Carolyn, Denise, and Don were included for the session.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.

Action Taken

Application for Access Permit – County Road 320

Don DeFord – in regard to the request for the position of the County on the application Mr. Rudd for an access permit, we need a position from the Board as to the direction to take. The letter is directed to the County and a motion is needed to authorize the Chair to sign a letter to Mr. Parker stating whatever.
Access Permit – A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign a letter to Mr. Rudd or his representative allowing them to proceed with the application process and at that time we will take action on the application on access for County Road 320; motion carried.

Correctional Health – Sheriff Department
Don framed the motion as - A motion authorizing the Chair to sign letter directed to Ms. Bambick stating that her inquiry is properly directed to Correction Health in the first instance and that secondarily to the Sheriff, but under no circumstances can the County Commissioners respond to her request. Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

County Road 233

d) No action was taken on County Road 233, Don was simply going to contact the interested citizens and tell them the Board was considering it and there will be a further discussion on October 6, 2003.

This is an issue held over from last week. Tim Thulson stated there was a permit being pursued and Code Enforcement has agreed to hold off while that process is going on.
Fred suggested that a 30-day time frame be given to the applicant to get the fence in. There is an issue of the right of way as well and the applicant is working on the survey to see if the trees are in the right of way. Tim stated the survey should be done by this Wednesday.

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Don framed the motion as - A motion authorizing the Chair to sign letter directed to Ms. Bambick stating that her inquiry is properly directed to Correction Health in the first instance and that secondarily to the Sheriff, but under no circumstances can the County Commissioners respond to her request. Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.
County Road 233
No action was taken on County Road 233, Don was simply going to contact the interested citizens and tell them the Board was considering it and there will be a further discussion on October 6, 2003.

COMMISSIONER REPORT

Commissioner Houpt –RFTA meeting last week and the newspapers covered it; CCI on Friday and went through proposed legislative items for legislation next year; Family Visitor Open House this week.
Commissioner McCown – Mayors Meeting last Tuesday; Associated Governments with Jack Taylor, Amendment 33 in Steamboat – heard the negative press; Exercise at the Airport – 6 p.m. till 8 p.m.
Chairman Martin – City of Glenwood – 9 different topic; RFTA on Thursday; CCI in Denver – Greg Bledsoe for meeting on Round Table in November; Griebling is checking on a date for the Oil and Gas.

Community Corrections last Thursday; Saturday - Mr. McInnis on his announcement of not running for Congressional Representative; PIS Study on I-70.

CONSENT AGENDA

a. Approve Warrant List
b. Wire Transfers - none
c. Inter-fund Transfers - none
d. Changes to Prior Warrant Lists - none
e. Authorize the Chairman to sign Amended Plat for Lot M-22 – Midland Point Subdivision. Applicants: Terry & Julie Kirk – Mark Bean
f. Authorize the Chairman to Sign an Acknowledgement of Satisfaction of Subdivision Improvements Agreement and a Reduction Certificate for the Cerise Ranch, LLC. – Mark Bean
g. Authorize the Chairman to Sign an Acknowledgement of Satisfaction of Subdivision Improvements Agreement and a Reduction Certificate for the Cerise Ranch, LLC – Mark Bean
h. Authorize the Chairman to Sign an Acknowledgement of Satisfaction of Subdivision Improvements Agreement and a Reduction Certificate for the Sundance at Aspen Glen Subdivision, Capital Resources Group, LLC – Mark Bean
i. Contract for Draw Down of $2000 Forest Service Funding for Watershed Collaboration Projects – Randy Russell

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – d, e, f, g, h and i; omitting b, c, and d, carried.

PUBLIC HEARINGS

REQUEST TO CONSIDER A PRELIMINARY PLAN REQUEST FOR THE PARK SUBDIVISION LOCATED AT 1213 COUNTY ROAD 112. APPLICANT – GREG AND DIANE PARK

Fred Jarman, Don DeFord, Catalina Cruz, Greg and Diane Park 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.

Fred 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 as amended; Exhibit E – Garfield County Subdivision Regulations of 1984 as amended;

Exhibit F – Application Material; Exhibit G – Staff Memorandum; Exhibit H – Letter from the Colorado Geologic Survey dated 8-18-03; Exhibit I – Letter from the Colorado Division of Water Resources dated 8-7-03; Exhibit J – Letter from Lon and Debra Winston dated September 12, 2003; Exhibit K – Letter from John and Karen Salamida dated September 14, 2003; and Exhibit L – Letter from Anne W. Ware received September 15, 2003.

Chairman Martin entered Exhibits A - I into the record.

This is a request for approval of a Preliminary Plan review for the Park Subdivision who proposed their 6.8 acre property into two lots; Lot 1A having 4.28 acres containing the existing single-family dwelling and garage, and Lot 1B having 2.61 acres and containing an existing cabin. The property is located in the Missouri Heights area north of Carbondale on CR 112. The lot was the result of an exemption from the definition of subdivision. The existing cabin was approved as part of a SUP for a "resort" in March 2002 and memorialized in Resolution 2002-20. The applicant is requesting to draw a line across the property placing the two units on their own property. The applicants have tested the well and have a good report. They have a well sharing agreement and may need to be amended and Fred stated they have requested they look into this for a well sharing agreement. Also, the road easement may need to be addressed. The County doesn't have a minor subdivision exemption and because of this they still have to address the same standards and fees for any subdivision. The traffic impact would result in $7500. They have numbers on the traffic count and it came to 459 trips and today's request is a 2% increase. They will also pay the school impact fees and fire protection fees.

Recommendation:

The Planning Commission recommends Approval 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.

2. The Applicant shall either provide a land dedication or pay cash-in-lieu for the required School Impact Fees at the time of final plat. This payment shall be made to the Garfield County as part of the final plat.
3. The applicant shall be required to create an unincorporated Homeowners Association (HOA) which will outline the responsibilities of the parties as to the water rights, governance of the shared well for Lot 1B, governance of the management plan for the ISDS, and governance of the weed management of each lot. Proof of the established HOA shall be presented to the Planning Department for review at the time of final plat.
4. The applicant shall be required to pay the appropriately calculated Traffic Impact Fee as well as any applicable impact fees to the Carbondale and Rural Fire Protection District. These fees shall be calculated at the time of final plat.
5. 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.
6. The applicant shall provide the following plat notes on the final plat as well as provide them in the Covenants, Conditions, and Restrictions:
    A. 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.
    B. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. seq., and the regulations promulgated 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.
    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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.
    D. All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
    E. 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.

These two lots create a subdivision and no other splits would be allowed.
Greg Park – an ADU as part of the Bed and Breakfast would be part of the garage that currently exists on the property. They had requested a lower road impact fee.
Commissioner McCown stated he would consider it but it is a set rate.
Commissioner Houpt – comment on the letters as the new exhibits.
Fred – thee issues – water and further use on well, comp plan designation on density; and traffic on the roads.
Betsy Buellu– CR 112 – across the street and has concerns of the visual impact and the size of this lot. The advised documents for 6 to 10 acres is appropriate. This involves a small meadow. There's nothing to keep expansion of the cabin to 6,000. It isn't going to enhance the neighborhood.

Scott Buellu– concerned and believes this property received a bed and breakfast designation for them to build a new home and keep the existing cabin. Now that this has been built they are considering splitting it. Would the Commissioners consider the split if the new house wasn't built?
Diana Park – the Park Ditch runs through before the Meadow. No one could be built pass the ditch into the meadow.
Greg Park – they wouldn't have any control if they do sell the property and someone could have the ability to build a house in the meadow.
Fred – ADU above the garage. This is new and asked them to describe.
Greg Park – in the bed and breakfast as a resort the garage ADU was included. At one time it was incorporated within the bed and breakfast. Now it's just storage space. They have not permitted for this ADU.
Fred noted it was a different issue and would need to research this. At present it is storage.
Today we are reviewing a land split.
Betsy Buellu – letter from another Austin Markwitz – visual impact. All lots have horses and horses have over grazed this meadow making it into a horse ghetto. The letter from Austin Markwitz was entered as Exhibit M was submitted into the Record.

Greg commented that Exhibit M was speculation on the possibility of building a unit in the meadow.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a preliminary plan with conditions 1 – 6 of the Planning Commission. Commissioner Houpt – this is an example of the disconnection of the Comp Plan and we keep splitting off lots and this is a real concern as to what this does to the validity of planning in this state.
Chairman Martin – changes consistently and it's also a planning document and not binding on the planning commission and is a contradiction on the part of the public. McCown – aye; Martin – aye; Houpt – nay.

REQUEST TO CONSIDER A PRELIMINARY PLAN APPLICATION FOR THE SUBDIVISION OF APPROXIMATELY 35 ACRES OF LAND INTO 9 RESIDENTIAL LOTS AND APPROVAL FOR 5 ACCESSORY DWELLING UNITS. LOCATION: BETWEEN COUNTY ROAD 225 AND THE COLORADO RIVER, APPROXIMATELY 3 MILES WEST OF APPLE TREE PARK AND 3 MILES EAST OF THE I-70 SILT INTERCHANGE. APPLICANT: BBD, A TRUST, DAVID AND RENEE MILLER, TRUSTEES – aka GILEAD GARDENS SUBDIVISION PRELIMINARY PLAN - TAMARA PREGL
Tamara Pregl, Mark Bean, Carolyn Dahlgren, Bruce Lewis, Boundaries Unlimited, Inc., David and Renee Miller and Glen Chadwick of Beattie were and Chadwick were present.
Carolyn Dahlgren reviewed the regulations for noticing and the submittals from the applicant's representative Bruce Lewis. 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 Mail Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000 as amended; Exhibit F – Staff Report dated September 15, 2003; Exhibit G – Application Materials; Exhibit H – Supplemental application information dated September 3, 2003; Exhibit I – Revised Declaration of Protective Covenants; Exhibit J – Excerpt from the Minutes of the July 9, 2003, Planning Commission meeting; Exhibit K - Letter from State Engineer's Office dated September 5, 2003; Exhibit L – Letter from Zancanella and Associates, Inc. dated August 28, 2003; Exhibit M – letter from the State Engineer's Office dated July 2, 2003; Exhibit N – Letter from State Engineer's Office from Boundaries Unlimited, Inc. dated June 28, 2003; Exhibit O – Letter from State Engineer's Office dated June 12, 2003; Exhibit P – Letter to Claudia Engelman, Colorado Division of Water Resources dated March 20, 2003, from Boundaries Unlimited, Inc. – Well Permit Application is for Gilead Gardens; Exhibit Q – Email from Boundaries Unlimited regarding excavation of ponds; Exhibit R – Letter from Jeff Nelson, Garfield County Assistant Engineer, dated June 18, 2003 and Exhibit S – Email from Jake Mall, Garfield County Road and Bridge Department, dated June 2, 2003; Exhibit T – Letter from Jake Mall, Garfield County Road and Bridge Department dated January 7, 2003; Exhibit U – Letter from Steve Anthony, Garfield County

Vegetation Manager, dated June 20, 2003; Exhibit V – Letter from the Colorado Geological Survey dated June 23, 2003; Exhibit W – Letter from the Colorado Division of Wildlife, dated August 1, 2001; Exhibit X – Email from Jeff Nelson, Assistant County Engineer regarding fire issues; Exhibit Y – Letter from the Burning Mountain Fire Protection District dated June 25, 2003; Exhibit Z – Letter from the Town of Silt, dated January 7, 2003; Exhibit AA – Letter from the Town of New Castle, dated February 3, 2003; Exhibit BB – Addendum to Application for Five (5) Accessory Dwelling Units; Exhibit CC – Letter of Opposition with Associated Exhibits; Exhibit DD - – a Letter from the Ditch Company; and Exhibit EE – A letter from Beattie and Chadwick; and FF - Letter from the Office of the State Engineer, Dick Wofle, PE, Chief of Water Supply dated September 10, 2003

Chairman Martin entered Exhibits A - FF into the record.

This is a request for approval of a preliminary plan for the Gilead Gardens Subdivision on a 35 acre tract of land which is being proposed to divide into 9 residential lots. The property is in the shape of a triangle and gently slopes in a northwesterly direction toward the Colorado River. There are two existing residences and associated out-building. One residence is located on Lot 1 and the other is located on Lot 5. Approximately 4 acres of the northern portion of the property lies mostly within the Colorado River's 100-year floodplain and is vegetated with trees and brush. Tamara gave a full staff report of information contained in the staff report. The ponds have ceased digging until a letter is received from the Colorado Geological Survey. ISDS systems are proposed and a central water system with two wells is proposed. One of the main factors being reviewed is the water. One issue that came up at the planning commission when more than one well is being proposed, a loop system should be used. A loop system plan has been submitted and Tamara submitted it as a condition.

The applicant submitted an amended contract with West Divide Water Conservation. The applicant had amended the West Divide Contract for fire protection and the applicant will need to amend their contract with West Divide for irrigation and fire protection. They will fill their wells with water from the Colorado River for water not used up at the start of the season. A letter was received from the State Office with respect to the water, there was no material injury but the applicant would need to apply for a well permit. The applicant has 1/5th for the Golden and Warren Ditch. The application includes a park and a trail within the subdivision along the river edge.

Roads and Access – there are three driveways, two are adjacent to the property and the other one is adjacent to the Bullocks. The third is at the westerly end of the property. Two of the driveways will be eliminated with entry into the subdivision at Harvest Lane.

Wildlife – the applicant provided a list of the wildlife habitat on the property. These have been incorporated into the Conditions of Approval.

Vegetation – Steve Anthony commented and provided some recommendations included as Conditions of Approval.

Road Impacts – Study Area III. The property is located within Study Area III and as normal procedure, a portion of the Road Impact Fees are due at final plat and the other 50% are due at time of building permit time. Site Acquisition - the property is located in the RE-2 School District and no comments were received from them, and therefore no fees are required for this development.

Open Space – the applicant is proposing a private park down near the Colorado River and also proposing approximately 4500 sq. foot private pedestrian trail which will meander throughout the development. The land use map is included in the packet and shows where the trails will be located.

Accessory Dwelling Units – the applicant proposes the general usage of accessory dwellings but Tamara pointed out in Article 3C of the Protective Covenants, there was language that was allowing the Accessory Dwelling Units to be attached to the residential structures. According to Accessory Dwelling Structures and in the definition they are stand-alone structures and that needs to be amended in the Protective Covenants. Tamara addressed some modifications and clarifications that she outlined in the staff memorandum for the Protective Covenants and the Planning Commission recommended approval of the Preliminary Plan with a number of conditions and in those proposed conditions, she has stricken out the ones that have been dealt with by the applicant, whether in the protective covenants or by additional information. Tamara provided in italics and bold the reason why there were stricken; a couple of changes to the protective covenants and added the ones staff recommended are underlined. Since this was distributed to the Commissioners, but she went over some of the Conditions of Approval namely 2D, which deals with representations or modifications to "as represented by the applicant and required by the Colorado Division of Water Resources, the covenants shall be modified to conform to the conditions of the approved well permit. According to the letter we received from the State Engineer Office, this has been addressed. The letter

dated September 10, 2003. The next modification is Condition 12 and 14 both deal with water and as a result of the letter from the State Engineer's Office as of September 10, 2003, staff is recommending that these conditions be combined and read something as follows: "prior to final plat the applicant shall obtain a valid well permit from the Division of Water Resources for the described uses outlined in the West Divide Conservation District water allotment contract lease."
Commissioner Houpt – the Town of Silt had made a suggestion that ISTS systems be used rather than ISDS because they were concerned about potential pollution. Did you address this or do you have an opinion?
Tamara didn't address it, the applicant has the ability to apply for an ISDS system, and the ISTS system is more technologically advanced. That's a twist for the applicant if they want to do an ISTS versus the ISDS system.
Commissioner Houpt wondered if this were more of an issue because it's so close to the river.
Tamara said she hadn't looked at the ISDS system requirements.
Commissioner Houpt noted that the Town of New Castle suggested hard surface on the roads to minimize dust, was this part of the discussion too with the Planning Commission meeting.
Tamara said it was brought up at the Planning Commission meeting and it wasn't something represented by the applicant that they were going to do. It's just a recommendation from the Town of New Castle.
Recommendation:
The Planning Commission recommends approval to the Garfield County Board of Commissioners for the Preliminary plan request subject to the conditions. However, as noted previously in this memorandum, the use and sources of water used from domestic use, irrigation and pond has changes from what was initially represented in the application and at the meeting in front of the Planning Commissioner.
Staff recommends that the Board Continue the Public Haring for the Preliminary Plan request for the following reasons as stated in the September 5, 2003, letter from the Office of the State Engineer (OSE) "due to many changes that have occurred, the OSE requests that the applicant provide a comprehensive report detailing the current proposed water supply so the OSE may provide a revised opinion pursuant to CRS 30-28-136(1) (h) (I). Staff is of the opinion that based on this letter; the applicant has not demonstrated a legal and adequate source of water pursuant to Section 4:91 (A) of the Subdivision Regulations.
Continuance is allowed pursuant to Section 4:32 of the Subdivision Regulations: "*The Board shall complete its review and make its decision on the Preliminary* ***Plan within fifteen days after the conclusion of the public hearing.*** *The Board may approve, conditionally approve, or deny a Preliminary Plan. The reasons for denial or any condition of approval shall be set forth in the minutes of the meeting or in a written Resolution.* ***The Board may table the Plan, with the consent of the applicant and for an agreed upon number of days, pending further information or documentation.***

These are the Conditions of Approval submitted by the Planning Commission:
1. 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.

2. The Applicant shall include in the Protective Covenants for the Subdivision the following:

~~A. The Wildfire Mitigation Plan shall be incorporated or referenced in the Covenants, and shall included the following:~~

~~1. Trees greater than 15 feet in height at maturity should have a minimum spacing of 10 feet between the edges of the crown. All dead trees should be removed.~~
~~2. Spacing between clumps of brush and/or shrubs should be 2 ½ times the height of the vegetation.~~
~~3. The maximum diameter of the brush and/or shrub clumps should be 2 times the height of the vegetation measured at the crown of vegetation.~~
~~4. All ladder fuels should be removed from under brush, shrubs, and the tree canopies.~~
~~5. Non-combustible ground cover (gravel) should be placed under trees, brush, and shrubs to the edges of the crown or the vegetation should be pruned to a height of 10 feet above the ground or ½ the height of the plat, whichever is the least.~~

~~6. Lawns should be kept to a maximum height of 4 inches.~~

~~7.~~ ~~Brush should be removed around the perimeter of all residential structures for a distance of 2 times the height of the brush or completely removed within 10 feet of any residence and trimmed down to a height less than 5 feet within 20 feet of any residence.~~ ***The Wildfire Management Plan has been incorporated within the Update Protective Covenants seen in Exhibit I.***

~~B. The Covenants shall incorporate language with respect to ownership and maintenance of the pedestrian trail through the subdivision.~~ ***Article V (J) of the Protective Covenants addresses this condition.***

~~C. Article III (B) of the Covenants, shall reflect the correct lot numbers on which Accessory Dwelling Units are allowed.~~ ***This has been modified in Article III (B) of the Protective Covenants.***

D. As represented by the Applicant and required by the Colorado Division of Water Resources, the Covenants shall be modified to conform to the conditions of the approved well permit [Permit No. 56217-F]. ***It is unclear to staff whether this has been accomplished. In addition, new well permits will need to be obtained as per the discussion in Section VI (B) in this memorandum.***

E. Article III(C) of the Protective Covenants shall be modified to reflect section 5.03.21 of the Zoning Resolution which states that Accessory Dwelling Units shall be detached structures and not attached.

F. The "Declarant" should be distinguished from the Millers as property owners. Article IX (B) of may set up a conflict between the Homeowners Association and the Trust if the Miller holds title to their individual lots.

G. According to the Office of the State Engineer's letter dated June 12, 2003, there should be a limitation on the number of other livestock / farm animals, other than horses. This limitation shall be reflected in the Covenants.

H. Article V (E) regarding mining, drilling and quarry shall be consistent with Article III (F).

I. Clarify the Lot "number" in Article V (F) (2) and edit this section. Add at the end of this section, "*and well permits*".

J. Article V (K) shall be clarified as to whether or not hunting by the residents is allowed.

K. Exhibit A referenced in Article V (O) shall be attached.

L. Exhibit B referenced in Article V (Q) shall be attached.

3. The following geologic hazard mitigation measures shall be taken:

A. The recommendations by Hepworth-Pawlak Geotechnical, Inc. ("HP GeoTech") outlined in the Preliminary Geotechnical Study for the Subdivision dated December 29, 2000, [Job No. 100 672] shall be adhered. These Preliminary Design Recommendations include provisions for foundations, floor slabs, under-drain system, site grading, surface drainage and pavement subgrade.

B. The Applicant shall comply with and incorporate the recommendations from the Colorado Geological Survey, dated June 23, 2003:

i. Slopes: The 10' construction setback, at the crest of the river terrace, recommended in the HP GeoTech report should be qualified, i.e. the basis for the 10' setback and if the setback accounts for increased soil moisture due to the proposed ponds on Lots 8 & 9. ***The Applicant has provided an updated Geotechnical Study (see Exhibit H) conducted by HP GeoTech dated July 31, 2003. This study was sent to CGS; however, no comments from the CGS were received prior to the distribution of this memorandum. Since this is a request of the CGS, comments from CGS shall be obtained prior to the deletion of this condition.***

ii. Drainage: HP GeoTech identifies the location of the property on a relatively young alluvial fan. Alluvial fan features are typically composed of fine-grained soils that are poorly cemented and tend to erode quickly during large storm events. The recommendations of HP GeoTech and Boundaries Unlimited to construct berms on the upstream side of the proposed lots should be included in the site grading plans. Diversion berms on each of the lots would help to minimize damage in event a debris flow or flash flood crosses the site.

iii. Soils: HP GeoTech's recommendations regarding the mitigation of with swelling and compressible soils on this site shall be adhered. Given that the soils on this site are moisture sensitive, the locations of the proposed ponds, on Lots 8 & 9, shall be sited with

considerations to how the increased soil moisture will affect the performance of the nearby foundations. ***The Applicant has provided an updated Geotechnical Study conducted by HP GeoTech dated July 31, 2003, under a September 3, 2003, cover. This study was sent to CGS; however, no comments from the CGS were received prior to the distribution of this memorandum. Since this is a request of the CGS, comments from CGS shall be obtained prior to the deletion of this condition.***

C. Due to the possible presence of radon gas in the area, testing for radon gas shall be done when the residences and other occupied structures have been completed, prior to the issuance of a Certificate of Occupancy, or radon gas mitigation can be incorporated in the design of the structures. Should radon gas be found after testing, mitigation shall be done prior to Certificate of Occupancy.

~~D. Prior to Board of County Commissioner review of the Preliminary Plan, the Applicant shall obtain updated comments from HP GeoTech with respect to the proposed development on the property, since the number and location of the lots has changed from the initial Geotechnical Study compiled by HP GeoTech in 2000.~~ ***The Applicant obtained an updated Geotechincal Study from HP GeoTech dated July 31, 2003, (see Exhibit H).***

4. Any well serving more than one property is defined as a central water supply system. In accordance with section 9:53 of the Subdivision Regulations, all lines in a central water system shall be looped, with no dead ends included in the system. ~~Prior to Board of County Commissioner review of Preliminary Plan,~~ Prior to Final Plat, the Applicant shall provide plans for a central water supply system that is looped to be reviewed by the County Engineering Department. ***The Applicant provided revised plans to the County Engineering Department with respect to the required looped water system on September 2, 2003 (see Exhibit H). No comments, prior to the distribution of this memorandum, were received from the Engineering Department. It is uncertain as to whether the plans for the looped water system are adequate and acceptable to the County Engineering Department. This shall be resolved prior to Final Plat.***

5. Any activity in the 100-year floodplain of the Colorado River other than allowed in accordance with Section 6.09.01(2)(C) of the Zoning Resolution ["recreation and open space uses such as parks, golf courses, picnic grounds, green belts, wildlife preserves, and trail systems"] shall comply with section 6.00 of the Zoning Resolution.

6. The Applicant shall comply with the recommendations of the Garfield County Road and Bridge Department, dated January 7, 2003, as follows:

i. Driveway permits will be issued after the approval of the subdivision by Board of County Commissioners. The driveway permits will have special conditions that will be specified in the permits.

ii. Stop signs shall be installed at all entrances accessing Garfield County Road 335 and maintained by the homeowners association.

iii. Brush shall be cleared the length of the property along CR 335 and the fence shall be moved back to the property line (right-of-way line) at the sub-dividers expense prior to the completion of the subdivision.

iv. The driveway at 1577 CR 335 and the driveway at 1171 CR 335 shall be abandoned when the new driveways are installed and operable.

v. The ditch along the property and CR 335 shall be piped in culvert pipe. The installation and all future maintenance shall be at the sub-dividers and home owner's expense.

vi. The two structures that encroach within the right-of-way of CR 335 may remain; however, these structures if replaced shall comply with applicable setback requirements. Prior to Final Plat, the Applicant shall obtain an Encroachment Agreement for the two structures with the County.

vii. Construction work zone signage shall be posted on CR 335 during driveway construction. Signage shall be posted in accordance with guidelines in the Manual of Uniform Traffic Control Devices

7. ~~A Shared Driveway Agreement between Lot 1 and Lloyd and Marilyn Bullock shall be submitted at Final Plat for the shared driveway.~~ Prior to Final Plat, the Applicant shall determine if there are two separate driveway permits, one for Lot 1 and one for the Bullock's property on file in the Garfield County Road and Bridge Department. Should there only be one driveway permit for both parcels, the Applicant shall apply for a separate driveway permit for Lot 1. ***The Applicant asserted that although the driveway***

between Lot 1 and Lloyd and Marilyn Bullock appear to be shared, they are two separate driveways, separated by fencing.

8. Interpretative signage shall be installed within the park area requesting that residents and guest do not feed the wildlife.

9. The Applicant shall comply with the recommendations of the Burning Mountain Fire Protection District ("BMFPD"), as follows:

A. Two copies of the recorded Final Plat shall be provide BMFPD, which shall include:
   i. An easement along the full length of the dry hydrant system, from pond to riser, allowing fire department access.
   ii. A plat note that specifies the location of the system and access to it will be maintained at all times by either the current property owner or an active homeowners association.
   iii. A plat note stating that the system will be capable of providing at least 100,000 gallons of water at all times.
   iv. A plat note which stipulates BMFPD has the right to use portions of the 100,000 gallons for fire suppression outside the bounds of the Subdivision.
   v. A 70 foot diameter cul-de-sac dimension at the end of both Garden Lane and Harvest Court.
   vi. A 20 foot driveway width for all lot accesses within the subdivision.

B. Prior to Board of County Commissioner review of Final Plat, two (2) copies of construction drawings of the system shall be provided to BMFPD which shows:
   i. A certified State of Colorado Engineers stamp.
   ii. An accurate representation of the information provided in drawing C-2 of the Preliminary Plan.
   iii. That the dry hydrant meets the specifications set out in Section 9.3 of N.F.P.A. 1142.

C. Upon completion of the dry hydrant system, a letter from the design engineer shall be provided to the BMFPD stating that the system has been installed per design and is capable of providing the represented function(s).

D. No dwellings shall be given Certificate of Occupancy until all the above conditions have been satisfied, specifically the engineer's letter.

10. The Applicant shall provide the following weed management information for review and approval by the Garfield County Weed Management Director prior to Final Plat:

A. Noxious Weeds:
   i. Inventory and mapping: Clarification on the leafy spurge. The Applicant shall meet with the Garfield County Vegetation Management Department on-site to look at the leafy spurge. Since it is rare in the County it is important to manage new infestations as soon as we can.
   ii. Weed Management: The Applicant shall comply with the Colorado State Noxious Weed Act and the Garfield County Weed Management Plan and manage Scotch thistle, common burdock, Russian knapweed, Russian olive, oxeye daisy, and leafy spurge. Weed management shall occur before lots are offered for sale and should be the responsibility of the Applicant and the Homeowners Association, when formed.
   iii. Covenants: Weed management for the Association and each individual lot owner is addressed in the covenants. The Applicant shall add language under Article II-B that addresses weed management on all roads and easements within the subdivision.

B. Revegetation:

   The Applicant shall provide a map or information of areas impacted by soil disturbance outside of the building envelopes, prior to Final Plat. This map / information shall quantify the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances. This information will help determine the amount of security that will held for revegetation.

   The security shall be held by Garfield County until vegetation has been successfully reestablished according to the attached Reclamation Standards. The Board of County Commissioners will designate a member of their staff to evaluate the reclamation prior to the release of the security.

C. Soil Plan

The Revegetation Guidelines also request that the Applicant provide a Soil Management Plan that includes:

i. Provisions for salvaging on-site topsoil.
ii. A timetable for eliminating topsoil and/or aggregate piles.
iii. 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 has indicated compliance with this condition. As a result, Article V (Q) of the Protective Covenants shall be modified prior to Final Plat.

11. The proposed subdivision is located in the Garfield County Traffic Study Area 3. This area calls for an impact fee payment to Garfield County of $226 per average daily trip (ADT) generated by the subdivision. The total impact fee payment shall be determined prior to Final Plat. Pursuant to section 4:94 of the Subdivision Regulations, 50% of the road impact fees shall be collected at the Final Plat for the Subdivision. All other road impact fees will be collected at the issuance of a building permit.

12. The Planning Commission accepts the recommendation of the State Engineer's Office detailed in the July 2, 2003, letter of Dick Wolfe, so long as the Protective Covenants is changed to reflect the conditions of the approved well permit [Permit No. 56217-F], the field inspection confirms that the use of the well is as claimed, and the storage capacity of the domestic water system is acceptable to the County. Prior to the Board of County Commissioner review of Preliminary Plan, the above mentioned requirements shall be addressed and documentation shall be provided. ***Pursuant to the Office of the State Engineer (OSE) letter dated September 5, 2003, a final inspection was conducted confirming that the use of the well is as claimed and permitted. However, do to many changes with respect to water rights for fire protection, irrigation and pond filling, the OSE noted that a comprehensive report detailing the current proposed water supply shall be submitted so that OSE can provide a revised opinion pursuant to CRS 30-28-136(1)(h)(I).***

13. In addition to other required conditions of approval, the Applicant shall include the following plat notes on the Final Plat:

A. All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
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 defied 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. 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.
E. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.
F. Due to the potential for mineral exploration on the subject Parcels, the Applicant shall provide disclosure to all potential lot owners via the Protective Covenants, as a note on the Exemption Plat and at the time of closing. In addition, gas exploration is occurring within the area. The mineral estate will allow the drilling of a well within 160' of a house per OGCC regulations.

14. Prior to the Board of County Commissioners review of Preliminary Plan, the Applicant shall prove up legal rights to use of water from the irrigation ditches for storage of water in the ponds and for fire protection. ***According to the letter from the Office of the State Engineer dated September 5, 2003, this issue has not been resolved and involves the well as well as the ditch. The Applicant shall provide properly amended well permits prior to Final Plat.***

15. Prior to Final Plat, the Applicant shall provide an approved permit from the State Minerals and Geology Office granting permission for the continued construction of the two ponds.

16. Pursuant to section 9:34 of the Subdivision Regulations, all streets / roads within the subdivision shall be dedicated to the public. Repair and maintenance of these roads shall be the responsibility of the incorporated Homeowners Association of the Subdivision.

17. All easements and grantees of the easement shall be shown on the Final Plat and property conveyance documents shall be completed at Final Plat.

18. An easement to the river dedicated to the Wards Reynolds and Goldman, Ditch, Pump and Pipeline for the emergency release of water to the Colorado River shall be delineated on the Final Plat and shall be conveyed to the Ditch Company with property legal documents.

The applicant's Bruce Lewis presented a Power Point showing the project. David and Renee stated the purpose of this subdivision. They work in a private non-profit school, The Garden School. They are both long time residents. Renee grew up here and David has been in the area for quite some time. They run a small private school, approximately 100 students and a lot are at risk, 12 graduated last year. Very community minded and makes it hard to stand here against their neighbors. They feel strongly that this is a good use of the property and it will increase property values in the neighborhood.

Applicant's Representative

Bruce Lewis demonstrated the location of the property in the Power Point on a land map and an aerial map. The property is currently used for horses and hobbies. The lower portion of approximately 2 acres next to the Colorado River is proposed for a park. He pointed out some of the existing dangers by eliminating two of the driveways currently in low visual access to the CR 335. He pointed out the discussion of the Ward Reynolds ditch on the lower portion of the property. The laterals, private field ditches were used to irrigate the land currently. Water does tend to sit on the portion of three of the proposed lots and that is why ponds are proposed. The preliminary plan shows the easement for the 9-lots and building envelopes is where they want to restrict building to keep the open area for wildlife pass through and grazing areas. He pointed out the 100-year flood area that is 2 to 3 feet lower than the bank the property sits on. The ponds are 2 ½ acre ponds on Lots 8 and 9. The park and trails will be maintained by the Homeowners' Association. The HOA will own an easement that will be granted to the subdivision and use for the lot owners and their guests. The ponds were designed in line with the Burning Mountain Fire Protection District in order to provide for water storage for fires. This is 100,000 gallons and would service the neighbors for water and fire protection. They will be constructed in a pit-run area and proposing to lining them and will be engineered and maintained full at all times with the exception of the time they are being cleaned. The fire water and evaporation will be replaced by the wells but not by the irrigation ditch water. West Divide has stated they have agreed to allow the subdivision to use the water. They signed off on the West Divide Contract, but the State does not agree and stated it needs to be quantified. They will go back and quantify the 100,000 gallons in a second amended water contract. The water from the irrigation ditch will only be used for irrigation. They are the last user on the ditch. Whatever water they do not use is diverted back into the Colorado River.

Tom Zancanella, water work with the State, clarified any issues regarding the water issues. Water comes from two wells, one is drilled and has been tested; the second well will be drilled and tested before the development occurs. Historically, fire protection has been a non-issue. Between the two ponds there's probably a couple acre feet in these ponds. To fill the ponds the first time, they will fit it during a non-fill period. The Ward Reynolds Ditch will be used historically for irrigation.

Commissioner McCown – where's the actual take out point on the ditch?

Tom Zancanella – it's a combination, it pumps up basically below McPhearson's is one of the places.

Carolyn asked for a point of clarification, literally how will that free water, the Spring water, get into the ponds.

Tom – trash pump from the river.

Carolyn – so it will not go through the Ward Reynolds Ditch.

Tom – no, it will not go through the Ward Reynolds Ditch that way no agreement's necessary with them, only water that goes through there is their historic irrigation water which they own 20% of that ditch so they can take their historic water just as they have year after year in the future as now.
Carolyn – and how will the return flows be guaranteed back to the Ditch Company once that water....?
Tom – there's no water that goes back to the Ditch Company, the water goes back to the river; the water goes out of the ponds and returns to the river pretty much no different as it has historically.
Carolyn – and the return flows will continue?
Tom – they're not reducing the amount of water that they are entitled to from the Ward Reynolds Ditch, so if they don't pump it from irrigation it goes back to the river because the ponds are full and overflows and goes back to the river. That keeps the water fresh for one thing, by virtue of going to sprinkler irrigation it makes life easier for them, but the same amount of water will come down the ditch, get applied to the property, and go back to the river. Assuming they get their fair share of the ditch.
Carolyn – by continually putting water in and out of the ponds, do you take care of any issues regarding algae?
Tom – algae and that sort of thing is probably more a function of the way the ponds are constructed and the depth of the pond by flowing water through them, they're not stagnating all the time, so yes, it flushes the algae onto the river.
Carolyn asked Tom to expand on "keeping the water fresh."
Tom – it keeps the algae from growing, the temperature of the water stays colder and so you don't get as much algae, it's better for fish, less mosquitoes.
Carolyn – are the ponds meant to be fishing ponds?
Tom – not particularly. There probably isn't one pond in Colorado that has episodic oral right that has fish it in.
Carolyn – considering the last letter from the State Engineer's Office, it appears that the applicant will have to apply for amended well permits on the one that's currently in place and perhaps amended application for the second well.
Tom – well I would argue that the one that's in place doesn't need to be because you could pump the water out of the other well and just apply for the one well permit. There's no reason that you have to have it come out of both, you can probably do it, applying for a well permit between preliminary and final plat is pretty common and it's almost always in there letters.
Carolyn – and what's your read from the State Engineer's office, or do you have one?
Tom – well they've already issued one, I don't know why they wouldn't issue a second one. The second one should actually be easier than the first one.
Commissioner McCown – how many separate water systems are we going to be talking about. Are you talking about one for irrigation water to each one of the lots and then you're going to have an irrigation system that if you're going to run some type of sprinkler system on the agricultural area and then you're going to have a basic domestic system that's going to be looped, that's going to provide potable water to each one of the homes with up to a 1,000 square foot irrigation out of that, is that what we're looking at?
Tom Zancanella – it's my understanding there are two; there's a domestic system and a raw water irrigation system. To keep from co-mingling the raw water you will have to have two sets of pipes – the irrigation system would be relative shallow and it wouldn't be winterized, it would be summer use only.
Bruce - is an engineer and designed the water system also the distribution system for the irrigation and they are two separate systems that do not interconnect whatsoever and they will basically be following the same corridor to distribute the water to all of the lots except the irrigation system, is looped further beyond what the domestic needs to, to reach higher points of property and in fact it follows this irrigation ditch up here almost entirely so that it can release water at numerous places. The water will be metered also for the irrigation ditch we can control that since the irrigation ditch system will be maintained and monitored and operated by the Homeowner's Association.
Commissioner McCown – and that's my question, the same line and the same pressure that going to irrigate those larger hay fields is going to be used to irrigate anything in excess of 1,000 square foot in a homeowner's lot.
Bruce – yes, that's the purpose of it.
David Miller – added the west end of the property and the east end of the property the houses built on those pieces of ground are above the irrigation ditch. We're pretty excited about being able to get water to those dry places and have them looking nice.

Bruce – our central water system will, as Tom pointed out, consist of two well, the existing well that's in place is where the hand is now and that currently supplies water in the two existing residences and there's a one inch line that goes from other well clear over to the residence over here. And they both are operating and functioning fine on ISDS systems in those two areas. We are going to coordinate the water as per the State requirements; we're proposing underground storage and a pressurized pump system for the domestic water using a looped distribution system that they County wanted us to put in. The system has been shown to the County Engineer and with calculations with lowest pressure and he verbally is fine with it, I understand he's not responded formally to the plans. There was a meeting with the neighbors at their request on August 25 to discuss some of their issues and to see what we could do with them. They had three primary issues and a lot of other discussions on the side that the cost and throughout just touching small issues, but the major issue they had were the density issues and we reminded them that based on their concerns they shared at sketch plan, we reduced the density by 10%, we eliminated one lot and we felt that was enough density reduction since even prior we complied with the zoning regulations and we figured the way we are laying this out with our building envelopes and trying to keep the middle open and the appearance for the people that are going to live there, we will still maintain a nice rural environment. The owners want to stay on this property and they want to build a new home on the river and they are willing to live with the proposed density also. Another item that was discussed at the meeting was with protective covenants, we had some real challenges with that unless our neighbors are willing to partake and be governed by the same rules that we are governed, which we invited them that they could do so, they could follow the same rules we follow and of course their roads be fit to the quality of our roads and all the other building requirements that we have, which we do not see in their covenants, we don't want our road to be like their road, we want to maintained our road with straight grade gravel required by your new County regulations. The other concern they had as a major issue was the straw bale home, that's a rental unit over here, it's a caretaker unit and the first request was basically to graze it and we have somebody living there and we're not willing to do so, but we are willing to work over the next couple of years and do some face lifting on it and do some improvements. And the last thing was just the general aesthetics around the two residences and we already are committed and already in the process of cleaning then up, we've removed some vehicles around one already and we're in the process of doing so around the other. Our intention is that we will comply with the proposed Covenants that do enforce control the grounds and keep them in order. The applicants request that the Board of Commissioners consider and approve this project with the additional condition that is stipulated in the letter that was dated September 10th from the State and it basically, the last sentence was re-read, "we therefore recommend that the approval of the final plat be withheld until this office has approved the well permits and other changes are made." And we're willing to do so. These conditions as Tom said are pretty straight forward, they usually are included with all subdivisions with wells that do not have a permit, they wait until preliminary plan is done and you've got your lots figured out and then go and get your well permits so you don't have to go back and modify them as many times as we're already had.

Commissioner Houpt – did you waive the pros and cons of ISDS and ISTS.

Bruce – one thing not pointed out was that we did state on the plat that the State regulations require setbacks from rivers, steams, etc. and we increased that even further in setbacks for part of that reason. The other thing is that he has a dislike for those other mechanical systems because they can break down more often than your gravity systems, and as you know anything manmade breaks eventually and the comparison also eliminates maintenance due to the treatment obtained from both of these is similar. He continued to explain the difference between the two and many discussions have been held on whether ISTS systems are better than ISDS and we could spend years on that, but we are taking more precautions and moving them back further that what is mandated by the State Water Quality Control.

Commissioner Houpt – with the trail that goes along the road, would that be appropriate for public use?

Bruce – they wouldn't deny it if it's something the County wishes to utilize, we wouldn't have a problem with that. My only concern is then would he be required to pick up the public trash etc. It's an issue we've tossed around.

Commissioner Houpt – the configuration doesn't follow the property down and go around the outside and I was wondering if that intentional to keep it more private or if it was just with the lay of the land.

Bruce – pointed out on the Power Point, he didn't want people walking in front of these houses that are close to the river bank. There is also an irrigation ditch and thought it would be better to have the trail follow.

Commissioner Houpt clarified she was only talking about the part that follows the road. She noticed it didn't go the full length of the property and wondered if that was because you wanted it to have a sense of private.
Bruce – we deviate it away from the road in one area because there's an irrigation ditch and was the only reason they chose the route that's shown.
Public Input:
Mr. Beattie – speaking on behalf of several neighbors and clarified the Commissioners had Exhibit DD and EE, the materials sent to them on Friday. The first and foremost focus is on the map, the very last part of Exhibit EE which was attached to my letter to you. Do preliminary applications sail right through or if there's a disgruntled neighbor or a couple of them, what is the scenario? He pointed out that BLM, the property which is the substance of this application is the almost triangular shape parcel in the middle with a plus side in the middle of that, and what has to be noted this segment of the river, there are 32 neighbors representing 20 properties that entirely surround this property who have come to you as a petition saying this subdivision presented to you is not in the best interest of the neighborhood. They go way to the south, way down to the west and across the river to the north; in fact every private property owner surrounding this parcel of land is saying this proposal as presented is not in the interest of our community. At these hearings we so often end up focusing on the micro picture, have we complied with a particular requirement or not and I submit to you a big part of your responsibilities as Commissioners realizing that it's your job to decide what your responsibilities are is to consider the interest of the neighborhood and what the people have to say and this is a such a significant out pouring and I represent Mr. and Mrs. Dubois that they have dealt with the community and Mr. Dubois is here and so is Mr. Fry and many aren't because they have to work today. And I would urge you to read the petition letter which was an attachment to my letter, that letter was originally dated July 3 and it states their concerns and that's what I want to get into now. You all know this area well, County Road 335 between New Castle and Silt and there's kind of a character that exists on that south side of the Colorado River which is a low density character. No doubt that this is a ARRD; no doubt that this particular presentation matches the technical requirements of the zoning code, but there's also no doubt that every neighbor in the vicinity is saying it doesn't match what we have in the neighborhood. That's part of why you do comprehensive planning and that's part of why you look at where we have particular unique resources and then to the extent you have technical grounds to say, well, perhaps this is deniable on a particular ground, maybe it's a good message to send, to ask the applicant to come back and make something that 32 neighbors representing 20 properties is a little more consistent with what's going on so the first issue, the fundamental issue is a policy issue. The density is too great as laid out, the 14 units, 9 lots plus 5 ADU's and that is the fundamental concern. Now, that's one of my three points. Point Number 2 on the water: the Wards Reynolds Ditch Company and two of it's board members are here was confused and concerned, the plan was to fill those two ponds with the ditch that's not allowed under the ditch rules, not allowed under your organization documents and I commend the applicant, Tom Zancanella coming up with a plan that doesn't require that to be done. What you can't get away from in looking at what the State Engineer told you in their most recent letter is and I quoted that in my letter, there is no guarantee that well permits can be issued. We dealt with another property up in Spring Valley recently who had a great idea of where he was he going to put his well and it was determined that that well was too close to other wells and spacing requirements and the well permit application hasn't been submitted and Tom Zancanella is an excellent water engineer and I know he'll do a fine job but you're presented with an application what said "there's no guarantee that the well permit can be done". Without it you don't have fire protection and without it you don't have another source to fill those ponds, also the Ditch Company is very concerned about the water that goes into those ditches is hard to tell what is irrigation water, what is fire protection water and the Ditch Company does a lot of algae control and this kind of thing for irrigation and they don't know how it ties into what's going on in this water supply system, they don't want to be liable for it. Finally, regarding the water matter, I would ask you to look at Bill Lorah's letter, it was back before P & Z, part of Exhibit CC and just wanted to bring one particular aspect of it to your attention, it was Bill's thought in that July 9 letter that, second paragraph of it, the last part of Exhibit CC, the fact that the proposal to treat the water only by chlorination based upon a number of factors, he recommends a micro-particulate analysis. This is a health concern for the people that live there, it doesn't make as much different to the neighbors because they have their own systems. Finally, should you decide to approve even though the neighbors hope you don't approve and hope that you ask these people to go back and have a little less density, there are certain conditions that the neighbors believe are extremely important and in his Exhibit DD on the last page regarding suggesting conditions of approval, we could get to the lesser density

in paragraph A by either denying accessory dwellings or requiring them to be a part of the structure. B is real important, the thought is that after preliminary plan approval, the developer will get out there and start excavating on the land and there is a great concern among the neighbors that we will get partial excavation and the same way we have a partial B and that's another cross track, a partially dug pond out there, it's not intended as a criticism of these people who I personally like and I want you to know that, and I think most of the neighbors do too, but there is a concern that they will get underway after Preliminary Plan approval and leave the land scarred and incomplete and I think there should be security for any improvements as a Condition of Approval starting at Preliminary Plan. Straw Bale houses, I ask you to look at the photographs which are attached to my Exhibit CC – the existing straw bale home is a leaning structure and is not in the character of the neighborhood, there's concern about this and other similar straw bale houses, there should be a prohibition against additional straw bale houses of that nature. Landscaping and screening the neighbors to the west, I would like to see a requirement for landscaping and screening. And finally on protective covenants, it's an easy revision if the covenants mean as they say in the preamble that this is for the purpose of the community and this is help ensure a good community and neighborhood, there should be no objections to any affected member of the public being able to enforce them should they not be enforced. You can't do that retro-actively to a subdivision that was started many years ago, but you could add the requirement here, you see it from time to time, some municipalities add that, they are entitled to enforce, but I don't think you want to get into that area. But the five conditions would be reasonable conditions. Ham Dubois – he wrote the exhibit and read it into the record: My name is Ham Dubois, my wife Donna Dubois live at 0405 Mid Valley Drive which is a 6-acre lot, we also own 0456 Mid Valley Drive which is a 6-acre lot that abuts to the northwest side of the proposed Gilead Gardens. We oppose the development as presented before the BOCC. We understand and accept the fact that the Millers have the right to develop, however, we and at least 32 of our neighbors object to many aspects of the development as presented. The 2-acre density on the west side, our Mid Valley Drive Subdivision consists of 6 and 8 acre lots. We've asked the Millers repeatedly not to allow 2-acre lots and keep consistent with the neighborhood. We realize the comp plan allows for 2-acre lots however this is not consistent with the beautiful area we have down there. Why not combine the two-four acre lots and sell them that way thereby more conforming to the neighborhood and what we have going with our neighborhood. This would reduce the number of people, dogs, lights, noise, and road congestion in our part of rural Colorado. We moved to this part of the County to get away from the density and now they chose to bring it right next door to us and please note that in their plan all the 2-acre lots are in the west end of the property away from their residence in the eastern end of the property so they see the value somewhat and they just don't want to be next to it, I guess. We have questions regarding the quality of the development. We are concerned about our property values and the quality of our lives in this rural area. This project seems to be put together on a shoestring. Lots are being traded and discounted for work being performed on the project. Mr. Miller selected not to pay his ditch fees until mid-July after the Ditch Company had to shut off his water claiming he didn't have the money. How is he going to pull off a subdivision of this size? What assurances do we neighbors have that this will not be a half completed eyesore and a property value depleting project? The type of construction is a large concern. The Millers have not ruled out more straw bale houses, in fact in conservation with Mr. Miller he would like to build more straw bale houses. The straw bale house they built before is an abomination and in the words of Joel Miller before the last P & Z meeting, it should probably be torn down. Again, we are concerned about property values. ADU's – the addition of 5 ADU's is not needed considering the 8,000 square foot houses allowed by the covenants. Why not include your mother-in-law houses attached exclusive in this mammoth sized homes, why do you need a separate residence when you've already got 8,000 square foot houses allowed in your covenants. If allowed it raises the density by more than 50% to 14 residences. The ponds, well you've heard a lot about the ponds today. On page two of today's Glenwood Post is an article "West Nile Virus to bear down on the western slope next year." A good friend of ours, Halley Nicholson contracted West Nile from the east slope, we don't want to see that type of thing over here and be further promulgated by these ponds. I can't find anything in their documents regarding misquote mitigation. Speaking with Mr. Miller he said that trout and ducks would take care of the problem. Given the deadly and epidemic threat of West Nile, I don't believe this is adequate. Yes, there's water in abundance already around us, however this water is flowing water through the Colorado River and through the pond down below on the river, not stagnant ponds. Shouldn't they be required to put a fountain or circulation pump to help mitigate the situation? Something should be done. West Nile is going to be here for the next three years, starting next year. Nothing in the proposal has mosquito's mitigation. Ducks and fish are purported to rid of the mosquito population. Density and Wildlife: We have a herd of deer and elk

live on the mountain behind Gilead Gardens. In the winter they migrate through lots 3 and 4 across lots 7 and 8 to cross my 2 properties an on down through Mid-Valley Drive. It's a beautiful thing. When I bought my properties I took out every barbered wire fence and put in two-rail wooden fences around my property to allow migration without the wildlife coming to harm. Gilead Garden covenants allow 5-strain barbed wire fences to reduce the cost of fencing. The only thing barbed wire is good for is keeping in cattle and it can be very harmful for migrating wildlife, especially the young. We've cut a lot of young deer and elk out of fences in the area. I keep a pair of wire cutters with me. Water is a heck of an issue. Ward Reynolds Ditch Company is not a reliable source. The main source of Ward Reynolds Ditch Company is Divide Creek which I know you're familiar with Larry and the last several years the flow has been down to where junior right by mid-June, so there's not a lot coming down and then when that depletes, we shut it down. We were shut down this year in mid-August. We did turn on the pump, the Ditch Company does not have a general policy to turn on the pump but we had to for the past couple of years because of the amount of water that was not available to us. The pump does run out of the Colorado River and that's the source they were referring to. And we do not intend to continually run that pump. We try to avoid it wherever possible. It cost us over $80.00 a day to run that pump. So it's a real problem. I definitely disagree with Mr. Zancanella that we don't need to have an agreement, or that the proposed project doesn't need to have an agreement with the Ward Reynolds Ditch Company. When you're co-mingling these waters from the Ditch Company with their pumped waters, who's to say what water is what. The Ditch Company is going to acquire some sort of letter or an agreement holding us harmless in the event that something happens downstream. We do de-moss the ditch at least once a year and the past several years I've had to go up and shut the water off to the Millers including this year I had to shut it off to the Millers property to keep it from going to the river. When you put these chemicals in the ditch, they can't go down to the Colorado River. They will kill fish and animals in the river so we have to slow down the flow and make sure every bit or water goes into the dirt, into the soil and dissipate. It's a very serious project dealing with the water. A neighbor caught this the other day, I need to point out that in your Exhibit L, and the map of well locations is missing 9 existing wells. I don't care who prepared this map, but the density of wells in that area is much greater. My pump, my well is about 70 feet from the river and in September four or five years ago, I ran my pump dry. My well ran dry. And that's even being that close to the river, so it's a consideration. I think they really need to get their water situation squared away. Is if very uncomfortable thing to go before the P & Z subsequently the BOCC to object to a neighbor's project. Through our efforts I hope the BOCC realizes how important these issues are to us. It's our neighborhood; we're trying to protect it. The Millers are good people and I can't stress that enough. I do not believe that they wish ill on their neighbors but how can they turn their backs on the concerns of 32 neighbors in the area. Donna and I respectfully request the BOCC to deny this application as presented allow the Millers to go back to the drawing board with the neighborhood concerns and come back with a more viable plan.

Russell Talbot – one of the owners of Apple Tree Park up the road and also an engineer here in the State of Colorado, also a member of Burning Mountain Fire Protection District so I've had the pleasure of seeing various subdivision or have been involved in various subdivision in different capacities through my years here and one of the things, I stand here to speak in favor of this subdivision; I find they have addressed a multitude of issues in a very thorough manner and I also find they have made quite a number of cancellations and adjustments based upon the comments of their neighbors. I am pleased that your decision isn't based upon a popularity contest, or obviously we would have a difficult time with developments all up and down this valley. I'm a strong component for personal property rights and do understand the need for a comprehensive plan and do understand the need to comply with that. Obviously this applicant has done so and you guys have that opportunity to evaluate based upon that so that is one of those things that I recognize the need of and I do find this appears to meet the needs of the comprehensive plan and obviously there's caution about allowing things to come to a popularity contest where a neighbor dictates what another neighbor does with his property and within the confines of the health and safety impacts on those around them and so I just wanted to go on record in favor of this and have fun.

Paul Currier – from Rifle and will inundate you with engineering here today, also a professional engineer and have worked with Tom Zancanella and do water research engineering but also a 4th generation farm kid and do work all over the State of Colorado and I'm in favor of this project for a couple of reasons. This is where we're at as a demographic, as a society and quite frankly you can't make a living on 2-acres, 4-acres or 6-acres as a farmer; you can't make it on 200-acres. It's good land use planning and I see that from where I work from Cortez to Steamboat, all the way to the Front Range, since the Front Range steals our water I don't work over there. Just to answer one question based by Mr. Beattie and that was the extracting

the language out of the State Engineer's Letter that no well permit is guaranteed, that's standard boiler plate for those guys and in my history working with West Divide, I can never remember then never issuing a well permit that wasn't duly taken care of properly, so I think that's a non-issue. With regards to the moss control issue, those chemicals are potent, but they can be properly handled. I think as far as layout, this is a great plan.
Bruce – applicant rebuttal. In regards to the stagnation of the water, as pointed out in the area where the ponds are even further beyond the pond areas, if you get a chance to walk the site out there, the land is basically flat it is less than 1% in grade and water right now sits there and stagnates and there's misquotes all over the place. We figure with the elimination of flood irrigating and doing sprinklers, water would be applied at a better space where water will not be standing on the ground. Right now water stands there when the flood irrigate or after they irrigate for days and you can see the puddles of water sitting there. It's just a mushy mess. With the elimination of flood irrigating, that will eliminate part of the stagnation. Water will be in the ponds, it will be free flowing whenever the irrigation ditches are running. Otherwise the stagnation will be reduced, that's just a simple answer to that. In regards to the irrigation ditch company pumping water and loading the irrigation ditch pond with the companies pump, we do not intend to request any additional water just our fair share as has been historically used. If they're going to turn it on for them, we want our fair share as we've always had. We'll just go back to the same rules we've always had, and there'll be not change in the rules whatsoever. In regarding to the moss control for the irrigation ditch, the ditch company notifies all the people which were a 5th owner and they will properly notify us and we will take the same precautions that everybody else does and route the water accordingly to avoid any issues. That letter that you received from the irrigation ditch company, we were not notified that letter as being a 5th owner of the ditch company and we do not stand behind the letter as being a true representative of the ditch company and its entirety. The wells have been pointed out and we did not show adjacent wells on purpose that one well map was that would shoe the wells only within 600 feet to the one well where we had to get release of the adjacent property owner signing off or changing the use of an existing well. The purpose of that map was not to show all surrounding existing wells, it was just within a 600 foot radius. In Pump tests in regard to Ham Dubois' comment of his running dry, yes all wells have the potential of running dry, but we did pump test this well for over 24 hours and at a continuous well rate of 15 gallons a minute it never went dry. I did the pump test myself.
Chairman Martin – in reference to fire protection, in looking at the pond, you're going to supplement fire protection, am I correct. What is the distribution system? Is it going to be hoses that you're running from the pumper itself to any structure within the entire subdivision or is there a pressurized system of some sort that they can tape into on each building lot?
Bruce – they did not request a pressurized system, they just wanted to be able to tap on and pump from the ponds and from the dry hydrants proposed at the entrance on Harvest Lane. The distance for the farthest lot 1 and lot as a crow flies in order to lay out a hose so you can get to it if you needed, the distance would be approximately 1500 feet but don't hold me to that. I can measure it.
Commissioner Houpt – on wildlife migration opportunities through the subdivision, and the way it was planned allowed for wildlife migration but at the same time you allow 5-strand barbed wire fence.
Bruce – that was something that was proposed by the wildlife people and what they wanted within the covenants. They gave me their verbiage but he said he would be glad to take the barbed wire fence out. We don't like it either, so it's not an issue.
Commissioner McCown – does that also pertain to perimeter fences; Colorado is a fence-out State. If you have livestock running against you, it's your responsibility to fence them out. A lot of times two rail wooden fence is not really effective running cattle and that's why there still are barbed wire fences in Garfield County. Interior fences is completely different – storing as far as I'm are different and sees no need for them in a subdivision but your perimeter fences are still the responsibility and I don't think Ham has any plans of being a real big ranch, but somebody along the perimeter of that may want to run livestock against that split rail fence and I don't think that's practical.
Renee Miller – explained to Bruce there is the possibility that the neighbors running cattle and we do understand that we have the responsibility to fence the cattle out and so in our covenants we did use what was recommended by the State for wildlife to address that issue.
Chairman Martin – Bruce what is the surface of the street going to be.
Bruce – gravel. We proposing gravel now once construction is complete we are planning to pave or chip seal, but initially we don't want to do it with construction going on.
Chairman Martin – and with that gravel road, you going to do piping under the roadways?

Bruce – that's a given.
Chairman Martin – because you're showing also in one of the circles that goes right through the heart of it and just wanted to make sure.
Bruce – these laterals we will discontinued because we're doing a pressurized system.
Commissioner McCown – I was wondering how critical those laterals were going to be since you're doing a sprinkler system.
Bruce – we're trying to preserve and suddenly we said why are we doing that.
Commissioner McCown – one question for Bruce, this is irreverent to the building of a home, but still concerned about the pressurized irrigation system if you will, and used the word co-mingling, and that may have been a bad term, but is a person only going to have access in the area they wish to landscape around their house to the 1,000 square foot of landscaping that's going to be allowed by the domestic system? And everything else will be irrigated by the raw water irrigation system that's coming out of the ponds?
Bruce – take that one step further, our intentions are not to irrigate anything from the house unless they put a hose on a sprinkler system just to do a little flower bed or something. The irrigation system will be pressurized and it will take care of all the major lawn areas and that sort of thing.
Commissioner McCown – that's what I'm asking but it will be very expensive to operate that 24-7 and is everybody going to have to water at the same time when they get home in the afternoon and all the sprinklers in the pastures come on at the same time and if so ….
Bruce – you're absolutely right, that system will be a pressure demand system and if the pressure's reduced the pumps will kick on. We will regulate it if need be to where if it gets too expensive, I'll bring it back to the homeowners association and if we had to go out and flood irrigate it would be even a worse condition, so we're trying to make it better.
Commissioner McCown – yeah, I realize you're trying to make it better; I'm not questioning your ditches, I think it's a great system, but when you start running your small radiant ringer sprinklers on the same system you're running you're a big gun that would reach from here to 7th street, you're talking quite a bit in pressure fluctuation on what those systems are going to handle and it's all going to be hooked into the same system.
Bruce – I had a hard time trying to figure out size of the pumps depending are they are going to be 24-7 like you said and during the night when that's most efficient or am I going to do like Denver, several lots one day and several lots another day.
Commissioner McCown – but that is in the plan.
Bruce – yes, that's in the plan.
Ham Dubois – clarified something. I just want to clarify Mr. Lewis's comment regarding this letter from the Ward Reynolds Ditch Company, this letter was from the officers of the ditch, duly elected officer of the ditch and was not put forth to the general population to sign and agree or anything. This is our letter as directors.
Carolyn – There are a couple of places in your draft Homeowners Covenants, thank you very much where you try to pass some responsibility onto the County, we don't want it. You let us have the possibility of enforcing your ISDS internal management and you also said that the County could be a designee as to the easements that are going to be granted to the HOA. So just before final plat, Tamara and I would like to talk to you about that language.
Bruce – We'll take care of that, my attorney prepared that said that was accepted in a previous covenant and thought that would be what you wanted, so I'll be glad to take it out.
Carolyn – we turn to the Commissioners, it's my understanding as a matter of policy, they don't want to take on those enforcement responsibilities.
Chairman Martin – speaking for the Board that has been our policy.
Commissioner Houpt – questions for Carolyn: I brought up the issue of their trail, and what prompted that was the hope that someday we will have bike trails along our County Roads, if or when that occurs, my idea was perhaps we could tap into that portion of the trail that's along the road, is there anything that legally has to occur during this process or is that something that happens later on.
Carolyn – it's hard to predict the future, that easement will be owned by the Homeowners Association and it would be a matter of negotiating between the then Board of County Commissioners and the then Homeowners Association, if that portion of the trail is not going to be dedicated as a public trail right now on the plat. So Mr. Lewis has said that the owners and he's speaking theoretically for the future HOA, would not mind having public usage of what is a private trail, but that's not something that's handled fully legally by the easement being granted to the HOA.

Commissioner Houpt – so in this process, that portion along the road we would have to ask be dedicated.
Carolyn - If we're to have use by the public now, it would be an issue of dedication getting it onto the plat and the BOCC voting to accept that dedication to the public. Otherwise, what you've got is a private easement with a representation that "the HOA deal fairly in the future, but unless it's an absolute out and out dedication and acceptance on the plat, there's no guarantee of public usage in the future.
Bruce – Tresi, I have and I hope I'm speaking for the applicants, correct me if I don't, if the County wants to take it, dedicate it to the County that portion that's adjacent to it at a later time, we'd be glad to give it to you, or as an easement to public use and long as they wanted to use it, as a matter of fact I mentioned earlier, maintain it, that's all. So I don't want to keep you guys from using it, that's all but…
Chairman Martin – but you're not requesting the County be maintaining it other than just use to the general public.
Bruce – oh, I don't think you want to maintain it now, I don't think.
Chairman Martin – I don't think we have the capability right now.
Bruce – that's my. But if that comes down to the point where you get a complete trail system through there, by all means, and if you want that something in writing, we'll work out something.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner Houpt to approve the Gilead Gardens Subdivision with conditions as presented by staff as well as conditions presented by Mr. Beattie, which would be on page four of his letter which should be #19 would cover accessory dwelling units, #20 security for improvement; #21 – straw bale house issues and that just not prohibits straw bale houses but strictly speaks to the structure that is on the property and I understand; #22 a plan for landscaping and screening on the westerly boundary which I would think you would want as a subdivision anyway, and I'm going to assume that can govern your own protective covenants and we'll just include the first four recommendation 19 – 22.
Commissioner McCown – I have a question, isn't A contradictory of your motion because by making a motion to approve it you are accepting that with the accessory dwelling units and then you're applying a condition that prohibits them?
Commissioner Houpt – well, then I could say as amended by condition recommended by staff and Mr. Beattie.
Carolyn – the difficulty with that first condition on ADU's is that it's contrary to you regulation definition of an ADU.
Commissioner Houpt – the regulations, so what you would have to say, is there simply wouldn't be ADU's.
Chairman Martin – a condition of an ADU is allowed is specified in the regulations on the size of the lot and the zoning allows for certain things to happen there, that ADU is within there. They have to be a separate structure.
Commissioner Houpt – right, it would have to be a separate structure. So if we wanted to speak to ADU's we would be speaking to whether there would be any allowed or there wouldn't be any allowed.
Commissioner McCown – the fact that they be combined with one structure is not allowed.
Chairman Martin – so you have a direct conflict in reference to the regulations and that. Staff has proposed them, also Mr. Beattie's interpretation.
Commissioner Houpt – The ADU's are only allowed on the larger lots, is that correct?
Chairman Martin – right, which are 4-acres or larger.
Commissioner Houpt – and they're within the building envelope? They can't be scattered?
Chairman Martin – correct.
Commissioner Houpt – well are you asking me to take that amendment out, Larry.
Commissioner McCown – I would just having a problem with how you were making it, because in essence you're either saying no accessory dwelling units or allowing them to occur separate from the structure. They can't occur like this.
Commissioner Houpt – well, my proposal would be no - take it out.
Chairman Martin – so that would be your motion not to allow any ADU's upon the subdivision.
Commissioner Houpt – as Condition No. 19.
Chairman Martin - striking the request, but you also leave in the reference to the security that needs to be identified dollar wise, the straw bale houses built to building code, and inspections,
Commissioner McCown – you're striking C
Commissioner Houpt – no I'm not striking C
Chairman Martin – and what they're saying, if it was offensive and a hazard deemed by building codes.

Commissioner Houpt – yes I think staff could probably elaborate a little bit and be more specific.
Chairman Martin – and one of the problems we have, we can't dictate architectural taste – one man's castle is another is another man humble dwelling. The design and the way it's displayed in an issue that we can't get into other than it has to meet the building codes, safety code.
Carolyn – reminded that there were a couple things that need to be discussed but there's not a second yet.
Commissioner Houpt – my motion's complete, it would include the first four conditions suggested by Mr. Beattie with the change on A to represent no ADU's.
Commissioner McCown – second.
Carolyn – wanted to address the security issues. The way our regulations are set up, we have no excavation permits and there's not way of having security at the preliminary stage, rather we have a subdivision improvement agreement at the final plat stage that handles the security issue. We do not have a separate excavation permit and security mechanism and we do have the minerals and geology permits.
Commissioner Houpt – this is all being done in one phase. What if we attach a time period to that phase to the construction process?
Commissioner McCown – they can go out and dig on their property without any recourse whatsoever. If there's concern about half-completed ponds, that's not the avenue to take, that's to be done in the subdivision improvement agreement, after final plat and then we have a mechanism to trigger the security at that time.
Commissioner McCown – I have a bigger problem with the motion, a lot of the things that we talked about today were clearly not conditions, they were referenced as conditions but they are covenants and we don't enforce covenants and I would like that they are carried over as conditions of approval and not referenced as covenants. One of them is the Division of Wildlife recommendation.
Chairman Martin – we have that motion on the floor
Commissioner McCown – proposed an amendment to make sure we include more definitive conditions of approval than referencing covenants. There's another alluded to in the Planning Commission Meeting and a statement was included that prohibits any mining, drilling and exploration of gas and that is a far reach for a protective covenant. That is a state given right for the mineral owners to go after those rights. There could be a gas well in the middle of the property. One he would like to see amended, any recommendations from the DOW be adopted as in the application as presented be adopted as a condition of approval.
Commissioner Houpt agreed to this amendment.
Commissioner McCown – as we go through here and look there are references to protective covenants as result Article 5 shall be modified prior to final plat on soil disturbances, recommendations from the Road and Bridge group, anything that references the protective covenants, that have been agreed to or recommended to by the Planning Commissioner I would like to see included in Tresi's motion as conditions of approval.
Commissioner Houpt agreed and Commissioner McCown amended his second.
Commissioner Houpt and for clarification, she deleted 2 E on page 24 that takes about ADU shall be detached structures, but it does away with ADU's.
Commissioner McCown – D would be eliminated as well because that has been accomplished and Condition 12 and 13 using the wording that Tamara gave earlier.
Carolyn – it would behoove the Commissioners to have some findings on facts as to how the ADU's are being denied, on what basis we are removing the ADU's.
Vote on the motion:
Houpt – Aye; Martin – nay; McCown – nay

New motion
Commissioner McCown made a motion approving the preliminary plan for the Gilead Gardens Subdivision with the conditions of approval as discussed prior striking Mr. Beattie's request on ADU and leaving them in the application and incorporating his other agreements that Tresi had in her motion, his other conditions of recommendation and all the other conditions that were discussed earlier would remain and the only change he would make is to include ADU Tresi.
Commissioner Houpt – second.
Carolyn – so your motion includes security for improvements.
This motion includes the ADU. Putting 2E of staff's recommendations back in the motion.

Commissioner McCown – this is exactly the same motion that Tresi made and I am putting the ADU's back in the motion. The protective covenants that we were discussing become conditions of approval. That all stays in there. The DOW recommendation becomes conditions of approval and not just statements.
Tamara - On Steve Beattie's letter it is B but it will not kick in at preliminary plan there will be a security subdivision improvement agreement just like in every other subdivision that will kick in and insure the improvements.
Tamara – clarification on the Straw Bale houses is that only for Lot 5 or it straw bale houses in general.
Commissioner Houpt – general on the property.
Commissioner McCown – but your motion said they should not be prohibited.
Commissioner Houpt – what it says is additional straw bale structures of the nature shown in the photographs should be prohibited. So we're talking about …
Chairman Martin – as long as the straw bale houses would meet the building code they would be allowed.
Commissioner Houpt – if I can restrict straw bale houses, why couldn't we just say they need to be structurally and McCown – same motion – with ADU's put back in.
finished.
Chairman Martin – you can't get into architect.
Commissioner Houpt we want to make sure these straw bale houses are up to code as an inhabitable and safe structure.
Commissioner McCown – I would like to strike the sentence "that additional straw bale structures, of the nature shown in the photograph shall be prohibited because I don't know if they're relating to the present condition or of the structure. If it is built out of any product that is approved under the building code, it has to pass those codes to get your CO.
Commissioner Houpt – I certainly appreciate your argument and don't disagree. I do agree with this and hope that within your covenants, you would require people to maintain their homes.
Vote – McCown – Aye, Houpt – Aye; Martin – Nay
Chairman Martin – I think there are concerns with the water issues and I'm not convinced with the water issue, the ponds, etc. I think that's a concern that we need to address more often. Other than that, the motion covers a multitude of things that need to be corrected.
Commissioner Houpt – including water.

REQUEST TO CONSIDER A PLAT AMENDMENT REQUEST BETWEEN LOT A, DIXON SUBDIVISION AND THE COLEY PARCEL LOCATED AT 12744 HIGHWAY 82. APPLICANT: DIVIDE CREEK LAND AND CATTLE COMPANY – FRED JARMAN
Fred Jarman and Bill Hawkins were present.
The applicant is requesting approval from the Board of County Commissioners to amend the boundary line between Lot A of the Dixon Subdivision (Planted Earth) and a neighboring property known as the Coley Parcel. The intent for this application is so that Planted Earth can obtain additional property.
Staff's Recommendation.
The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, recommends that the Board of County Commissioners, pursuant to Section 6:10 of the Subdivision Regulations of 1984, as amended, approve this amended plat request with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval;
2. The Applicant shall modify the title of the plat to read: Amended Final Plat of Lot A of the Dixon Subdivision; and
3. Within 90 days of approval, the Amended Final Plat shall be reviewed (paper copy), then signed and dated (Mylar copy) 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.

Mr. Hawkins stated the property was made available to him and will give him the opportunity to address the water drainage.
Fred noted a typo on Roman numeral II, four lines down, where it says and will result and should say will <u>not</u> result in a major relocation of the road.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the plat amendment request between Lot A of the Dixon Subdivision. Motion carried.
PUBLIC COMMENTS

Steve Smith – Roan Plateau – we had some good discussions at the Club 20 and the draft was revised based on the work by Marian Smith recognizing gas development and the protection of the natural. The letter drafted by the Board had a significant impact and he thanked the Board.

HUMAN SERVICES COMMISSION

Julie Martin, Outreach and Director Debbie Wilde – Youthzone

In September with the Human Service Commission this is the month to give a report about youth. Youthzone is the youth service agency and they will give the presentation.

A Power Point Presentation was given illustrating the ages 6 to18 and a profile of what is being seen in kids in Garfield County.

Mission is to work with all youth 6 – 18 on helping them be good contributors to society. It's been about 21,000 kids have been worked with to date. In the last 3 years they completed an intensive program evaluation to see if their services are doing good things. The outcome of that evaluation was good. This was performed by an independent firm and 1,007 kids were surveyed. The sample was large and was as reliable as you can get with any instruments and scientific stuff and you take this information and basically extrapolate it to apply to a million rural resort youth. The data collected was Five (5) things they were looking for: a decrease in delinquent behavior, decrease use of drugs, increased self perception; increase in better decision making and increase positive social skills. 76% of young people avoided re-offending.

When they see a kid with one problem they usually have multiple problems. When a red flag arises in the Court room and maybe it's a petty theft, but when YZ sees in taking a closer look at kids and their parents is a whole bunch of other stuff going on. That's what YZ is prepared to address.

The profile of a youth – average age is 15 and used to look more like 17 and they are seeing younger kids with more issues; twice as many boys as girls, and that stayed steady over many years; 50% of the youth are from 2-parent families, and kids are from the entire spectrum of economic, and it's just not single parent families or low income or whatever. Kids in the whole cross-section of our community have issues, need help and so do their families. YZ is supplying this. These were biological fathers in the 50% of youth from 2-parent families.

On the Latino population, the proportioning share in the District 9 ages 10-17 is13% as of April 2003. In the 2000 Census, 20% of the population in Garfield County is kids in ages 5 to 17.

10% of the kids have the behavioral pathology of aggressive risk takers and have little conscience for wrongdoing. The 10% are really high risk kids.

10% per year are reporting having been sexually abused. And most likely consider suicide.

82% had a legal offense.

The profile of the average youth coming for services is older and more behaviorally troubled that what they saw 3 years ago.

15% of the clients have a serious alcohol or drug problem in need to treatment. The most effective service is drug and alcohol issues provided by Youthzone.

One of the evaluations of the study is that if YZ attends to that with each of the kids that have been identified with it, they would be very effective. The only difference found in the programs between Anglo and Latinos, Anglo youth were more involved in drug and alcohol use and Latino were having a much more difficult in school. 50% of the kids are having a tough time in school and this is being fed back to the schools. Their lack of success in school is so much that it is impacting YZ's ability to make some changes with them in YZ's programs.

The 65 community groups YZ serves have different policies so how they refer to Youthzone. One community could be actively referring kids to us so it's more about where you live than other things as to whether you get services or not.

When you get to the courts, it depends upon the philosophy of the judge. If they see Youthzone as a positive intervention, they refer. Debbie is saying this to Councils, if you want to happen for kids in your community, you need to let your court know that.

School participation is a key. The standards of the schools base things, performance, no child left behind and they are under a lot of accountability. Youthzone is saying, how can we help you meet your goals by these community services because the school can't do it all for everybody.

The Commissioners stated they feel Youthzone is an essential resource to the schools.

They are making specific recommendations to the schools on things they can do. Couching for parents and parenting for your youth out of control are very helpful.

Chairman Martin noting something detrimental to the schools and that is the zero tolerance; you do something wrong, you're expelled. This compounds the problem and this was through 25 years of law

enforcement. A lot of school intervention, one on one counseling, a lot of group counseling and on through and when they took on a zero tolerance program, a lot of the problems were transferred out to the street and we need to reverse that trend.
Debbie commented that when you take away something from the kids you need to replace it with a positive and show kids what to do instead. With their policies, a young person is in a sport or activity, they get caught drinking, and then you're out. Some of the schools say to the youth, if you get involved in the drug and alcohol youth programs at Youthzone, then we'll allow you to continue as long as you're in that group. This is part of the solution – catch stuff, learn from it and move forward. It's like community parents helping parents raise their kids. 4 out or 5 kids come from the courts. Example – just getting through the paper system for the courts is a huge piece for YZ. Program results have improved and this shows from the evaluations. Treat the kid as an individual. Figure out what's going on with that kid and family and address it. YZ asks hard questions because they know they can help and YZ deals with it. Provide the youth to be the resources they truly are and not the problems we think them to be.
Federal cuts are requiring some changes. Schools contribute some funds. $90,000 for 60 kids.
Numbers – Rifle a great number – kids of incarcerated parents. Council in Rifle has started to look at this and put a surcharge on municipal fees. A lot of resources go to that area. Courts have been reluctant to refer. Ultimately – "*It takes a lot of energy to be a parent*."

BOARD OF HEALTH

Mary Meisner, Sari Mason, Lisa and Wanda were present.

a. *HCP Contract* – increase in funds 2003 - $4,000 and 2004 $21,633 – it's a one-time increase in contract dollars. The State had a windfall to allocate these extra dollars.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve and allow the Chair to sign the IGA contract with CEPHE; motion carried.

b. WIC Change Order Letter & WIC Contract Renewal Letter

Change Order Contract – this is for the WIC contract adding $560 to the contract - total $1,666,861.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to accept the WIC renewal letter adding $560 to the contract for a total year of $166,861 for 2003. Motion carried.

WIC renewal letter - $161,831 for 2004

A motion was made by Houpt to authorize the WIC Renewal letter in the amount of $161,831 for 2004; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into he Board of Health; motion carried.

c. Caring for Colorado Grant – Power Point - Tuberculosis

Sari Mason and Brisa Chavez provided the Board with a Power Point Presentation on Tuberculosis. In 2002 there were 104 new cases of active TB disease reported in Colorado.
Sandra Barnett wrote a grant to fill the needs and were awarded a grant of $60,200 by Caring for Colorado Foundation. Through public health and collaboration with WIC, Valley View Hospital, Mountain Family Health Center, and CEPHE we are able to address the needs in Garfield County. The process – they developed a questionnaire that the WIC educators orally give to each WIC participant at their WIC appointment. This includes women and children that are actually on WIC. The goal is to offer education through a video, written literature and additional oral education to each client who has answered the questionnaire. The video contains information on the difference between the disease and latent TB infection and the treatment that is involved with both active and latent TB disease. After 6-months a post test is administered to see the retention level to see what they've learned and revisit the issues. WIC's population is 75 to 80% Hispanic so all material is translated in Spanish.

West Nile Task force is still meeting. No new cases in Garfield County have been reported. Water needs to be standing 3 days for the mosquito to populate.
This task force will be meeting all year.
Commissioner McCown suggested spraying earlier in the season. He suggested anytime it doesn't freeze.
The Public Health Nursing Office will be participating in the Statewide Bio- Terrorism and Community Flu Outreach Clinics starting October 13. Seniors will be given the flu shots first and dozes will be available for County Employees.

HEALTHY BEGINNINGS UPDATE

Lynn Renick and Wanda Berryman were present.

Health and Safety Fair - Public Health will be doing the car seat inspections on Saturday in conjunction with the Pediatric Health Fair. This will be held Saturday, September 20, 2003 from 10 am to 2 pm at Two Rivers Park in Glenwood Springs.
Change in the Clinic – Starting in November, the medical providers will start participating in the Healthy Beginnings. It reinvests them in the program and is a good thing.

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

BOARD OF SOCIAL SERVICES

a) Approval of August 2003 Disbursements

The payments made were in the total amount of $84,823.74.
A motion was made as the Board of County Commissioners by Commissioner McCown and seconded by Commissioner Houpt to approve and authorize the Chair's signature on the August 2003 Disbursements of $84,823.74; motion carried.
A motion was made as the Board of Social Services by Commissioner McCown and seconded by Commissioner Houpt to approve the August 2003 Disbursements of $ 84,823.74; motion carried.

b) Out-Of-State Travel Request for 2 Staff Members

Carrie Podl and Dana Damm, with the Child Care Quality and Licensing program would like to attend the National Association for the Education of Young Children Conference in Chicago on November 5 through 8, 2003. Child Care is one of the primary topics addressed at this Conference. Cost is estimated at $1,075 for each employee to attend.
A motion was made as the Board of County Commissioner by Commissioner Houpt and seconded by Commissioner McCown to approve the out-of-state travel as presented; motion carried.

c) CBMS (Colorado Benefit Management System) Implementation

The Department has completed meetings with state staff regarding CBMS workflow process planning. At this time only family, adult and medical financial programs will be affected by CBMS implementation. Following the computer conversion in March 2004, we are considering changing existing eligibility staff to "generalist" rather than specialized positions with the exception of TANF/Colorado Works case managers. Administrative support staff will have an expanded role in the initiation process at the time of inquiry and/or application for services.
There are about 3,000 cases and 3,000 hours to be transferred. This will be labor intensive.

d) Brief Discussion on the Food Stamp Statewide Sanction

Colorado's food stamp error rate between July 1, 2001 and June 30, 2002 exceeded the national accepted level of 8.26%. Food Stamp cases were randomly sampled on a statewide basis during this period. Counties and the Colorado Department of human Services have opted to pay the statewide sanction amount of $273.024. Counties are currently considering different options on how to distribute the cost of the sanction that is most equitable. The cost to Garfield County could be between $2,000 and $6,500. Our recommendation is to pay the percentage of sanction from the county amount of Food Stamps issued to the total state amount issued, which equals $2,197.20. Garfield County's sanction percentage is .0080 in this formula.

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

e) Single Entry Point Presentation

Linda Byers presented a Power Point presentation that has been completed for the Northwest Long Term Care Options program.
399 clients and 48% or 191 are in Garfield County. The goal is to allow people to remain in their homes if the person chooses to do that. This is in the nine counties; established in 1993 in response to rising Medicare costs.
Program Reports were submitted for the Commissioners review.
Child Support collections were noted to be down and Lynn attributed it to a change in staff. This is an area where rules and regulations must be knowledgeable to staff, and she also attributed the economy to the lower amounts. There are about 2,000 cases and each staff handles 3 to 400 cases.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Social Services; motion carried.

Executive Session – Healthy Beginnings and a Personnel Issue for Social Services
A motion was made by Commissioner and seconded by Commissioner to go into an Executive Session to address the Healthy Beginnings item; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of an Executive Session; motion carried.

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

Attest: Chairman of the Board

_____ _____

OCTOBER 6, 2003
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 6**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

a. Consideration and Approval of Energy Impact Grant - Senior Center in Battlement Mesa

Dale Hancock and Carolyn Dahlgren – Carolyn explained the contract saying it authorizes the Board to spend the $17,000 and not just the $5,000. The center put together the $12,000 portion and the County contributed $5,000.
Commissioner McCown – spend their $12,000 from the Citizens Group and then the $5,000 would kick in from the Commissioners.
Dale reported they have $8000 in a CD and $4000 in a checking account.
Discussion continued. Dale is the administrator for the State.
Carolyn phrased the motion to have the Senior Center spend their $12,000 and then the County's $5,000 match. This will be put in a different account in Capital Expenditures.
Dale will request the $12,000 and then Tim Arnett
A no assign
Commissioner McCown – so moved to have the Chair to sign the contract; Commissioner Houpt seconded; motion carried.

b. Pedometer Awards

Ed announced the Pedometer Awards for the Third round saying there were 12 teams of and 60 employees. There were four teams that exceeded a million steps. No team was under 400,000 steps. Everyone that participated walked at least 7000 steps every day. The following were the winners:

Grand Prize Winner: *The Shallow Five* – Ed Green, John Martin, Lisa Martin, Jesse Smith and Penny Hoffman – 1,361,000 steps

Four Women and a Man – Dana Damm, Jodi Goodwin, Carrie Podl, Charles Zalenka and Tresi Houpt won a gold metal for over 900,000 steps.

Garfield County Library – Three teams

Check It Out Baby - 454,000 plus steps – Tracy Conner-Shover, Jaci Sphuler, Jeannie Rose and Nicholson and Judy Martin

Garfield Step Kids – over 1,000,000 steps – Pat, Eva, Shirley, Cathy and Sharon

Library 3 – 500,000 steps – Marilyn, Lizzy, Melissa and Mary Meisner

Great Steppers – over 1,000 steps – Cathi Edinger, Fred Jarman, Tamara Pregl, Shaun McCourt and Theasa Baker

Stratton Steppers – over 700,000 steps – Mildred Alsdorf, Vicki Price, Marilyn Hatfield, Jean Richardson and Georgia Chamberlain

The No Names – over 1,000 steps - Bonnie Strong, Donna Hale, Lyn Messinsmith, Sara Harter and Suzie Lockhard

Four Ladies and a Tramp – Jim Ryan, BJ Howe, Jeana Satterfield, Robin Dalessandri and Melanie Nichols

A Step Up – Bonnie Embry, Janet Hess, Susanne Braswell, Greg Wetzell and Carol Hawkins

The Agony of Defeat – over 400,000 steps – Cathy Young, Patsy Hernandez, Linda Morcorm, Kate Lujan and Maria Marco

The Wicked Step Sisters – over 800,000 steps – Christine Singleton, Lori Gish, Brisa Chavez, Hilda Rangel, and Kathy Lancaster

The Most Improved Stepper was Donna Hale from 154,000 to 640,000 steps

Ed commented that this has been an incredible program for our Wellness Group.

c. Valley View Hospital – Larry Duper

Gary Brewer and Larry Duper – Thanks for the assistance with the Valley View Hospital project. The Commissioners were presented tokens of appreciation. Gary invited everyone to the official Ground Breaking on Thursday, October 9, 2003

d. Emergency Management Services IGA – Guy Meyer

Guy Meyer was not present due to a family illness. Don DeFord presented the IGA and discussed the inclusion of the following comments provided the Board in a memo after he had reviewed the draft agreement:

1. The first paragraph (1.a.) redrafted to provide "this IGA is promulgated under the provisions of Articles 1, 5, and 22 of Title 29, and Section 24-32-2105 C.R. S., as amended. Statutory provisions shall control in the event of a conflict between this Agreement and a statute;"
2. Adding in both Paragraphs 4 & 5 – "Except as provided in Section 29-5-108 regarding liability of a requesting agency for negligent acts, …;"
3. Suggested a paragraph be provided that the sending agency's personnel and equipment shall perform services solely and exclusively under the control of the sending agency's supervisory staff; and
4. Adding "subject to appropriation" clause to the standard contract provisions.

e. The Carbondale Trails Committee – Sutank Bridge - John Hoffmann, Chairman

John presented a request for a budget appropriation of $30,000 for March 1, 2004 to be used as seed money for obtaining a $90,000 grant for the rehabilitation of the Sutank Bridge with various documents including a photograph, plan drawing and elevation drawing of the bridge; recommendation page from the Sutank Bridge Inspection Report by KM Engineers; draft grant application to the Colorado Historical Fund; bid from Big Johns Lumber itemizing most of the timber in the bridge minus the floor beams and verticals @ $21,041.00; bid from Tom Bleskan of Log Dogs and Beams including the cost of all new timber, use of a crane and the labor to disassemble and dispose of the existing structure and the fabrication and erection of the rehabilitated structure for $61,325; and a bid from the Roaring forge in Carbondale to supply four new Truss Shoes and clean and oil the existing bearings and pins plus straighten out the tie rods and enlarge connection plates for the upper and lower chords at $21,618.00.

John further explained that the budget cycles for the different entities that would fund the project would be: Garfield County budget appropriations sought immediately; Colorado State Historical Fund deadline of October 1st with a 25% match requirement that must be in place by March 1st. with the appropriation of $30,000 from Garfield County, the bridge's rehabilitation will be assured and it will be ready to serve pedestrian use for another hundred years. The Town of Carbondale is donating $1000 and the Recreational Department will manage the grant if the Commissioners wish.

John said they are asking from the $89,100 from the Colorado Historical Fund and asking $28,400 from the County.

In the Minutes it was referred to as a Road and Bridge budget and a great deal of it was in-kind. This commits the County as the owner of the bridge, but the County is not committed to this at this point. At the present time this is earmarked in the budget for next year.

This is a County bridge that has historical significant.

Heads up - the Elk Corridor is a trail that's being worked on in Gunnison County, Pitkin County and invited Garfield County's participation. The trail is on the way from Crested Butte as we speak cutting Kebbler Pass and working their way over. The trails alignment is still in discussion in Pitkin County but they have good roots all the way down and have the money to complete the trail and Carbondale is working it's way up and is committed to reaching Prince Creek Road next to the Fish Hatchery. That leaves a little over one mile which includes a bridge across the Crystal River that lies solely in Garfield County. John forewarned the Board they will be back asking for some funds for this one mile of trail. This will be an amazing trail and will include being able to ride bikes from Carbondale to Redstone. Pitkin County Open Space funds are being used but for Gunnison County John wasn't sure. Gunnision feels confident to have their portion completed in four years. This will be a huge tourist boom and a safety boom for Hwy 133 as well.

f. Discussion regarding December 1, 2003 BOCC Meeting

Due to the CCI Conference the Board decided the latest time they would meet will be 11:00 to 11:30 a.m.

g. ***DOLA Contract for Airport Road – Randy Withee***

Randy submitted the copy of the contract from the State of Colorado for the Board's review and requested the Chairman be authorized the sign the contract.

Don commented that he has not received the grant and stated the most significant part of the agreement is that it ties the County's share to the completion of the project. The amount from EnCana is $400,000 cash and the $90,000 they will provide for West Mamm will be in-kind services. Don suggested making a record at this point that the anticipated County contribution $1,179,984.00. There are some in-kind costs for Randy and Jeff and those will be ascribed to the Road and Bridge budget.
As part of the agreement as well, Don stated negotiations with Bob Howard and received communication back from him that he does want to go forward with the donation of the 10-acres to add to the Airport property. This is a collateral agreement going along with this as well.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sign the Department of Local Affairs (DOLA) Grant Contract for Airport Road Phase 1 upon legal review and approval. An agreement with EnCana will also be made. Motion carried.

h. County Road 296 – 30th Street Intersection/Rifle – Randy Withee

Randy submitted a memo and drawing was submitted. The City of Rifle will improve this from Highway 13 to Deerfield Park. The engineers wanted to look at the improvement and will be a better improvement of the intersection. Abandoning the current and gaining the new property.
The direction was to tell the City of Rifle the Board approved. The project will start next year.

i. Contract Renewal/Colorado Department of Public Health – Wanda Berryman

There was a mistake and the State submitted a fax correction. The body of the contract has the correct dates.
Wanda presented a contract renewal letter for an increase in funds for $159,000.00 for October 1, 2003 through September 30, 2003 making the total financial obligation of the State of $649,250.00 was submitted to the Board.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the contract renewal letter from the Colorado Department of Public Health as corrected by the State with the funding year for 2003 - 2004 for the $159,000; motion carried.

j. Reclassification of WIC Educators – Mary Meisner and Judy Osman

Mary and Judy were present. A memorandum was submitted with the requested reclassification. The job description relates to a pay grade 2 versus a pay grade 1. Mary reported that there is a series of tests from the State before they become a WIC educator. The impact for the remainder of the year is $3100.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the
Jesse asked that after this date, no more classifications until after the 1st of the year. Jesse stated he put out a request that no additional increases be submitted after October 1, due to the budget process and the impact it makes.

k. Community Corrections Board Appointments – Dale Hancock

Al and Dale presented the recommendations.
Al stated that the letter from Jonathan Shammis resigning on the Board. A request was made to remove him from the Board. Also to remove Lynn Renick. Three citizens plus the Human Service representation. Shammis, Renick, and DA.
Dale requested the Board not remove Social Services
Doug Britten, Reuben Hernandez, Steve Reynolds, Rick Hilary, and Tom Beard.
Al was concerned that Lynn hadn't responded to his e-mail of last week. The Board preferred to keep the Social Services Director since she is staff and they can address the participation.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint all these members, Doug Britten, Reuben Hernandez, Steve Reynolds, Rick Hilary, and Tom Beard to the Community Correction Board. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to remove Jonathan Shammis from the Community Corrections Board. Motion carried.

Report of the Community Corrections Program

Dale reported there were 10 in work release and 2 in the diversion program. The screening committee is active, but things are moving slower than anticipated but gaining momentum.
Northwest Revolving Fund – Dale was elected to be the Vice President. The 1-3519 – County has been part of this organization for 18 years. Looking for more money and pressing for old notes.
Airport – Dale reported on the presentation with Division of Aviation and said that big money is tied up in continuing resolution on the 90-10 for the Apron. The County did receive matching funds for the lightening and we hadn't anticipated this. Chairman Martin, Dale and Brian presented at the meeting.

Resolution 99-052 Al Maggard requested that the Board revoke Resoltuion 99-052. This calls for "no screening for out-of-county placements" and this has handicapped the Board by requiring we only screen those for the county and it puts the control to the Probation Department. Last month we gained 9 offenders and only 2 went to the County facility. The rest were referred to out of county placements. We do not screen females because we do not a provision to place them in the County program.
Commissioner Houpt felt this was something the Board needed to look into and asked Al to bring this back to the Board as an agenda item. Chairman Martin noted this was a legitimate request and encouraged both Larry and Tresi to be present at one of the screenings that is held every Tuesday if we have referrals. He also reminded them that the Community Corrections Board meets this Thursday at 12:00 noon at the Hotel Colorado.

Installation of High Capacity Phone line within County Right of Way on CR 150 and CR 151 – Marvin Stephens

Marvin and Bobby presented. CR 150 and CR 151 – the phone lines will be placed in the bar ditch. The Board requested that they also notify homeowners and dispatch. 10 minute delays will be noticed.
The board approved Marvin issuing the permit.

Audit for 2004- Renewal of Chadwick, Steinkirchner and Davis

Jesse presented that this was the year to seek an auditor. There is an RFP ready to go out and recommended to the Board not to go out this year. This is the year for GABSY and also the last year for the software system. We do not know what to put into the RFP. With the changes it would be more expensive to gear up and train for the KBS system and then relearn a new system. The current contract can be renewed for one year. It would be a lot smoother, Chadwick has already gone through the KBS and adjusting to a new system.
Don informed the Board there wasn't a legal problem with the procurement code in keeping the same firm an additional year. Section 5.113 – renewal of contracts – provides that professional contracts can not be extended beyond 36 months. If the Board wishes to follow Jesse recommendation. The actual audit is 2003 and the new conversion will be in 2004.
Don's requested if the Board approves the firm of Chadwick for another year that they make proper findings for the exception.
Discussion was held.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to extend the contract for the audit firm of Chadwick, Steinkirchner, and Davis to renew for one year; McCown – aye; Martin – aye; Houpt – nay. Commissioner Houpt would like to have had an opportunity to discuss this with Jesse. This puts questions in her mind and would have liked to have opportunity to look into the options.

COUNTY SHERIFF UPDATE – LOU VALLARIO

a) Employee Presentation

Deputy Glassmier spent 6-months in Iraq, and Lou presented him a plaque following by a crowd of staff thanking him for his service.
Chairman Martin informed Lou of what to expect in the budget presentations. Budget presentations will be on October 14th.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Road and Bridge, the Commissioners, Pipelines in the County, Liquor License and an Election Issue, Board of Adjustment, Contract Negotiations; Regional Housing Trust IGA

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action Taken:
Commissioner Houpt made a motion to direct staff to follow the regulations we have in place at this time and place a restraining order on the action that is taking place on a current pipeline by ***EnCana*** between Rifle and Parachute that has not been authorized through our Conditional Use Permit process. At which time they come forward for a Conditional Use Permit we will look at that issue at that time. My motion is that we move forward with a code enforcement action beginning with a restraining order. Commissioner McCown seconded. Motion carried.

Pipelines:

Commissioner Houpt – it's important as long as this regulation is in place, we make sure that everyone is complying and if we believe this is too onerous that we as a Commission need to look at new language to meet the needs of the activity that's going on in our County, but at this time that regulation is in place and this needs to be observed.
Commissioner McCown made a motion that we change the wording in our existing regulation to reflect that any pipeline smaller than 10-inches be exempt from licensing.
Chairman Martin – because the pipeline has not been identified within our regulations on size.
Commissioner McCown – this will follow along with the Weld County regulation in place that we heard testimony on a month or so ago.
Direction for staff was to take the definition presented to the Board and replace it with 10-inches.
Commissioner Houpt would not second.
Chairman Martin seconded the motion.
Don clarified the motion. Was it to direct staff to initiate the process?
Commissioner McCown and to change the onerous wording in the regulation presently to a specific size in order for everyone to know what does and doesn't require a permit. Anything smaller than 10" would be unmanageable and unenforceable and this will give us the level we are looking for in permitting pipelines that are going to create larger disturbances to the surface.
Discussion
Commissioner Houpt didn't second that because during our last discussion there was a lot of concern with that and it was an arbitrary way of identifying pipelines and our staff had also come forward with a larger pipeline and think we are reacting to a discussion that we had this morning and would feel more comfortable by asking you to amend that motion to suggest that staff bring forth a policy that presents a size or a better defined pipeline to the Commissioners that can be discussed adopting.
Commissioner McCown – my 10-inch number is based solely on the history of Weld County and all staff will have to do is plug in the line size to their recommendation and there recommendations will work with that line size. Apparently that was not a number that Weld County through a dart at, there was a reason for that 10-inch line.
Commissioner Houpt – this was something specific to that county at that time.
Commissioner McCown – most of the lines that are coming off the individual wells in our area now are smaller than 10-inch.
Commissioner Houpt agreed to start the process but didn't want a motion that ties us to a policy.
Don stated the reason he clarified the motion is because this will start the public hearing process.
Vote on the motion to get the process underway.
Houpt - aye
McCown - aye
Martin – aye

COMMISSIONER REPORT
Commissioner Houpt – Family Visitor's Open House well attended; Healthy Beginnings Organization Meeting continues and then everything decided was blown up – it's moving forward; Joint Meeting with Glenwood Springs and the Planning Department – Four Mile; Attended the Philophrophy Days in Eagle last week and talked to a lot of funders; The Rural Resort Housing Summit was last week, flights over the Roan Plateau tomorrow. Grand Valley Citizens meeting this week, oil and gas forum, ground breaking for the hospital. October 15, oil and gas Denver CCI – rule making – roundtable. Pipelines, water and noise. Hope to have this ratified in December and to the rulemaking committee in January.
Commissioner McCown – Trails and Access with Forest Service, Com Board on Thursday, Oil and Gas Form at the Fairgrounds.
Chairman Martin - Community Corrections Screening last Tuesday; Colorado Mountain Fixed Guideway; Budget Workshop on Tuesday; attended the Steamboat with the Aviation Program on Thursday, CCI and Legislative Committee on Friday.

CONSENT AGENDA
a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers -none
d. Changes to Prior Warrant Lists - none

e. Liquor License Renewal for Buffalo Valley – Mildred Alsdorf
f. Authorize the Chairman to Sign New Mylar for Amended Plat of Lot B5, a combination of Lots B, 1, 2, 3, 4 and 5 of Block 12, Townsite of Cooperton. This is a resigning of plat due to the original Mylar had an error in the legal name. Applicant: Charles Moore - Mark Bean
g. Authorize the Chairman to Sign New Mylar for Amended Plat Resubdivision of Block 11 and a Portion of Sopris Avenue, Townsite of Cooperton. This is a resigning due to the original Mylar had an error in the ownership names. Applicant: Charles Moore and Compass School – Mark Bean
h. Authorize the Chairman to Sign an Acknowledgement of Satisfaction of Subdivision Improvements Agreement for the T.O. Ranch Subdivision – Mark Bean
i. Authorize the Chairman to sign an Acknowledgement of Satisfaction of Subdivision Improvements Agreement and Reduction Certificate for the Roaring Fork Preserve Subdivision – Mark Bean
j. Authorize the Chairman to Resign the Collins Special Use Permit – Tamara Pregl
k. Authorize the Chairman to Sign the Final Plat and Subdivision Improvements Agreement (SIA) for the Native Springs Subdivision. Applicant: Jim and Paul Luginbuhl – Fred Jarman
l. Authorize the Chairman to Sign the Resolution of Approval for the Park Subdivision for Greg and Diane Park – Fred Jarman
m. Minutes for 2003 January through September 15, 2003

Park Subdivision – Larry was present and a correction was made.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a –m except remove c and d; carried.

PUBLIC MEETINGS

ABATEMENT OF TAX LIEN SALE #2000-12 AND CANCELLATION OF TAXES ON SCHEDULE #R420716, LAWRENCE R. BRADLEY, OWNER AND DWIGHT MORRIS WHITEHEAD, INVESTOR – GEORGIA CHAMBERLAIN

Georgia Chamberlain and Shannon Hurst submitted a Resolution concerned with abating the tax lien sale for the property described as #2177-202-01-053 of the Rifle Village South Block 8, Lot 9 as recorded in book 1022 and page 827. She explained that the 1999 taxes were not paid and were sold at the annual tax lien sale on November 1, 2000 and a tax lien sale certificate of purchase was issued to Dwight Morris Whitehead. The property described in Schedule #R420716 was also assessed on parcel #2177-202-01-047 resulting in a double assessment and the land was wrongfully sold upon which no tax was due at the time of sale and therefore voids a Tax Lien Sale.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution regarding the abating tax liens – and approve the $64.91 tax lien; motion carried.

SECOND AMENDMENT TO RENEWAL OF GARFIELD COUNTY BANKING AGREEMENT – 2001 FOR FISCAL YEAR 2003 – GEORGE CHAMBERLAIN

Georgia requested the Board approve the second amendment mainly to update the individuals who filled the authorized signature positions. Georgia removed her signature and only included the Commissioners and Mildred Alsdorf – there will only be two signatures required.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown approving the renewal and adding Exhibit F to the agreement. Motion carried.

AIRPORT PARKING LOT LEASE POLICY – BRIAN CONDIE

Brian Condie, Andrew Doremus and Carolyn Dahlgren were present. Brian submitted the private parking lot land lease and agreement with the Flight Department, Inc., operators of a Fixed Base Operation on the Airport conducting other aspects of its business as Rifle Jet Center and other aspects as the "TFD Hanger" TFD wishes to lease an additional parcel of land on the Airport in order to expand its vehicle parking area. Carolyn explained that this sets a policy at the airport. This was discussed in August 2003.

Brian explained that parking is in short supply. Each tenant is required to have parking for the tenants of their business and any additional parking should be granted to them for land that is in-operateable for Airport use. The lease includes the Airport to regain use of the land if needed for Airport use.

Brian reviewed the lease policy. Carolyn stated this requires a 2-year notice if the land is needed for the Airport. This protects the County and the Airport for unforeseen things. This property cannot be used at the

present due to the VOR. This does not limit the back 10-acres due to the parking lots. After twelve years there would not be a buy-out of leases, it would just require giving them notice.
Brian stated this is a possibility; it is unforeseen at this time. We're not compensating.
Andrew Doremus stated there were two different discussions. His needs are mixed in with the general policy of the Airport.
Brian's solution is the recapture of the land after 12 years.
Commissioner McCown was concerned about the lease for parking lots via a lease. The property to be gained from Bob Howard was to be
$36,000 in six years it would cost the County $18,000. Andrew stated they are in need of parking now. The policy is good and there is plenty of flexibility. The size is between 15,000 and 21,000 square feet. He felt this would not affect the 50-year build out of the Airport.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Flight Department Inc. and to authorize the Chair to sign with the final lease; motion carried.
Page 2 of 12 of the document: 41 spaces versus 41 vehicles and maintained in 6 years. Mike Brown – Jimmy Hybarger has left and Mike will be the new facilities manager.
Chairman Martin requested they follow the handicap parking spaces. Andrew mentioned these would be put in the front of the building or to the side.
Mike Vanderpol – design standards were pulled off the Internet for C-DOT and Brian and Mike will monitor those requirements.
Commissioner McCown didn't have a problem with changing this and the contract will be left at 5-years; Commissioner Houpt agreed.

PUBLIC COMMENTS BY CITIZENS NOT ON THE AGENDA
Alex Swaller - Red Hill brought forth the issue of a proposal for a Carbondale Gateway Park by Davis Farrar Consulting and a group that makes water parks in particular a Kayaking Park at the confluence of the Crystal and the Roaring Fork River. There are a lot of challenges and the one that concerns Alex is the opening up more access to the Red Hill area. Davis Farrar's company promoted that area about 6-years ago and the goal then was to improve the access to the trailhead and prevent people from parking along CR 107. With the help of Garfield County and C-DOT they made the parking lot much bigger. The crucial part of that plan was to pursue a way off the County Road to get people about 1/3 of a mile up to that trailhead. There are 21 homes in this area. The homeowners are very careful and the road up there is very dangerous. Before the access is improved, she wishes the County and the Town of Carbondale should improve the road. There is a meeting planned for October 15 and the presentation to the Town Trustees is October 18th.
Chairman Martin informed Alex that the County doesn't build or maintain trails.
Alex felt there was very little out there to mitigate the impact. As a heads up, CR106 Road will be similarly impacted if this Park goes through as well. Any help will be appreciated.
CONSIDERATION OF RESOLUTION DECLARING THE INTENT OF THE BOARD TO CARRY FORWARD THE PRIVATE ACTIVITY BOND ALLOCATION FOR 2003 TO FUTURE YEARS – JESSE SMITH
Jesse submitted a draft Resolution and discussed the contents with the Board.
Garfield County received bonding from the State that can be used for Affordable Housing. Each year we have received the allocation, the past two years, but each year the Commissioners have to motion to carry it over. $3.8 million and in order to provide it would require $5 million.
Tom Beard site on the Private Activity Bond and encouraged the Board to carry this forward.
Jenny Rogers from the State, email, our bond allocation should be safe if the Board chooses to carry this forward.
A motion was made by Commissioner McCown and seconded by Commissioner to authorize the Chair to sign the Resolution to carry forward the private activity bond allocation for 2003 to future years; motion carried.
REQUEST TO CONSIDER A REFERRAL OF THE SPECIAL USE PERMIT AND AMENDED PLAT APPLICATION FOR WESTERN SLOPE RECYCLING, LLC. APPLICANT: LACY PARK, LLC. LOCATION: LOTS 4 & 5, LACY PARK SUBDIVISION 11.31 ACRE LOT AT THE WEST RIFLE INTERCHANGE – TAMARA PREGL
Tamara Pregl, Don DeFord, and Tom Beard were present.
Tamara submitted the project information and staff comments stating that the application for a special use permit was submitted for a waste transfer station and recycling facility. Concurrently, the applicant has also

submitted a request for an amended plat to remove the lot line between Lots 4 & 5 of the Lacy Park Subdivision.
The Board has the option of holding a public hearing considered by the Board; or direct staff to schedule the SUP request for a public hearing before the Garfield County Planning commission, prior to the board's consideration of this request.
Tom Beard stated he was here to answer any questions. David Giltletz, Dave Johnson, and Debbie Dooley from Schmueser. He requested a hearing as soon as possible.
Discussion:
Commissioner Houpt – anytime a transfer station is proposed it will have a great impact on many citizens and recommended to send it to the Planning Commission.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to refer this to the Planning Commission. Mark clarified it would be heard in December. The reason she referred it was that the Commission was a vital part.
Vote on the motion: Houpt – aye; Martin – nay; McCown – nay. It's not that we oppose it but it is an issue to hear sooner.
Commissioner Houpt – felt it was sad that we were not having more review on this.
Tamara will be leaving the County the end of October to move to Colorado Springs.

PUBLIC HEARINGS
REQUEST TO CONSIDER A SPECIAL USE PERMIT REQUEST TO SEPARATE USES ON THE SUBJECT PROPERTY: 1) A LOG TIMBER FRAMING BUSINESS (MATERIAL HANDLING OF NATURAL RESOURCES), AND 2) A TRUCK AND EQUIPMENT STORAGE PARKING REPAIR BUSINESS. LOCATION: 4941 CR 346, SILT. BETTY AND BRUCE COLLINS – TAMARA PREGL
Tamara Pregl, Carolyn Dahlgren, Betty Collins, Bruce Collins, Paul Straw and Don Fuller 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.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Comprehensive Plan of 2000 as amended; Exhibit E –
Staff Report dated October 6, 2003; Exhibit F – Application Materials; Exhibit G – Addendum to application; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated September 3, 2003; Exhibit I – Letter from Steve Anthony, Vegetation Management dated September 22, 2003; Exhibit J – Letter from City of Rifle Planning Department dated September 9, 2003; Exhibit K – Letter from City of Rifle Public Works Director dated September 16, 2003; Exhibit L – Resolution No. 2003-31 and Exhibit M – Staff memorandum dated April 14, 2003, for previous Special Use Permit (structural steel fabrication business).
Chairman Martin entered Exhibits A – M into the record.
This is an application for a Special Use Permit to allow for two separate uses on the subject property:

1. Log Timber Farming Business (Top Notch Log Works); and
2. Truck and Equipment Parking, Storage and Repair (Don Fuller Trucking, Inc.)

Approval for a SUP was granted earlier this year for a steel fabrication business for raw steel materials, such as beams, columns and miscellaneous steel, which are stored outside until they are ready for fabrication. At the time of this approval, the applicant mentioned they had future plans of subdividing the property or leasing a portion of the property for additional uses. They understood that in order to accomplish this, they would need special or conditional use approval in the A/I zone district or that it may be prohibited.
The steel fabrication business currently operates in Carbondale and the original request and approval of the SUP was for the applicant to relocate the business to the subject property. The applicant does not intent to relocate that business in the immediate future and is seeking alternative uses for the subject property.
Top Notch Log Works - Framing Business is a 4-year old business currently based out of Gypsum. Their present facility is located 5-miles west of Gypsum on Highway 6. The raw materials consist of timber and logs which arrive on semi-tractor trailers from Utah and Idaho from wholesale distributors. These logs and timbers and stored and formed outside into finished products. The materials would be stored on site until they are ready for delivery and final installation within various residential and commercial projects up and

down the I-70 corridor. They are requesting about 3 acres of use for this property. There will be 6 – 7 employees for this business.

The Truck and Equipment Storage, Parking and Repair for Don Fuller Trucking or a similar business should the lease with Don Fuller is terminated. Don Fuller Trucking has been in the area for 6-years and is currently based in Silt. It consists of pull-in and pull-our of trucks, parking and storage of 2 tandem dump trucks, 2 tractor-trailers, 1 equipment trailer and/or similar equipment that may come in future leases. The following activities would take place on the property: parking and storage outside; maintenance of trucks inside a warehouse such as but not limited to tire repair, changing of motors, rear ends and boxes. The applicant noted that B & B Welding, the steel fabrication business, has not plans to use the existing warehouse or modular home for their business and will construct a warehouse/office for their needs. Therefore, Don Fuller Trucking will be utilizing the existing structures. No customer visits are anticipated for this proposed use.

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. All conditions of Resolution No. 2003-31 (Exhibit L) shall remain in effect unless otherwise amended by this Resolution.
3. The Applicant shall comply with all applicable requirements of the Garfield County Zoning Resolution of 1978, as amended.
4. The Applicant shall comply with all State and Federal regulations and standards, such as Noise Abatement, Water and Air Quality.
5. The Applicant shall comply with the Garfield County Noxious Weed Management Plan. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide a weed management plan outlining management of the Russian olive and Russian knapweed currently on the property which shall be reviewed and approved by the Garfield County Vegetation Manager
6. Along the entire length of the north side of the property, adjacent to I-70, the Applicant shall install a berm, minimum of 4' in height with trees along the top of the berm in 2 foot intervals. Along the east and south sides of the property, the entire length, the Applicant shall install trees and other vegetative growth. Along the west side of the property, the Applicant shall enhance the existing vegetative growth with additional trees or vegetative growth.
7. All lighting fixtures shall be designed and placed to prevent direct reflection on adjacent properties, Interstate 70 and County Road 346.
8. The Applicant shall comply with the following recommendations from the Garfield County Road and Bridge Department:
    a. A new driveway access permit shall be obtained from the Road and Bridge Department.
    b. No off-loading or parking shall take place on County Road 346.
    c. The existing driveway shall be brought up to the new driveway access regulations with a new driveway permit issued by the Road and Bridge Department.
9. Vibration, emission of smoke and particulate matter, and the emission of heat or radiation shall comply with applicable Federal, State, and County laws, regulations and standards.
10. The Applicant shall obtain and provide the Planning Department a copy of the new well permit which allows the additional proposed uses.
11. This permit is granted for the timber log framing business, including a staging area, raw material storage and employee parking, as well as a truck and equipment parking, storage and repair business, including designated parking and storage areas as presently described. In the event any representations made in the application for which this permit is granted change and are no longer consistent with the representations in this application, the Applicant shall be required to submit a new permit application to the county addressing the changes.
12. Garfield County shall enforce appropriate noise regulations which may require the Applicant to meet the "Residential' zone noise level (55 db (A)) pursuant to Colorado State Statue 25-12-130.
13. Due to potential polluted run-off from the graveled parking areas and the staging area for the log timber framing business, the Applicant shall provide a drainage study, prior to the issuance of the actual Special Use Permit, by a qualified engineer licensed to practice in the State of

Colorado that demonstrates the impact, if any, to the Loesch Crann Ditch or other adjacent properties of the amount of water run-off from the site as well as the quality of water that is generated.

14. All waste shall be enclosed within wildlife proof garbage receptacles.
15. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide in writing from the Silt Fire Protection District approval of the appropriate storage of hazard materials, i.e. diesel and gasoline, fresh oil "Rotella" and waste oil.
16. The Applicant shall submit a yearly review for compliance with the Special Use Permit in accordance with section 9.03.05 of the Zoning Resolution of 1978, as amended.

Reference was made to page 10 of Tamara's staff report.

Commissioner McCown – question on the berming and the trees. That area along the north, a four-foot berm is useless and in order to block that view and it will take many years.

Tamara – the Nicole SUP was required to have trees and Tamara combined this.

Commissioner Houpt – the logging business is on the west end and asked if it was next to the Nicole property. She recommended a berm on the opposite side. This maxes out the decibels allowed.

Paul – the sound reading he did was based on 25' from the equipment at full max. This had To do with the chain saws and boom trucks. This is not on-going all day long. The notches takes about 2 minutes to saw out and the rest is done with chisels. He is not right on the borderline of the property

Betty Colllins – passed out her response. 1)small business and trying to bring small businesses into the County, B & B welding, Don Fuller – they are doing this on a very small budget and today they request to avoid a lot of bureaucracy. Berming – any attempt at screening is impossible. None will ever screen this property and it will only increase a burden on the property and impact a huge impact. The property is on a slope. On westbound I-70 property they cannot see the business. The 2-foot spacing is very unreasonable. She talked to West Canyon Tree Farm and the 2-foot 11 foot – 550 trees = $4,025. Flashing and salt will kill the trees along I-70. They would choose Elm trees and if it is necessary to do they would do it in the spring planting.

Page 6 – Gravel is requested versus paving.

Page 8 – requested the proper drainage be done and requested no drainage study be mandated.

Betty requested No. 12 on the noise study on page 17; this was explained. Carolyn suggested that all applicants on the site shall comply.

Item 5 on page 16 – Russian Olive – this is a noxious weed and the Commissioners explained they demand a lot of water, spread rapidly and have been deemed as a noxious weed.

Dave Santee – Top Notch Logs – if you drive between Junction you will see a lot of log homes and they are not making an eyesore.

Betty – Driveway Access Permit – Jake from Road and Bridge should be contacted.

Commissioner McCown – in dealing with the screening, asked the applicant if they had suggestions. Screening between this and the non-commercial operations.

Betty stated they have good screening going on.

Commissioner McCown noted the other property owner was requested to screen his property and perhaps they could cost share.

Commisisoner Houpt – explained the intent. This is not an industrial park area and the intent was to soften the industrial impact that is now being introduced and now you're bringing three industrial uses on your property instead of one.

Exhibit M – Tamara, when this originally came forward to the board, staff only had a generic comment that said various storage of raw material shall be screened with appropriate fencing that complies with County regulations. As a result of that meeting, the Board decided to expound and referenced page 7 of the current staff memo, the language was changed to include a 4-foot berm. As a result of the SUP for Nicole, Tamara took what the Board approved the previous time and combined what was required for Nicole and came up a recommended language – a 2-foot increment may not be appropriate but this isn't a condition that staff came up with. The intent of the condition was due to the uses going into that area.

Betty stated they will soften the area with a few trees on the north perimeter but the berm is pointless and will not help get the screen high enough. Some nice shade trees along there would be nice.

Bruce Collins – on the west end of the property there's a ditch, a drainage or overflow ditch for the main ditch that comes across that laterals our property and referenced the faint dotted line on the site plan

that diagonals to the north off the ditch and that line is what is the overflow point of the ditch. If the ditch gets dammed way to the west, that's where it comes out – in the middle of that lot. He talked to the ditch company and they were supposed to fix this a long time ago but did not and it's flooded Fritzlan out twice. He is talked to the ditch company and is proposing to move it that down and have a straight shot through that drainage right of way that goes between his and Gilbert's place to the I-70 drainage. And in turn, with being able to do that, to protect both properties, make the ditch deeper so it will hold water if it does go over so it won't damage his property or mine, a berm of both sides of that ditch. There's already a berm between him and if I cut down those trees I'll be tearing up his fence. He was planning on putting more trees on his side in this location of the ditch just to keep that screen up. If he has to cut the Olive trees down it will tear up his ditch. He asked the procedure to remove those trees.

Commissioner McCown – you can cut the Russian Olives and within 30 minutes spray the stump with chemicals and they will deteriorate.

Commissioner McCown inquired about the parking and the level area for Top Notch on the west side of the ditch.

Betty proposed moving this to the north. And there would be no parking above the ditch. The master plan includes moving the ditch up and make a straighter line making more room. They proposed to abandon the plan to put the parking above the ditch.

They proposed if they left this gravel, there are ways to drain it with a small berm by the ditch. All the drainage hasn't been figured until after the move the ditch.

The paving of the roadway is not a condition of approval and the applicant stated a good layer of gravel would eliminate the dust.

Commissioner McCown asked of Carolyn, given the zoning of this particular area, it is industrial/agricultural with residential noise levels and would these be the noise levels we would be enacting.

Carolyn asked that the Board use the language instead that is on page 12, that "all proposed operations on the site shall comply with the maximum standards established in CRS 25-12-103. Upon a receipt of a legitimate allegation of a violation with respect to noise, the applicant *will* be required to provide proof of compliance with State dB levels," and to change that last part from *will to* ***shall***.

Don Fuller inquired about the signage and was informed that he was required to use the sign code of the County.

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

A motion was made by Commissioner to approve the Special Use Permit to allow for the Log Timber Framing Business, Truck and Equipment storage, parking and repair business in addition to the Steel Fabrication business that was initially applied for with the recommendation of staff, No. 6 in those recommendation, deleting the 4-foot berm leaving in place trees along the east and west boundaries of the property, I'm not to put a spacing interval in my motion but I think I will require that those trees be spaced at intervals to allow for visual and sound continuation between you and your neighbors when a mature tree is 20-feet apart and you have a 15-foot gap in between it you're not gaining anything, so I would like those spaced at a point of maturity those trees will be a constant barrier between you and your adjacent property owners, not sure how we'd work that, but that's the goal I'm attempting to reach, so I think it would be easy enough for us to check and see what mature Elm trees mature at and the spacing would be adequate if that's the type of tree that you would use. The next thing, Number 12, I would change the wording of Number 12 that the wording as presented by the Assistant County Attorney; Number 13, given the elimination of the parking area above the ditch, I would eliminate Number 13; it would change the Number to 16 but I would like to add that dust suppression would be applied to all interior roads in a method not allow any dust particles to travel from the property. This could be Mag Chloride, gravel, water, but no dust is to leave the property.

Commissioner Houpt – did you include berms on the east and west side.

Commissioner McCown – no I did not, I just included vegetation, adequate enough to make a solid screen.

Commissioner Houpt – because you were concerned about the noise and that's where the berm would really help, the trees would take several years to be effective. Would you be willing if I agreed to taking the berm out of the highway corridor, to agree on berms on the east and west side. I think there's a real concern with neighbors.

Commissioner McCown – a 4-foot berm and 20-foot grade elevation is not going to serve the purpose. That grade elevation is going downhill to the Interstate. That 4-foot berm is going to carry down that hill to the

Interstate so noise would go right over the top of it.

Commissioner Houpt – with trees. You're saying trees on the level ground.
Commissioner McCown – I'm saying both sides, trees is the best thing we can do because it will not screen the noise unless we put it above.
Chairman Martin – there is a motion on the floor.
Commissioner Houpt – I'm trying to see if he'll do a friendly amendment. She would not second.
Chairman Martin seconded the motion for discussion.
Commissioner Houpt - No. 13 – I would like to keep in there until we know where the changes are; we required a great deal of mitigation on potential of leakage of potential hazardous materials into the ditch for the neighbor who has similar operations and I think we need to see on paper what the changes are before we just delete that from the conditions of this approval.
Chairman Martin – I think that the applicant has also agreed to go put together a drainage plan that should have that addressed with in. If's that's acceptable, then we could go ahead and approve that drainage plan, but until then, he would be able to go ahead and start his operation. The applicant has agreed to submit his weed plan and drainage plan.
Commissioner Houpt – but we don't have that in front of us. I don't think we're being consistent.
Commissioner McCown – I did not understand at all since the applicant is not going to park anything above the ditch, the need for a drainage plan on contaminated the Loesch Crann Ditch goes away. They're not parking anything up there.
Chairman Martin – The drainage plan takes over more than just the parking lot, it also has the lot itself and where he's going to send all of the runoff and that's part of the drainage plan that needs to be addressed which hadn't been and he also has the obstacle of the ditch to get over, and he's offered a suggestion on how he's going to address that through his drainage plan. I think it should be there.
Chairman Martin – call for the question, all those in favor of approval with the conditions that were outlined by Mr. McCown,
Vote on the Motion: McCown – aye, Martin – aye; Houpt – nay
Chairman Martin – it is going forward and they'll need to submit the plans to the County and anything you've agreed to is part of the approval process as well.

REQUEST TO CONSIDER A TEXT AMENDMENT TO THE PHASING PLAN FOR THE LOS AMIGOS RANCH PLANNED UNIT DEVELOPMENT. APPLICANT: ELK SPRINGS, LLC.

Fred Jarman, Don DeFord, Larry Green and Gary McElee 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.
Fred submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts and Posting and Proof of Publication; Exhibit B – Garfield County Zoning Resolution of 1978 as amended; Exhibit C – Garfield County Comprehensive Plan of 2000 as amended; Exhibit D – Staff Memorandum Exhibit E – Letter from the Applicant dated 6/25/03; Exhibit F – Resolution 96-34; and Exhibit G – Email from the Glenwood Springs Fire Department dated 9/03/03.
Chairman Martin entered Exhibits A – H into the record.
The Los Amigos Ranch PUD is a multi-phase project located west of Highway 82 on and along CR 114. El Springs, LLC is the current owner of all unsold lots of the Los Amigos Ranch PUD. All of the development has been platted as scheduled except the Lower Valley area which is approved for single-family/high density approved for 80 units across and below CR 114. The approved phasing plan required the Applicants to submit the preliminary plan for this phase by December 31, 2002. The applicants did not accomplish this requirement.
Since the applicant overlooked the deadline, staff recommended that they come in for an amendment to the PUD.
The applicant requests approval to amend the text of the approved phasing schedule of the Los Amigos PUD approved via Resolution 96-34 which would extend the deadline for submitting Phase 3 Designation (preliminary plan) from December 31, 2002 to December 31, 2005 – a three (3) year extension. The applicant does not propose to extend the completion deadline of December 31, 2010.
Larry Green and Gary McElee new project manager presented. Greg Boeker moved on to other endeavors. From the time period 2000 to this time, the developer worked to expand the Spring Valley Waste Water

and it not the provider. They asked for 3-years until 2005 to submit the preliminary plan; the request is justified. They put out $1 million plus on the waste water treatment plant and requested this be approved.
Recommendation:
The Planning Commission recommends the Board of County Commissioners approve the proposed text amendment of the Los Amigos Ranch PUD.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the proposed text of the Los Amigos PUD; motion carried.

REQUEST TO CONSIDER A SUBDIVISION PRELIMINARY PLAN APPLICATION FOR IRONBRIDGE PUD (FORMERLY ROSE RANCH PUD.) LOCATION: APPROXIMATELY 2.5 MILES SOUTH OF THE CITY OF GLENWOOD SPRINGS ALONG CR 109, WEST OF STATE HIGHWAY 82 AND SOUTH OF CR 154. APPLICANT: LB ROSE RANCH, LLC – TAMARA PREGL
and
REQUEST TO CONSIDER AN AMENDMENT TO THE IRONBRIDGE PLANNED UNIT DEVELOPMENT (FORMERLY ROSE RANCH PUD.) LOCATION: APPROXIMATELY 2.5 MILES SOUTH OF THE CITY OF GLENWOOD SPRINGS, ALONG CR 109, WEST OF STATE HIGHWAY 82 AND SOUTH OF CR 154. APPLICANT: LB ROSE RANCH, LLC – TAMARA PREGL
Tamara Pregl, Don DeFord, Tim Thulson, Mike Staheli, Richard Nash, Steve Beattie and Tom Zancanella were present.
Don DeFord reviewed the regulations for noticing and the submittals from the applicant certified by Sally Bagger in Balcomb and Green as a paralegal. He determined they were in order and timely and advised the Commissioners they were entitled to proceed. End at 3-4103
Chairman Martin swore in the speakers. He outlined the procedure as staff, applicant and public and a rebuttal
Tamara submitted the following Exhibits: Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984, as amended; Exhibit E – Garfield County Comprehensive Plan of 2000 as amended; Exhibit F - Staff Report dated October 6, 2003; Exhibit F – Application Materials; Exhibit H – Letter from Balcomb and Green dated September 20, 2003, regarding Land Title Guarantee; Exhibit I – Robertson Ditch Agreements; Exhibit J – Letter from Resource Engineering dated August 1, 2003; Exhibit K – Letter from the Office of the State Engineer dated August 6, 2003; Exhibit L – Letter from the Office of the State Engineer dated July 31, 2003; Exhibit M – Letter from the Office of the State Engineer dated August 2, 1999; Exhibit N – Letter from Tom Beard, Garfield County Housing authority dated August 7, 2003; Exhibit O – Letter from Steve Anthony, Garfield County Vegetation Management, dated September 22, 2003; Exhibit Q – Letter from Steve Anthony, Garfield County Vegetation Management, dated July 31,2003; Exhibit R – Letter from Jonathan White, Colorado Geological Survey, dated August 27, 2003; Exhibit S – Letter from Jonathan White, Colorado Geological Survey dated July 17, 2003; Exhibit T – Letter from Jonathan white, Colorado Geological Survey dated July 12, 1999; Exhibit U – Letter from the Garfield County Road and Bridge Department, dated July 21, 2003; Exhibit V – Facsimile from High Country Engineering dated August 12, 2003; Exhibit W – Minutes from various Board Meetings from 2000 to 2001 regarding CR 109 and CR 154; Exhibit X – Letter from the United States Fish and Wildlife Service dated August 7, 2003; Exhibit Y – Letter from the Colorado Division of Wildlife dated July 26, 1999; Exhibit Z – Letter from the Colorado Division of Wildlife dated May 4, 1998; Exhibit AA – Email from Steve Hackett, Garfield County Compliance Officer, dated August 7, 2003, regarding road names; Exhibit BB – Letter from Westbank Ranch Homeowners Association dated August 1, 2003; Exhibit CC – Letter from Christina Chapin dated September 29, 2003; Exhibit DD – Letter from Robert Snyder dated September 24, 2003; Exhibit EE – Excerpt from the PUD Amendment No. 1 and Preliminary Plan application dated October 1998, regarding “Golf Play”; Exhibit FF – Minutes from Board meetings between 1997 and 1999; Exhibit GG – Minutes from the Board meetings of July 20 and July 21, 1998; Exhibit HH – Letter from David and Jill McConaughy dated August 13, 2003; Exhibit II – Letter from Dave and Rosella Leety dated September 25, 2003; Exhibit JJ – Copy of Golf Clubhouse/Community Park site plan submitted with Final Plat; Exhibit KK – Excerpt of the Ironbridge Activity Center site plan

provided to staff on July 20, 2003; Exhibit LL – Excerpt from the PUD and Sketch Plan application, February 1998- General Information; Exhibit MM – Excerpt from the PUD and Sketch Plan application, February 1998 – Common Open Space/Overlooks/Community Park; Exhibit NN – Excerpt from the PUD and Sketch Plan application, February 1998 – Vehicular and Pedestrian Access and Circulation with map; Exhibit OO – Excerpt from the PUD Amendment and Preliminary Plan application, October 1998 – Affordable Housing; Exhibit PP – Excerpt from the PUD Amendment and Preliminary Plan application, October 1998 – Project Description; Exhibit QQ – Minutes from the August 13, 2003, Planning Commission meeting; Exhibit RR – letter dated 10-2 to Steve Anthony from the applicant; and Exhibit SS – responses dated 10-6 in response to the weed management plan.
Chairman Martin entered Exhibits A - QQ into the record.
This is a request for approval of a Preliminary Plan review for the Ironbridge PUD and PUD Amendment for a tract of land approximately 533 acres including the Westbank Subdivision golf facilities.
The applicant indicated that to-date the golf course has been completely constructed and approximately 93% of all required public infrastructure improvements under the Phase 1 Final Plat have been completed. Under Phase 1 Subdivision Improvements Agreement with the County, the Applicant was required to secure construction of $7,021,526.24 of both on and off site improvements. Pursuant to Acknowledgments of Partial Satisfaction presented to and approved by the County, all but $495,681.56 of these improvements have been acknowledged as complete.
During the course of completing construction of the Phase 1, Final Plat public improvements, the applicant encountered on-site conditions which required certain deviations from the plans and specifications contained within the Preliminary Plan approval. The applicant was informed by the County that although the deviations from the plans were, according to the Applicant, primarily addressed to technical engineering issues and not the nature of the development, such deviations were beyond those which may be sanctioned pursuant to a plat amendment and that a full Preliminary Plan review of the same would be required.
The applicant noted that in order to avoid unnecessary confusion, all the preliminary plan map materials and supporting documents are identified under the title: Rose Ranch Planned Unit Development. The applicant indicated that following approval, and coincident with the filing of the first conforming final plat, the name of the project will change to Ironbridge PUD.
The applicant is requesting the following amendments to the PUD that was submitted by LB Rose Ranch, LLC.

1. Regional Trail relocation
2. Golf II Elimination
3. Community Park Elimination
4. Creation of PA 22
5. Interior Paths and Overlooks
6. Zoning Text Modifications
7. Affordable Housing Requirements
8. Construction Activities adjacent to Blue Heron Conservation Area (this has been withdrawn at the Planning Commission meeting.)
9. Street Name Changes – page 15 of Tamara's staff report.
10. Modifications to Lot Locations
11. Phasing Plan

Tamara noted for the Board that the request for Preliminary Plan and PUD Amendment are two separate actions, however staff consolidated the analysis of both requests in this memorandum.
The Zoning Text Modifications include: change duplex lots designation to medium density residential; change Club Homes designation to Club Villas and reduce the number of approved units from 67 to 47; eliminate reference to Golf II, Clubhouse Apartments; create PA 22, Medium Density Residential with 10 deed restricted units in approximately 2.5 acres; adjust the subtotal units from 322 to 302, with the ability to allocate a total of 20 accessory dwelling units to planning areas zoned "20,000 s.f.", "15,000 sf." and "9,000 sf." and eliminate community park use under Common Open Space.

Tamara - Phasing Plan – the applicant is requesting that the phasing plan be extended and Tamara charted that with what they are proposing.

Mike Staheli, General Manager representing Ironbridge and Consultants – Richard Nash- Construction Manager,, Matt Bern – Golf Professional;, Joe Hope- High Country Engineering, Frank Herrington also of High County Engineering;, Steve Pollack – HP Geotech; and Attorneys Tim Thulson and Larry Green.
Mike Staheli, representing L.B. Rose Ranch LLC., complimented Tamara on the great job of adjusting a whole lot of information and it is complicated but during his presentation he will try to simplify. Some graphics were handed out.
Exhibit TT – the most recently approved PUD map. It has all the topography on it and it's got more on it that a typical PUD map would have in additional the zone districts and shows the trails that appear to start and stop in several places. Mike pointed out specifics on the PUD map stating they wanted to maintain some interior trails and be able to have the freedom to change those. The PUD map included in the PUD application simply has zone districts located in the graphic. He highlighted the differences in what has changed and the major differences between what's been approved and what they are asking for. The scale is the biggest he could provide. It is also on a handout. First of all the regional trail which is a bike trail that goes from the south end of the property to the north end and currently runs along CR 109, crosses underneath the underpass, runs along the west side of CR 109 a very steep area of the property, comes back on the east side of the property. We are proposing the paths start on the east side and continue along the east side of CR 109 all the way to the intersection. The dark blue dash line is the trail that's not completed, we're not showing that on the revised map and what we discussed with the Planning commission is that we would have an interior trail system, it would paved with asphalt and act basically as a jog and bike path, roller blading, through the property and it would provide some circulation to the path system and tie to the regional trail both to the south and the north end of the property in that there are some constraints we haven't researched or studied, going through future phases we are asking not to show this detail on the PUD map so when we put it in we don't have to get a PUD amendment if it happens to change. In Phase I we're pretty certain of where it will go and to the Planning Commission, we would commit to a continuous path on the north end of the property all the way through to the south end of the property, an eight (8) foot wide asphalt path with the location to be determined.

The desire to remove the Golf 2 and the Community Park was the desire to remove and the creation of planning area 22 which is the location for affordable housing. This map also identifies in purple and green where the old lot lines were.
Exhibit UU – was submitted. Planning Area 20 was up here, higher and we're pulling that back to the Robinson Ditch basically the boundary. That used to be residential, the zoning district for residential development. Planning Area 22 used to the Community Park. By pulling this back and bringing the community amenities combining them with the Golf amenities, we are able to put the community center over here, pull this back and what used to the Community Park, make that into Affordable Housing. We've got more detail on that area when we get to Preliminary Plan segment of the presentation. Effectively the green and purple shading is how we're changing as a result of application.

The reasons why we're asking to have the zone district text modified, there's certain areas that were very specific about what should occur and in particular PA 19 and what was called the duplex zone. As the current developer of this property, we're somewhat skeptical as to the marketability of duplex per se and while we don't want to change the densities in PA 19 we want the flexibility to either have multi-family which would have two or more units in it, or single family development there and not change the density of that district. And we needed to modify the language of the zone text in order to allow us to do that. So we created a district called medium density residential and have also included the language of Affordable Housing in that zone text and we're asked that PA 22 be zoned medium density residential. While I wasn't here when the first approval process, I understand the reasons for the creation of Golf 2 zoning district was because the Affordable Housing required for Phase I was to be rental units and they were to be owned by the Golf Course and just off the Golf Course parking lot, they're two buildings of 5 units and they were for rent, I don't know what the future and ownership of those will be, but there needed to be a zone district that would allow residential housing in a golf zoning and so Golf 2 was different that the rest of the golf course so that the housing would be allowed to go right there. In that we're creating PA 22 with medium density housing for affordable housing, we can eliminate Golf 2 as a zone district and that should satisfy that.
And I'll get into the Affordable Housing in just a minute. The Community Park Zoning - the vision was that there would be golf facilities and related club house and then also a swimming pool, tennis, kind of work out center would be constructed and owned by the Homeowners Association. We looked at that configuration as problematic for a variety of reasons, having the two entities operating in the same vicinity

with amenities it would benefit the community, under separate ownership regimes was going to be complex and it would create some kind of subdivision in the sense of community, it would also create kind of a redundant administration and management efforts. By pulling these amenities that I just mentioned into the Golf Club structure, we could save money in the management of the amenities we would go ahead and allow each person who buys property in Ironbridge to become an automatic member of the sports facilities which are the swimming, tennis, fitness, that would be included in the cost of their lot or home and then they would have the option, if they wanted to, to pay monthly dues associated with the use of those facilities. And if they opted, if it's something they didn't value, they wouldn't have to. It enabled us to also put more people in the center, not just 300 families which are the number approved basically for Ironbridge. We envision maybe 650 or so to be using that facility and uh, felt like it was a good idea and the right thing to do.

I wanted to guess make a comment as to something that was mentioned in the staff report, was maybe a little misleading in the way I worded it in the Planning Commission meeting, we have offered to the Westbank residents an opportunity to buy a social membership that would give them sports membership that would give them access to the fitness facilities that we're talking about and we continue to, I think once we complete that building, we will for 90-days after completion offer that access to the Westbank residents that are living there and at the end of the 90-day period, close it down.

The Westbank residents have tolerated a lot of construction dust and everything and it was one of the things we included in our offering of our a special golf membership offering and in that we didn't have that facility open yet, figured we would wait and not create a deadline on joining until the facility was finished. Also, I need to note that the initiation deposit and monthly dues kind of a function on how much it cost and they will be charged whatever an Ironbridge resident would be charged for those facilities and not just a flat $65.00 a month. We're projecting $50.00 to $65.00 but inflation, that's going to be a couple of years so I don't know.

With respect to the Affordable Housing, 10 rental units were approved and we were concerned about the maintenance of those units and the ownership of those units and the appearance of those units in perpetuity as rent control would have its affect on the upkeep of those units, we felt much more comfortable with owner/occupied affordable housing units. We want to do 10, the 10 that we're supposed to do on that location, do those single families owner/occupied affordable housing instead of rental units. We had toyed about the idea of having ADU's and incorporate those through the community but as it ends up rental units are hard to manager by the Affordable Housing Authority anyway and basically the essence of our Affordable Housing for modification is simply to replace the 10 rentals for 10 single family owner/occupied and for future phases, we're going to look at both offsite opportunities to construct or buy down housing to fit within those guidelines and mitigate our development or construct 20 additional units within the average community.

Our land use summary which is included in our application showed those, the total units dropped from 322 down to 302 mainly because the 20 of those units, we don't know whether they'll be on site or off site and we've got a footnote next to the land use summary in the event we have to place those 20 units on site, we'd like the flexibility back up to 322. It was envisioned those 20 units would go in Planning Area 20 which is shaded in purple on that map, there are 47 free market units that are planned there now and we feel like adding 20 there will be tight and want to, if we do 20 elsewhere in the community look at other locations as well and we'd come to you I guess with a proposal in Phase II for what we plan to do with our Affordable Housing requirements. We may also be able to find some offsite housing and get that approved by the Affordable Housing authority here in Garfield County and have that brought before you as well for approval. I guess at this time, that pretty much sums up our presentation of what all is entailed in the PUD amendment application, we would like to reserve the right to make comments based upon the public hearing.

Tim Thulson, a few more comments, Mr. Chairman, to begin I would like to commend staff, you've seen the size of the application and they've done a very commendable job wading through all the material and with regard to the recommendations of approval from the Planning and Zoning Commission, I'm starting of page 17 of the staff report, those recommendations of approval are satisfactory to us with the following clarifications: with regard to paragraph number two, it was suggested at the P & Z that if we are approved today, we need to draft a new Resolution that incorporates all the still relevant provisions of the prior resolution so and our approval completely supplants the prior ones so that when you're going in the public records, all you have to do is look at that document and of course we're willing to do that. With regard to paragraph one, it's listed that we'd adjust the subtotal of the units from 322 to 302. That was still

based on our old application where we were proposing ADU's which we've withdrawn. Accordingly we would need to go up to the 322 but still have the option to go down to 302 if we take advantage of the off site provision, but if we're doing that, we will of course have to come back to you and demonstrate that we may do that. With regard to the Affordable Housing, we had made an offer to secure construction of the Affordable units on a timely basis and on page 20 we agreed and P & Z had recommended that we post for each deficient unit, in other words if we have a market for units for sale that are not in correspondence with the deed restricted units, we have to for sale, we would post $100,000 for each such deficient unit. I discussed this matter with Calvin Lee, the Affordable Housing attorney, he said they wanted $150,000 rather than $100,000 and we are willing to go up to that amount. With regard to the Affordable Housing I'd make one other comments, our ADU's were, for lack of a better word, cobashed at the late point in time, upon reflection is was a bad idea being a very hard regiment for the Affordable Housing and the County to administer. We've believe that our commitment to the deed restricted for sale units clears a number of points with regard to the application especially the impact to the Telluride case for rental units, as you remember when rental units were incorporated in the Subdivision Regulations, at that time the Telluride case had just been decided, was up on appeal at the Supreme Court and we all thought the Supreme Court will do the right things and they'll overturn this case, well sure enough they affirmed it in all respects of liability of rental housing is really questionable. With that, I'd end my comments.

Public Comment:

Chairman Martin referenced the list of people for public comment. If there's someone that comes in that's not on the list, make sure that your name gets here. State your name please and then your comments. Rick Neiley is first.

Rick Neiley – I represent Ray Maniscalchi who lives across the river from the area of the proposed development by the power lines also Dick Mullick who's down from her and Marlin
and Patricia Brown who are upriver. The main concern that my clients have is with respect what was at the Planning and Zoning proposed riverfront trail that was shown to transverse their properties. In general I think if the reference is to trails and overlooks are going to be deleted, that the developer's option, however there needs to be some review process for a couple of reasons, the drawing of the trail that we saw not only went across private property but it proposed to transverse what were platted wetlands and very steep riverside slopes sometimes in excess of 40% but I think if the developer, some time in the future decides they wish to incorporate trails into the project, it's a good thing but there ought to be some review mechanism so that there's an opportunity both with the County to look at the trails and make sure they're properly located and construction and so the neighbors will know what's going on with respect to those trails and that they're certain they're not going to be transversing properties that go across the river which exists in a number of places on this property. That's all I have.

Chairman Martin – question so Mr. Neiley. Mr. Beattie.

Steve Beattie – 74 Fairway Lane within Westbank Ranch Subdivision. I am proud to say that on May 31, 2003 I joined the Ironbridge Golf Club; this was a big step for me not being a public course golfer and 57 years of age to make that kind of an investment of time and of money. I saw in this development a truly unique golf development I've seen elsewhere. I'm pleased with my decision and I'm doing what I can to promote Ironbridge and bring people out there, I wish them success and I'm going to do all I can as a member to see that they success. I've been a member of Ironbridge for 4 months; I've been a resident of Westbank for 13 years. I've been their attorney for the past 8 years, and I'm here to speak on behalf of Westbank. Notwithstanding my positive strong comments about the Ironbridge development, there have been aspects of that development that are to the determinate of Westbank. Westbank respectively requests that you impose several conditions on any approval which will not interfere in any negative way with Ironbridge, but which will have a strong positive affect upon the vast majority of residents at Westbank. I do hope that you have John Haines and the Westbank letter dated August 1, of 2003, I believe it's **Exhibit BB** in your notebook and in the event that you're looking in your notebook and you don't have the color photographs, I have extra photographs here. The problems of Westbank primarily wishes to address arise out of the maintenance. What you see before you on Exhibits UU and TT are the portions of property that Ironbridge brought from Jim Rose and the Rose family. That's were 11 holes of the golf course are; that's where all the development is; but the problem is that none of the maintenance of the golf course as a whole is conducted from that location. 100% of the maintenance of the golf course is conducted from the old Westbank Club House. If you're familiar with the location, the old Westbank Club House is down Westbank Road, I clocked it today, it is a full mile from the old Westbank Club House to County Road 109 and another $4/10^{th}$ of a mile up to their Club House which is about in the center of Exhibits UU and TT that

you see there. Each morning, during the golfing season from the old Westbank Club House, there commences an armada if you will of approximately 25 maintenance vehicles moving through the entirety of Westbank from that maintenance facility to serve what you see there, the new development, the 11 holes that are located there, covering an entire mile and a quarter to get to the point of beginning and then going from there. Now those same maintenance vehicles also service the 7 holes over on the Westbank side. If you look within Exhibit BB, there is a letter, an exchange of letters to and from Mr. Thulson and myself, it was Westbank's understanding that the developer, during the course of our give and take over several years have represented that they would be building an equipment storage area if you will over where all of this is and that would eliminate the need for them to come through Westbank to do all of that work. There were a number of discussions in this regard and there's no doubt that was in fact discussed and we believe was agreed to. There was a condition of approval that said they would put, now we're not asking to change their maintenance facility, we know that the old Westbank Club House was to be their maintenance facility, but if they ran the maintenance for 11 of the 17 holes from the rest of the development is, what you see on these exhibits it would substantial eliminate this severe traffic problem we have coming through and this is a neighborhood wide problem and the Board has asked me to address you on that neighborhood wide problem. A related problem is that, and please do read Exhibit BB as addressed in my letter to Mr. Thulson of June of 2002 after 30-years of operating the old Westbank Golf Course with two or three maintenance vehicles, in 2001, the developers built a road in-between several of the houses that had never existed before, it's on property which the developer owns, there's no doubt about that, there's also no doubt about the fact that that property had never in 29 years of operation been used as a road, it was open space, there were two un-bridged ditches that had never been transversed for any purpose, I swear to you, I raised my hand, I swear to you again that their manager told Westbank in a Board Meeting on January 11, of 2001 in response to direct questions, no we do not intent to use that strip of land for road purposes. I relied of that, Westbank relied on it; no body in this room will disavow that because it was said. I am certain that what happened was that was by August of 2001 they decided we own it, let's use it, if they have some trouble with it, they'll get used to it. Darn it, in this area our word means a lot and we received word on that that they would not use that, they could maintain that property without that direction. I know you have a lot of people here, I don't want to take more our your time, I did want to point out in Mr. Anthony's recommendation on the 3rd point that Westbank had recommended and that is the mowing of the long rough areas between fairways and people's homes that are regarding as a fire and rodent weed type of problem, Mr. Anthony recommended it, Westbank thinks it's a good idea, Westbank believes that a seamless transition was also discussed. Tamara, on page 27 of her staff report, says "they promised something to Teller Springs, they promised Teller Springs that they would revegetate a certain area, let's make them do what they promised Teller Springs." All that we're asking of Westbank just make them do what they said they'd do for us, and it will not be something that will hurt their development, but a great deal of benefit to Westbank. If there are any questions, I'll be happy to answer.

The Commissioners didn't have any questions at this time.

John Haines – I live at 28 Fairway Lane and I'm also President of the Homeowners Association, I'd like to share with you what one homeowner wrote me and please understand there's some issues in here that are homeowners issues but what I'm going to read to you is something that has to do with the development since Ironbridge has been here. "Since the beginning of the development, Ironbridge of the Ironbridge Golf Course, I've been a resident of the above address, first as a renter and then as an owner. In November 2000 the earthmovers and belly loaders and all the other heavy equipment used to prepare the old golf course to the new one accessed the entire Westbank side of the golf course by means of a path used by the guys who turned on and off the water of the previous golf course. The path runs along the west side of my home and is also the side that my bedrooms are on. In goes on….. I was informed that the building next to the house would be an office building and maintenance for machinery when it broke down, not a storage facility. Not that it would be a central location for the entire operations for the upkeep and daily operations of the golf course. This is the same thing Bill Hatch told use who's the fellow that started this originally. I have to listen to maintenance and lawn operations starting at 5:30 a.m. every morning including Sunday and they're only access to the back lot to this building is by my driveway, next to my house and next to my bedrooms. This road in on the side of our sleeping quarters and wakes us up every morning. Not only do the vehicles go back and forth all day and night, they also have deliveries of sand and chemicals along with the trash truck. We have audio and video of the noise and the fact that any hours it deemed necessary for the workers next door including 9:45 p.m. on a Sunday night. I've had the pleasure of having the air conditioner units placed outside the building on the same side as the access driveway and at

night I get to listen to the humming of the air conditioner units. Gee thanks, I don't see anyone in Westbank standing up for my right of peace and quiet. My property value has completed plummeted and why don't you come sit on my deck and see the view I get to look at now, it's also been ruined by the building next door along with a 6 foot fence that serves as an additional eyesore. Add to that when they did the area behind the area, they built it up so on my side of the 6 foot fence they have erected, I have weeds almost as tall as my eleven year old and rock and dirt and weed that have never been controlled, absolutely nothing has been done to the ground on my side of the fence, out of site, out of mind. It's an eyesore and that is being kind. Funny how the manager of the project Richard Nash has all the privacy and views he wants, no fuss with the coming and going of the workers. He protected his interest and his property and made sure the noise and view weren't disturbed. Why don't you compare the differences between the two houses and their side of the building and make your own decision." That's what one owner wrote us as a Board of Directors. I'd like to share with you some of the frustrations some of the other owners tried to express to me and an easy way to start in the beginning, we had a golf course that was owned by a fellow by the name of Bart Victor, it had 9-holes in it and people could go down there and pay for $30/$35 bucks, it wasn't a course like it is today, but people could afford it and you don't see this room of homeowners that are upset when Bart owned the golf course. These folks came in to try and improve it and through some of these meetings and it started with Bill Hatch with Gate Capital Corporation, they're the ones that were charged with the development by L. B. Rose. Bill made some promises to us at these meetings and some have been kept, some haven't. We're just now getting the dog houses to cover the people's pumps that they promised some time back. They're completing this and they're doing a nice job with it, but it has taken a lot time to get this done. The Mesa was given I believe $250,000 for access to the upper holes of the golf course, Westbank got, maybe we should have something, so we're egging to Bill about doing something like this, and Bill said, hey, I'll do something with the front entrance way, so being a bit outspoken myself, I said to Bill, what are you going to spend, $10, $15, $20, $100,000, he said on no, John it will be between $30,000 and $40,000. So this year when we start on this development, Mike Staheli and the fellows now with Ironbridge say John we're not going to spend over $12,000, that's it, so I threatened Mike with the thought of going to court with the people we had with Bill, and all of the sudden, we get a front entry way that looks pretty decent, but a couple of problems we have with it, they didn't put enough fill dirt and they gave us a crop of weeds sprinkled with a little grass and if you look at the grass they put in along their course, it's all nice grass, very few weeds in it, so they said, well, we'll come back and do something with the weeds until the meeting before P & Z. I said Mike what about this and he said John, you better figure out your own way to take care of it. He said, you know, we've had, we keep doing and doing and homeowners aren't happy, and we're about done doing. So that's what we've been up against with some of that and it's just kind of frustrating. The other thing like what Steve Beattie talked about, Steve addressed Bill directly and said Bill, this pathway that goes between our houses, what's going to happen. Well Steve, we're just going to use that as a development path, as soon as the course is built, we're done. Bull shit. They're using it all over the place now and I have the same thing with this owner road, 6:30 in the morning you've got 25 vehicles going through there and it isn't what Bill told us about, the Westbank Homeowners Board came up with several agreements with Rose Ranch that we agreed to, one is the ditch operating agreement and had we realized what they were going to do with some of this, we probably never signed these agreements or we would have put some other stipulations in them. I think the other. I think some other things you've noticed, you probably got a letter from Dave Leety. He's got a pen that's buried about 6 to 8 feet under the ground he'd like to have brought up so somebody can see it. The other thing that and this is hearsay, but somebody way you and your boss have a complementary membership (addressed to Mark Bean and Jesse Smith) to the Ironbridge Golf Course.

Mark Bean – wrong.

John Haines –sorry. You never know, so it's just easier to ask.

Chairman Martin – Mr. Haines, who do you consider his boss?

John Haines – is his name Smith.

Mark Bean – on Jesse Smith.

Chairman Martin – Jesse is the assistant County Manager.

John Haines – the other concern the homeowners have and this is something else Bill Hatch brought up, he said what we'd like to have is a seamless mat between the homeowners' yards and cart path. Well, that hasn't happened either. And we've got a lot of long grasses out there and I think you can see around, they proposed to cutting them in the spring and in the fall and in the summer they're going to let them grow and they think they can put some herbicides on it. Herbicides doesn't do anything for rats, mice, rodents, and

the rodents normally draw foxes, the foxes draw mountain lions, and we're starting to see a few cats out there, reports from neighbors which doesn't do much for anybody. It also makes the houses look very crummy when you look from the golf course, all the long weeds, and most of the homeowners would go back and cut the grass, they did it before and I think, and I mentioned this at P & Z, I think there's another course most of us recognize, Augusta where they play the nationals at, I don't think this is that way. I think there are a couple in Denver, Cherry Hills, Pinehurst, they're not that way either, they're just seamless, nice grass up to the houses and it just makes it look a whole lot better, The other think is it doesn't infest the homeowner's lawn with weeds or rodents. I think what we as homeowners would like to ask you people as Commissioners, make these people straighten out the issues they have with the homeowners before you approve anything. If you guys can do that I think there is probably a way we can make this thing work. The other comment I'll make is that, when it rains real hard, and these guys, you never see them using that short cut through our back yards and they stay on the concrete. Funniest thing and then it isn't too big a deal and even though they've got to driver farther in the rain, they still seem to do that. Please help us.
Commissioners – no questions of John.
Fred Roland – 0150 Oak Lane, Westbank, some of this is redundant, however, I'm going to read what I wrote down and you do with it what you wish. As interested parties to this development, we were sent a registered return receipt requested epistle with all the legal description of the property, the boundaries and summary and the purpose of the meeting. This is required by law, it's okay as far as it goes, but it doesn't go far enough in my opinion. Some of us here went to the zoning and planning commission to register complaints about a lack of compliance with what was thought to have been done already, the response was that the complaint should have been registered much sooner, when the violation, or whatever you want to call it occurred. What we need is a summary of report of the various meetings that take place between developers and the County boards and commission so that we can monitor the results. The initial presentations of this project were five or six years ago and the requirements by the various County government agencies to my knowledge are never seen to the interested parties. The same interested parties that are required to receive the notice. So we don't really don't after five or six years know what was required. These mailings can all be paid for by any developer, this is not just for this particular development, but any developments in the future. In this particular case, there's very little similarly between the project as it now and was first presented years ago. The write up in the Glenwood Paper a few days ago, I think the person used to be on the Planning and zoning Commission, was illustrative of my point. What was said and implied at first often never happens because of the amount of time between events, and there is no record in our hands as interested parties. Many of the residents in Westbank feel we've been shafted by this project. We put up with two to three years of noisy and dusty construction; we lost the golf course for all intends and purposes, and now they want to change more things from their original application and interested parties don't really know what the requirements were. Tamara did a good job of presenting all of the things that are here, but if we don't have anything to refer to, we still don't know what she said. Another consideration is the ability of interested parties to apply for revision of Pod's, if the developer can apply, then we should be able to apply also. Thank you.
No questions of Fred.
Warren Wright – 203 Westbank Road – I'm also on the homeowners association, my responsibility is managing our domestic water system out there. Steve Beattie mentioned the maintenance facility ended up being the main maintenance facility out there and that's not what we were led to believe in the very beginning of this. Some of the maintenance equipment was going to be kept over but the main maintenance would be over on the Rose Ranch. The concerns I have about that are that they're storing all of these; it's a very inappropriate place for maintenance facility right in the middle of our community as far as I'm concerned. They've got their fuel stored there, all of their chemicals stored there, they bring all of their lawn equipment back there in the evening and wash it all off and they have a recycling machine there that takes that up. As long as that's working, but the problem that I have with it is right across that fairway down toward the river where the natural drainage would be and the underground drainage would be is right to our water supply leads. Very inappropriate place for that kind of equipment. No one has also mentioned, I don't play golf, but in the reviews of this, this was going to be a public course, predominately public. As it transpired over the weeks and months ahead, it became semi private, now it's basically a private course with a ridiculous amount of tee times allocated to Garfield County residents. There's no one using the golf course now so people can get on there, it's not a problem, but in the long term it is a problem, I don't think the way that was presented to this commission is the way that's it's going to end up, I think it's very wrong and when people, these developers come in and tell you something, that's the way it ought to be.

John Huebinger – 73 Dolores Circle, in Westbank Mesa. I'm the original developer and Ironbridge has done a beautify job on the golf course. I'm very envious; I wish I could have done that and that's not my grief. They made promises during the initially planning process back oh 6-7 years ago that the golf course would be privately owned but open to the public. And they patterned it after River Valley Ranch where they'd have punch passes, annual dues and all this sort of thing. They have not honored that. Then, I heard the other day, as soon as they sell 100 memberships, they will close it to the public. And that's not the way it was presented. Mike was talking about $65 dollar a month dues, what he meant by that I assume was just a social club, he didn't say or mention anything about golf. They've quoted us a price I think of about $350 a month for 12 months a year for just for golfing, plus the initiation fee. And they just have not honored their commitment. And they've done like I said, the golf course is beautiful; they did a beautiful job on the intersection that I know everybody appreciates, but we just want them to honor what they presented to the Commission on some 7 to 8 years ago, Ron Heiggermeir did.
Laura Hines – everybody else has already communicated her concerns.
David McConaughy – 0515 County Road 167, I also live across the river from the development and have been living there since February and right now I get to look out over a nice open field and that would be nice to keep forever, I guess, but recognizing that development happens and representing developers myself. The only things would be to throw out a couple comments that maybe already addressed in some of the prior conditions but since I wasn't a property owner in the area when the prior Resolution was passed, I don't know, to just mitigate some of the impacts. One is an issue I raised at the Planning Commission which is I have the pleasure of looking out my window at the Elk heard in the winter, and I know it's typical for the County to incorporate conditions suggested by the Department of Wildlife for Elk friendly fencing and that sort of thing to be in the covenants, and I don't know if that's in the Covenants or not but I would hope it would be. The second one would be presently looking out over that field, it's basically completely dark at night which is a nice thing with the exception of one security light that somebody has over there on the far side of the County Road, and Mr. Thulson had said they've already made a commitment to have downcast lighting on the club house and I don't know if that's in the covenants for the lots, the individual lots as well, but it seems that this would be nice to have dark skies and a rural area like it is. And then the last comment would be to just join in Mr. Neiley's comments regarding my downstream neighbors and that I think that the trail is nice and it makes a lot of sense to have flexibility to plan that as things happen but it would be nice to have some sort of review process just to see where it's actually going to go especially if it's going to impact the river corridors, the wetlands and especially the steep slopes.
Donna Poland – I don't live at Westbank, I live at 1752 County Road 109 and I'm probably Ironbridge's very closest neighbor and Mr. Nash was nice enough to meet with me before this meeting so most of my issues are resolved in the sense that we all I guess are suffering a weed and dust control and hopefully that will be taken care of with their new program. The one thing that I did go through for two years, was the use of my driveway, I was intimated by High Country Engineering into thinking they had the right to do that, that Gould could use it. Ironbridge is reimbursing me for damages done to my driveway. It hasn't happened yet, but he has assures me there's a check coming for that. Also, I am meeting with their Landscaping Architect on Wednesday because promises were made to me along time ago so I would have my privacy and there would be a berm and trees and shrubs so I wouldn't have to look at 320 or 322 roofs out my door, the only other thing, and that basically resolves everything that I had, the only other thing I had was in looking at this map, the bike path seems to end at my driveway and I hope that is not true.
Commissioners – no questions.
Geneva Powell – Garfield Housing Authority – and I'd like to say thank you to Mike Staheli in working with us to address the Affordable Housing component of this PUD. It's not the intend of the Housing Authority to make compliance with Affordable Housing complicated or burdensome so we hope we haven't done that but we appreciate everything that Mr. Staheli has done. The only thing left I guess I would like to request that we continue to work together especially on those twenty additional units, if they're going to be offsite and especially if they're going to a buy down of existing housing units in the County somewhere. So that's our concern.
Commissioners no questions.
Calvin Lee – the Attorney for Garfield Housing Authority, the authority approves and recommends that the 10 of the 30 as proposed by the applicant be single family versus rental, the Housing Authority feels that's a better configuration and so recommends that the Commission approve of that proposal or Amendment. As previously stated by Mr. Thulson, the Housing authority wants the $100,000 that they proposed was

going to be in Escrow for deficient units be $150,000. They've consented to that and the Housing Authority urges the Commission to raise that to $150,000. And now I want to speak as a private citizen.
Commissioner Houpt – asked a question as the attorney for the Housing authority? Do you anticipate then that if that $150,000 per unit is put in there and they're unable to find affordable housing and the Housing Authority needs to do that, that by 2006 or 2010 that's going to be sufficient for meeting that need for the last phase?
Calvin Lee – well, they're required to do 30 units and 10 of those are required to be on site and then 20, they can if they want to buy some other Glenwood Meadows or whoever is willing to do Affordable Housing and they would do a buy-down from Glenwood Meadows, so for the 10 they're required to do on site, they're saying that if they don't comply, would proportionally, that is as the project is being developed, they have to put in the Affordable Housing on the same tract. So if 30% of the development is being constructed, they have to do 30% of the Affordable Housing, in other words approximately 10 units and what they're saying is after they build 30% of their project and the Affordable housing isn't on tract, the 10 units on site, then they want to put in $100,000 into escrow to make up for that and we're saying it should be $150,000 and really the question is, is the $150,000 even enough for, I mean what's the County going to do with $150,000. You're going to have find a developer or contractor to build that Affording Housing unit and say can you do it for $150,000?
Commissioner Houpt – that was my question Calvin but I was under the impression that wasn't for the first 10, that was for the remaining 20, am I wrong. It's for the first 10 as well. And I'm just wondering, that's why I raised, because that will be a phase in for Affordable housing and I'm just wondering in 5 or 6 years, that's going to be sufficient.
Calvin Lee – and the $150,00 came from me talking to Tom Beard saying to Tom, do you think $100,000 is enough, I don't think so. He came back to me and said he thinks $150,000 and it's up to you to decide whether even $150,000 is enough for you to build an Affordable Housing unit on site, we're not talking about the buy down for the other 30 units off site. So you really need to think hard about that.

As a private citizens –As stated by previous speakers a lot of promises were made by the developer and approved by the BOCC. A month ago, a client came to him, not keeping the berm, year after year they were supposed to plant trees but haven't done it. Calvin requested a clarification that they cannot construct next to the Blue Heron both on the exterior and the interior.
Rob Snyder – 661 Dolores Circle, Westbank Mesa, stated that Ron Heiggermeir, the original applicant for the developer to this property was his attorney in Denver back in late 80's and mid 90's with some of his commercial properties, so when he came to the community originally with this plan he had instant credibility. When he and his group represented that this was going to be a privately owned but public assessable golf course very much like what River Valley Ranch and Canterbury Crossing is he specified those two courses specifically which he was familiar with. Along came November and the Ironbridge Group have an opening at Aspen Glen where they tell all of us that if we signed up before the end of the year for $35,000 we could join their club. Needless to say, this did not go over well with the group and they were lucky to get out of there with their lives. They proposed and Rob said he had been offered to join and in that proposal they outlined what the public play component play is and it's modeled very much like the Maroon Creek and Roaring Fork public play component in Aspen and Basalt, and what it does is at the end of the day, there isn't a public play component because it's so restrictive and so limiting, that people say, can't go there, not going there. So they don't. So while now, it's pretty much wide open and it's been great for the neighborhood and the community to be able to go out and play by their admittance, when they get to a certain membership level that's going to cease and that seems totally contrary to what was agreed to at the beginning of the process. He commended them for building a beautiful course, it's one of the top courses in the valley, but that's what they agreed to do when they got their approvals, was built a first rate course in exchange for the right to develop the other residential properties at the density they requested. When John Huebinger did the Westbank course he was allowed to use the golf course in his open space calculations and this applicant was allowed to use it in this application. Therefore, essentially double dipping. Then maybe they got a higher density that they should have been allowed had they not been able to count the Westbank space. Everyone from Westbank and Westbank Mesa is here in force, but this an amenity that was for the whole community, not just for a little neighborhood and I think that's been taken from us. Final issue, they had to get an easement from Westbank Mesa to access those upper four holes and we were told that we would have a final improvement survey for our Board to review and sign off months ago and here it is October 6 and we still don't have it. That as I understand from David Harris at Land Title, without our

final agreement of that, they may not be able to transfer title on any of these properties, so I would think that needs to be a condition of any approval, that they get their house in order with us first.
Christina Chaffin – 191 N. 6th in New Castle and aka Kit Lyon, previously. Clarified that she serves as a Planning Commission on the Garfield County Planning Commission but her comments here today are personal in nature. Referenced her memo dated September 29, 2003 in which she discussed the public play issue on the golf course and hopefully that was pretty clear. I think it's pretty simple and wanted to reiterate something Steve Beattie said about a person in this area, their word means a lot and that's what this issue boils down to. Hopefully that's still true and is going to be confirmed today. The applicant has made representations in the written record at public hearings, it's all documented in the Exhibits, in this letter, that this was going to be a public course and also that there was going to be an affordable play component. I don't think anyone is arguing about the affordable play components, that in the conditions, they have continued to make representations that they plan on following through with that, but my understanding is that the representations have now changed about how public this course is going to be. At the Planning Commission meeting, they stated that they didn't say it was going to be public. Well, it's in the record; it's in these Exhibits, again and again and again. I would ask the County Commissioners to hold them to the representations that they've made and not to approve further requests, amendments or any other such request from the developer until they live up to the words they have made until they go by the approval that's in place. I think either the issue should be continued until such time that they demonstrate compliance with the original approval, or the record should be clarified so that in that first condition, where it says, all representations made, a lot of those representations should be listed, should be spelled out. If you would go with a new Resolution of approval, you could have it "representations include but are not limited to the following" and state very clearly where these contentious issues have come up, state clearly what is and isn't agreed to so that this doesn't continue to be an issue. Again, the reason this is so important, this affects every approval in the County. If a developer makes a representation and they are expected to be held to it, they need to be held to it. If they're not, it sends a message to every other developer in the community. It's a real critical issue and the public play component is important for enhanced tourism for Garfield County, for tax benefits, specific promises and numbers were made in their own community impact analysis. These are things the developer put forward, that we accepted as a County and we should stick with that. This is a time when the Glenwood Springs City Council is considering spending tax money, spending public money to build a public course because they recognize how great the benefit is to the community. This is an important issue and I would ask that you hold them to their representation.
Linda Piñata – 1550 County Road 109, my home is opposite the proposed site where the 300 homes. Been there since '84, seen a lot of changes of course, lived through all the dirt, and noise and the house shaking and guess it's progress. What she is asking the BOCC is to carefully consider the further negative impacts for all of us neighbors out there. Just like everyone that has spoken, most are concerned that previous promises are not being lived up to and they keep wanting to change the plan. My concern open space and if you allow further denser housing, it's already having a very negative impact with traffic and there will be more. In my case, every time she leaves her driveway, she has to be careful not to get T-boned, it's a 35 mpr speed limit but if you ever go out and there sit, everybody goes 55 or 60 mpr. Traffic problem and rural feel, which we are fast loosing in this County, that's being destroyed. So I would ask you to just consider keeping as much open space and community space as possible on this site.
Mark Gould – Chairman Martin sworn him in. Clarified for the record. I'm out doing a similar job to what I did in Westbank. Right now I've got about 100 businesses up and down Grand Avenue that are furious with me, no different than I had 100 people in Westbank, or actually 98, I own two lots, so therefore only 98 people made at me. And I didn't say anything at P & Z but I would like to clarify for the record. The first thing is that the Homeowners haven't met on this topic. So every homeowner from Westbank that you've talked to today, even though they say they're on the Board, even though they say they're in an official position, they're homeowners. Remember that. The other 80 aren't here. Having said that, these homeowners are affected. It's private property rights, this is an issue of some people that are mad about what happened and I respect that, but I want you to remember we didn't go to any meetings, we haven't voted, so as a homeowner's association we haven't taken a position. I'm going to take a position having two homes out there, 00410 Oak Lane, that we are lucky at Westbank that we had a great developer. Now yes we have some guys that have some issues, some property rights issues, but we have a great developer. They spent a million dollars on trees. I've worked for developers from Vail to Aspen to Battlement Mesa and I would tell you that these guys have followed through on their financial commitment. We heard somebody say, when the times get tough they don't want to spend their money. That's really what these

issues are about. These are issues about property rights of who can do what to their property, when they own their own property and I think you have to remember, these guys general, they've built what they said they were going to build, I would tell you I built it, so I know that the golf course is the same that's it's been, it's a championship golf course by Art Hills. Art Hills Architect has not changed from the beginning, so we need to remember yes, there's some rough feathers with regard to homeowners next to golf courses and it's going to happen when you put a new water line on Grand Avenue, I can't make every business happy when you put a new golf course, a championship golf course, you're not going to make every homeowner happy, I'd also tell you that I've been out there since I believe 84 86 and we never went to a homeowners meeting where somebody wasn't bitching at Bart about how he was taking care of the golf course. And this was not a beautiful golf course. We know that the original golf course wasn't green very much, there was some green at each end, Larry is laughing, and you have to remember what this was. We now have an investment out there of somewhere in the neighborhood of maybe $14 million just in green grass open space. And I would tell you this is a great asset to this community, to Westbank, to Ironbridge, to Westbank Filing No. 2 and you can't make everybody happy because not everybody gets to look 3D. So not every homeowner got to really think what was going to happen on their property and how it was going to relate to this championship golf course. But this group is a top notch developer who's done a great job and we have a few ruffled feathers with people who didn't necessarily understand or that was communication with Bill Hatch with regard to what was going on, but just though that we should clarify about Westbank and their homeowners. We have to have one positive.

Developer Rebuttal – *Mike Staheli* –commented that we have looked at some trail locations in the river corridor area and haven't made any determinations or conclusions. There is private property that is on the same side of the river as this development that actually separates them from the river and would respect and not promote or encourage any trespassing that might occur if any trails were constructed along the river. This trail would only be weed whipping out a path for people to go and consolidate any foot traffic that will happen down there as people recognizes private property owners and would respect and discourage any trespassing as people take advantage of their proximity of the river. Mike said he's not opposed to come back to the Board to discuss where the path might be but basically this would be a soft path, nothing constructed and stay out of sensitive areas.

Several people have talked and have seen correspondence about the longer grasses on the fringe of our fairways and how it's a stark contract to the mode grasses that are in Westbank. Mike said he saw a recommendation from Steve Anthony that this grass be cut short. Those are native grasses, they're drought tolerate, they have been watered this year to get them established but they do brown out and they are gold and we do that as a result of our water rights. We don't have the ability to water like the Westbank Community waters as far as all their areas. We feel like it's very important to the aesthetics to the golf course –Golfers know when they're getting outside the golfing areas and they're discouraged from trespassing onto neighbor's yards and we feel very strongly, we don't want Westbank residents to tell us how short to keep our grass. There are weeds out there and we do have a weed control program that will be discussed during the preliminary plan process.

Relationship with Westbank – Mike commented that there was a letter generated by the homeowners on outstanding issues and Mike stated they have addressed all of those. The entrance was improved and spent $30,000 on a new entrance and the grass isn't as good as they would like but we spent $13,000 putting the irrigation system into the ranch where it wasn't before. It's green now whereas before, it was brown. A lot of rock was cleared out and put in grass and have been frustrated with the growing list of things they would like and we're trying to draw a line in the sand. On storing of fuel and chemicals at our maintenance building, we have agreed during the last Planning Commission meeting to subject that to inspection and regular compliance. 5-years ago the way Mr. Victor maintained his yard, it was next to the wells of Westbank and he had subterranean tanks that were leaking right next to the well system. They have cleaned this out and pulled it back several hundred feet and feel that their well system is improved by our presence.

Membership caps – we've always been very specific about how many memberships they will sell and that number is 450. Looking back at the records, we do feel that we are partially public and in our minds a true skeet is similar to Aspen Glen where you have to buy property to be a member; there are 300 residents who will buy property, 125 will probably buy golf memberships, and the other 325 will come from the public in and outside the County and that certainly qualifies in at least the context he read in the public hearing, as being partially public. This year it was 100% public play as there were no residents of Ironbridge. We did not put any controls on the number of Garfield County affordable play because we

wanted to see how much it would be and what we saw and kept track of every person who's come in and paid as a Garfield County resident with a discounted program and there were 480 this year through the end of September. That is ironically approximately 60 times a week looking at it on an average. We know from looking at the other examples in the valley that this usage will probably decrease with time as people play it and see what it's like and then they opt for more affordable alternatives. We spent $16 million to construct that golf course and it cost us about $1.5 million a year to maintain it. If we were to experience as many rounds as River Ranch experiences, which is around 25,000 a year, we would have to charge - $60.00 a round just to break even. If we had borrowed the money to build the golf course and had an interest payment of 8% a year, we would need to change about $120.00 a round to break even. It's an expensive course to maintain and feel like it was approved as a privately owned for profit endeavor and costs were higher than anticipated. We are agreeable for an affordable play, we thought we had something that was working or will work, anything substantial bigger than that would start be felt seriously on the economics side and would consider this to be a new regulations or ordinance and a negative taking if you will.

Finally, we have lived up to all the commitments we know of and it's interesting to hear new ones that maybe weren't of record during experiences like this. This year the high school golf team practices and played on Tuesday and Thursdays and the members loved to have them and they treated the course very respectively. We opened the golf course to three charitable events just giving the course to the Glenwood Springs Lions Club, a local group of Rotarians and opened it up for 3 charitable events and the Public Education Foundation. We want to be a corporate citizen and feel like the community is important and feel we need to reach out and support worthwhile endeavors that benefit a large group of people.

As mentioned in the Planning Commission, as we construct our golf course house, at the main entrance of the project, we will have some storage capabilities for equipment that's currently driving through the Westbank neighborhood. Our front 9 holes is in the Westbank neighborhood and those are typically the earliest holes to hit for mowing and maintenance and so there is some rationale for having our maintenance building located in there because it's in close proximity to where the holes need to be maintained first and then as hours take on in the day we go to the back 9-holes. But we will be storing where it makes sense equipment over in the other parts of our golf course and as we construct buildings, etc. It doesn't mean we're going to maintain them but we will store them over there and hopefully reduce the amount of traffic going back and forth under CR 109.

Mike - is $150,000 was enough for Affordable Housing. If it's offsite it's a buy down and $150,000 should be an efficient amount for a buy-down. You buy it, you reduce the price but you sell it but the delta should never be more than $150,000. The $150,000 we feel is sufficient to construct a house of 1500 square feet or so, there's no basis in the land like it is in our first 10-units so we're comfortable with that number.

Westbank Mesa – Mike said they were concerned and gave Mike Bedroggie, a representative of the Westbank Mesa Homeowners Association. Mike sent over to him last week an as-built survey of the golf cart path that runs up through the ravine over Westbank Mesa property and has been working in good faith to try and satisfy their needs. They have conducted a number of inspections and bought off on every aspect of the construction on that path with the exception of the as-built improvement and we were slow in getting that to them but that has been sent.

Tim Thulson – commended Christina Chaffin with regard to her research on this and she did a lot of work. The area of dispute is with regard to the incorporation of representation, the clause and the approval we don't think she put enough emphasis as is deserved to the clause that states all representations are included unless specified otherwise by the Board. With regard to the initial PUD approval that is Resolution No. 98-80, paragraph 6 specifically addressed golf course operations and it states" golf course operations shall have an affordable play component for Garfield County residents and a discounted green fee. The applicant shall propose a method of establishing the operations as part of the preliminary plan." So we have a Condition of approval that says you're going to set forth the operation in the preliminary plan. The preliminary plan, I would draw your attention to Exhibit EE in the staff report and it describes and read verbatim for the record, "the 18-hole golf course proposed within the Rose Ranch PUD will be owned by a private for profit entity. Management of the course will take the form of self-management by the entity or private management company may be employed to manage the course. The golf course will have private memberships, public memberships and daily green fees at the inception of play. The rates for each of these fee components will be determined after final construction costs and operational costs are determined for the golf course. Limited play is anticipated to begin in the year 2000. There'll be a local affordable play component for the daily green fees for residents of Garfield County. The applicant anticipates that the local

affordable play component pricing to be significantly lower than the daily green fees to be charged out of County players. The local play component should be between 25% and 50% below the out of County daily green fees." Tim noted that this representation was incorporated in the Preliminary Plan verbatim; it was not altered in any form. We believe that our public play component and the operation of the golf course is in conformance with that requirement. We'd also assert that if that is to be increased at this hearing that the Nolan Goldman test is probably the essential nexus and the rough proportionally test is probably lacking and we believe that exaction would be a taking. And with that, I would refer to Larry for any other comments.

Larry Green – very minimal comments – It's not without a significant degree of irony and consternation that we have to deal this issue of apparently what some members of the public believe were representations that this golf course would be a public golf course. We're here in the context of an amendment to the PUD trying to make some make some relative minor changes to the PUD, nothing is increasing the density or changing the scope of this project, or changing what Ironbridge is and always has been. The next hearing is dealing with the Preliminary Plan and it's, as you probably know from your reading of the staff report, it has to do with making the preliminary plan approval documents conform with an existing road intersection that's already been constructed and making the preliminary plan reflective on the cart paths, the construction material changed, and changing the location of the approved water tank and none of the issues that we've heard today from the members of the public really address in my view the decision for which they presented to the County by the application to the Board and again in my view what's being asked here is to change the nature of one of the fundamental natures of what Ironbridge was approved to be and that is a 320 unit residential PUD with a privately owned golf course that has a public play component. What Tim read to you and is attached as Exhibit EE in the staff report is what the developer submitted in response to the PUD condition of approval about the public golf course. This public play wasn't really discussed that much throughout the entire proceeding and now because expectations of people have changed or somehow they didn't get the deal that they thought they had been offered we're being here sort of discussing an issue that if it was of significance to the town, it should have been discussed in significantly more detail back then and not in the context of a relatively minor housekeeping PUD/Preliminary Plan Amendment. So that's our view of this thing and we think we've lived up to what truly was the representation made by the developer and what was imposed by Garfield County back then.

Commisisoner McCown – John, not having a complimentary membership like Mark and Jesse either, I just need to know some pricing data. A public member wanting to play your course comes in on the train from Denver and goes out and asks to play, what is his/her rate?

Mike – our response to a guy coming off the train from Denver would be for a private golf club and we do not have a daily fee rate; if he has any friends in the area that are member friends he could be put on the course as a guest of the member whether he's accompanied or not and if he was unaccompanied, he would pay $125 and if accompanied he would pay $85.

Commissioner McCown – and if good old Joe Blow from the Garfield County comes out and wants to play, would he's going to pay.

Mike – he'd pay $85.

Commissioner McCown – so these community impact analysis numbers that were in here as far as revenue generation and economic development for the area have gone away?

Mike – no.

Commissioner McCown – that component is no longer there because they're based on projected non-resident golf rounds, non-resident golf rounds played by a hotel guest, estimated room nights generated by golf course; if a guy comes in on the train and stays in a hotel and you tell him he's not going to play golf, you're course isn't going to generate any revenue. Is that not true?

Mike – my confusion with this community impact analysis is it's strictly based upon a daily fee format and what was approved a couple of months later was a combination of public memberships, private memberships and daily fee and this considers absolutely no memberships. So I think there's a disconnect there that I can't explain.

Commissioner McCown – I can't either, it was your guys presentation at the time we heard it and contrary to what maybe was said, there are two of us that were sitting at this table that were here when this was heard the first time around.

Mike – it wasn't my presentation, it was Ron Heiggermeir, and we bought it from Ron Heiggermeir.

Commissioner Houpt – as I read this …

Commissioner McCown – right. We're operating under the same name and the same PUD whether it was Mr. Heiggermeir presentation or your presentation.
Commissioner Houpt – I had pulled out the same report that you had commented on Larry and had the same question because it was a discussion Larry and it must have been a pretty significant discussion to have an analysis made on the economic impacts that would be created in this County to have this golf course built and it obviously wasn't discussed as an exclusively private golf course because all of these statistics are statistics about allowing out of County tourist to come in and play and the kind of revenue they would be generating. And the Minutes from the meetings indicate that it wasn't just out of County golfers who would be playing on a daily basis but County residents as well, so it was going to be a benefit to Garfield County basically and that was with what I read, and it appears to me, and I didn't have the benefit of being in the meeting and you apparently didn't either, but it really appeared to me that it was sold as a private golf course with a very significant public component. And that was a pretty significant discussion at the time. And I think that's why people are raising it now, I also think they're here today because probably not in response to the amendments you're presenting but because they needed a forum to come forward and discuss the concerns they have about representations that they believe aren't being met.
Mike Staheli responded – 100% of our play this year was for people living outside of Ironbridge in the County and outside the County. And as I read in here it's indicated that number, the percentage of play will start to reduce as Ironbridge is built out and more people live there and play more often. But a very significant component of the play at Ironbridge will be from people who live outside of Ironbridge who are, by the definition we see in these documents the pubic, because they don't live in the private community and it's just a matter of how we market ourselves. We have guest fees and we have an affordable play component and it's just a matter of how all those come together to our total play. The other impacts that are mentioned in this study, employment impacts, we've exceeded those; our sales tax revenue impacts will still be there, positive impacts I'm referring to; we sold approximately $200,000 in goods and services from the course that were taxable this year and that number will increase as well. And we think there will be a positive impact on the community as people play with their friends who are out of town and guests. I'll say with River Valley Ranch that has been in operation for three to four years, it's play has seemed to stabilize well below what it's capacity is, they get about 21,000 to 25,000 rounds a year and they haven't had any competitors so to speak in the quality of golf they offer and the price ranges they offer. Imminently Lakota Ranch will come on board as a competitor of River Valley Ranch and potential a club at Glenwood Springs as well. You basically are taking a pie and cutting it into smaller and smaller pieces and we think while the increase in courses will have benefit to total play in this marketplace, there's a heck of a lot of capacity now and in the future that is not going to have enough demand to fill it up and I mentioned this to the Planning Commission Meeting, as a privately owned entity we need the flexibility to try and increase play when and how we can but the reality is it's to force everybody into the same business plan that River Valley Ranch has is going to cause a lot of bankruptcies.
Commissioner Houpt – but do you understand the concern people have when that seemed to be the representation when the golf course was approved?
Mike Staheli – the things I read in the approval documents and conservations that were had elsewhere maybe different. I see the golf course that was approved for membership sales. And so I don't see that we're inconsistent with that.
Chairman Martin – go back to a question, part of the public that you're talking about; it I was to fly in to a certain town south of Carbondale and I went to a certain hotel and said I'd like to play your course, do you have a guest membership that I could use, what would the answer be?
Mike Staheli – Yes.
Chairman Martin – and how much would that cost me if I stayed at that particular hotel?
Mike Staheli – you'd pay $150.00.
Chairman Martin – And I'd be able to play your course. But if I just happened to drive down there, see your course and say could I play on your course, the answer would be no, you've already gone through that.
Mike Staheli – yes.
Chairman Martin – that's just what I wanted to make sure that there are memberships out there that are actually guest memberships that are transferable.
Mike Staheli – and we're looking for ways to expand upon that as well and still maintain the impression that we have memberships to sell and we're not just a green fee.
<u>Trail:</u>

Chairman Martin – talk about the trail. Regional trail and that was what was talked about – regional trail and located on CR 109, hook up with another trail that we've got going called
Aspen Glen making sure that everything was there, a public trail. The trail that you're proposing is not public, it's private within your…
Mike Staheli – no.
Chairman Martin – so the relocation of the trail which is in red, you're going to tell me that's a public now? Tim Thulson addressed this.
Larry Green – the bike path goes along CR 109 and we're asking to relocate portions of it from one side to the other, it is the regional bike trail.
Chairman Martin – but the red one that you're proposing, which is the soft trail.
Mike Staheli– that's our trail through there, that's in addition to the County road.
Chairman Martin – that's an interior for the residents.
Mike Staheli – it's for anybody, you can't, there's no gate on that.
Chairman Martin – so you're saying it's open to the public.
Larry Green – a lot of it anticipated to be on public streets, along public streets so it would be just like a public sidewalks.
Golf:
Commissioner Houpt – back to golf. You've mentioned takings a couple of times and if we require anymore than what you deemed has already been required, you would view it as a takings. What does that mean then that the six tee times a week is, I mean, how do you define that? I'm very confused about what your public component looks like today and what it's going to look like in 5-years and what it's going to look like in 10-years and what was represented when this was proposed, keeping in mind the studies that were received and the transcribes that we've all had the opportunity to read through. What does this mean, what does public component mean?
Mike Staheli – the affordable play or public component because they're in our minds, two different things.
Commissioner Houpt – well then explain them both.
Mike Staheli – well the public component is anybody who is not living in Ironbridge playing golf that would be categorized as public play.
Commissioner Houpt – so if somebody in Ironbridge had company over and they played golf that would be
Mike Staheli – that would be part of the public play. When we have 450 memberships to sell and we anticipate maybe 1/3 of those being sold to people who live within Ironbridge, public play in our minds are the other 325 families that live outside Ironbridge in the community and County and wherever else they might be that are playing our golf course who are members but there was no prerequisite of buying our property to play, they just had to come up with the money and join. The membership initiation fee is right now is $40,000 and that compares to $200,000 of Roaring Fork Club and Maroon Creek and people up the Vail Valley, the next closes one is Red Sky Ranch which is almost $200,000 and we're quite a bit more affordable that other private courses in the valley. Aspen Glen you have to buy property there or they have put a price tag on the memberships at a $100,000. So relatively speaking we're quite affordable and attainable for anybody who lives in the valley who's an avid golfer and would like to play it, a good quality course. All of our members right now are anywhere from bankers and lawyers, and contractors and people who are living in the community, living in the County, not in our community who value playing a nice golf course enough to pay the price and they consider it a good value relative to other courses. All of those things are public play in our minds.

There's the affordable component which we're offering, discounted rate of $85 and they don't have to pay an initiation fee; if they're an unaccompanied guest they'd pay $125 this year, they're paying $85.00. Those people are able to call up, make a tee time, we envision as the course gets more crowded to identify the specific times of days, reverse basically 6 tee times during the week for people who are Garfield County residents and put people into those tee times till we fill up. So that would be something we would continue to respect into perpetuity.
$85 for Garfield County – versus $150.00 - reserve 6 tee times, 24 people each week and will continue to respect into perpetuity
Commissioner Houpt – I think I've been really looking at public play quite differently than you have because in my mind a private club is a membership club so regardless of where I live, if I pay that membership fee I'm a private member. And I think that could be why people are confused about the terms that are being used as well.

Mike Staheli – I can understand the confusion, maybe I should say, public membership, private memberships we're trying to decide. There's no definition assigned to any of these terms and that's what Larry was referring to earlier is had definitions been assigned to these different terms it would be a lot easier for us to manage the course and everybody else to understand what was agreed to.

Affordable Housing:

Chairman Martin – a question about Affordable Housing situation where we had talked long and tedious to meeting all the requirements of affordable housing as Mr. Thulson remembers. But we also talked about something else, the 10 units that would be at the clubhouse owned by the company and that would be employee housing and that we talked long and hard about that and that would be really beneficial to the course and to the company to have employee housing guaranteeing low income affordable to those folks on the ranch or whatever and now I see it going away. You plan to go ahead and to take those 10 units and buy them off site and then have your workforce now commute again. And that's what we were trying to eliminate.

Mike Staheli – We do have 10 on site right next to the Clubhouse.

Chairman Martin – and that's still in effect as employee housing?

Mike Staheli – whether it's employee housing or not that's determined by the County Affordable Housing Authority. What we found is that most of our golf course jobs are seasonal, they run from April to October and then those people often leave the valley or do something else and we have 5 of 6 employees in the golf club who are full-time year around and those people aren't going to rent a place once they get established and are here. They have expressed interest in buying this owner occupied single family housing that is in close proximity to their workplace and so for those people who are here year round, this is still a very good housing alternative and we would hope that the County as they administrate the turnover of these units will also hope to find where people work and maybe place people in those homes, place a higher priority in the lottery system or people who work close by.

Chairman Martin – you'd hope the Housing Authority could do that, the County doesn't regulate that, it's the Housing Authority.

Tim Thulson – John, do you remember we did discuss that extensively and the problem we have we were operating in a vacuum at that time and didn't have any regulations and the biggest problem we have addressing our employee need, is we can't discriminate on that basis. The Housing Authority has to place individuals in those units and they may or may not be Ironbridge employees.

Chairman Martin – that's why they talked about the company owning those facilities, those 10-units and then having that as a benefit to the employees. That was one of the issues.

Tim Thulson– then it wouldn't count towards our Affordable requirements because we have to comply with the regulations of state that the Housing Authority places those tenants. And we have the Telluride issue also.

Mike Staheli – that's why we thought about ADU's that distributes them more in the single family neighborhoods and it disburses them and makes them more of a part of the community than in a couple of 4-plexes or 5-plexes and a parking lot. The rental housing dilemma just isn't satisfactory to the Housing Authority it seems. We pulled back on that.

Chairman Martin – I still have the concern that we were going to have them onsite and now we're buying offsite and buying somewhere else with the proposal. It's not a done deal but…

Tim Thulson – John, we're committing to 10 on site.

Mike Staheli – and that's Phase I and Phase II and III may end up being on site, but we have …

Chairman Martin – that was the diversity of the community and not just having the 20,000 foot trophy homes with part-time dwellers and house keepers coming in to do that, but what we were trying to do was to have a sense of community and we may be leaning the other way now. We may be talking about trophy homes and offsite housing for employees and offsite housing for Affordable Housing regulations. Again, just hoping that we're back to the original. We're trying to have a diverse community…

Tim Thulson – you guys will get another stab on that when they come back to their preliminary plan, whether it includes it or not, if it doesn't we're going to have to justify moving them offsite under the regulations and that's your determination.

Mike Staheli – the first 10 are on site.

Commissioner McCown – I'm still a little confused when we're talking about that delta between the buy down should never exceed the $150,000 but we've got to account, how do we get in that first one at $150,000 and it may be offsite and we don't have the problem, do you really think you can buy a lot and build a home in Garfield County today for $150,000 turnkey?

Mike Staheli – No, I don't think so, but the $150,000, the first 10 we're talking about, land has been identified, deed restricted…
Commissioner McCown – I'm good on that.
Mike Staheli – you're talking about the next 20? If we were to go to Glenwood Meadows and construct housing there, 20 units, I'm just picking an offsite example because that's what you cited, we would have to would have to buy the lots, construct the units and sell them; they'd be a delta between construction cost and sale price obviously you try to keep the numbers as close to parity as you can but the $150 is envisioned as a subsidize to get buy-downs or in fact the scenario that are approved by the Housing Authority, the $150,000 is the buy down, the subsidize from a free market unit down to a deed restricted unit because when you sell it you get the proceeds back.
Commissioner McCown – I understand how that works, but if something goes south, as we know it can happen in subdivisions in this area, who is left holding the bag is they have $4.5 million of your money in escrow to buy Affordable Housing, do we get to go spent it.
Tim Thulson – yes, it would have to be in the security acceptable to you and we don't know if that's a letter of credit or just cash in escrow.
Mike Staheli – we would have these obligations and if we failed to live up to them, the security is setting on the side for you to …
Commissioner McCown – rather than getting 20 units we may only be able to do 10 or 12 but we can spend money on those units.
Commissioner Houpt – that was my initial question about whether or not $150,000 was enough because if you're concerned about getting 30 units, and something goes south, and we're left with the money, there's no way we could get the 30 units.
Commissioner McCown – if something goes south, 10% won't be a factor anyway.

Blue Heron
Chairman Martin – the question came up in reference to building within the Blue Heron area, I know it's Calvin's question, and that's the construction of the path and what have you, the soft path that's closer to the river, etc. You still plan if that was to go ahead to stay within that recommendation to not being within so close of that Blue Heron and the slopes, etc. You're still committed to no building in that area is that correct?
Mike Staheli – are you talking about the construction of the path or housing. Path – well there's an area there that's closed down for any human activity between February 15 and July 15 and so if the path were to go through there it would have to be fenced off and it would stop basically before you entered into that section of the Blue Heron conservation area. So whether the path is there or not it wouldn't be usable during those times, no interaction could occur.
Chairman Martin – and who would be in charge of enforcing that?
Mike Staheli – the Homeowners Association.
Chairman Martin – what would be the penalty?
Mike Staheli – we'd fence it; we'd do what we could to keep people out of it, post signs. I guess it would be subject to prosecution under some kind of federal laws of migratory birds.
Chairman Martin – I don't think so.
Tim Thulson – the County could enforce that too John.
Chairman Martin – If we wish to enforce it and that's a recommendation coming from the Division of Wildlife and Migration and nesting etc. it is inviting a nuisance creating a path to that and then say that you can't go in there so, that's why I would look at it very hard because some would say you're inviting that to happen. That would be my concern about a soft path down through that area.
Mike Staheli – that's at the very south end of the property, we do think people will go down and fish during periods of time that are not, after July 14 or before February 14.
Chairman Martin – and that is the common open space and they would be able to cross that and not as a lot owned by other citizens that would be able to develop to the river.
Mike Staheli – yes, there are several corridors that are common open space down to the river, common property.
Chairman Martin – and it also gets back to the fencing issue that you had in the recommendations of the Division of Wildlife not to put certain fences, type of hindrances in front of the migrating elk, mule deer, etc. is that correct?

Mike Staheli – yes. I heard the concern expressed here, we have some fencing, and the DOW has laid out a whole bunch of restraints in our documents.
Chairman Martin – I think fencing was one of them and that's what concerns me about fencing and gating. In season you can put up a gate on it but you can sure go around it, so that would end up being fenced all the way. And that defeats the purpose of what it really is according to the recommendation of the DOW, free movement.
Mike Staheli – So what would
Chairman Martin – I know but that's one of the things that we'd like to consider if we approve a path or something down through there and that would be what we'd go back to and say, we really don't have a trails committee to make recommendations, you're putting us in new ground there, maybe we'll have to create that for the review of that or to take in Glenwood Trails Commission or something for mitigation or review or recommendations, etc. but that's something totally new to us.
Larry Green – we don't quite understand the point you're trying to make John, actually.
Chairman Martin – what it amounts to is the relocation of trails and then going into a area where it has recommendations of approval and changing those approvals through creation of that without a review and we don't have a review of that at this time of trails and the relocation of them within the circulating area. That is open to the public now, which we've gone down that path saying that it's open to the general public and that they'd be able to go down there so that creates a concern and an impact on that area that was supposed to be protected through the PUD process and the agreed use of that land.
Tim Thulson – John, we can't right now skirt any of the wildlife protections that are in PUD because we're not asking for any change here, we're subject to all of them and if that means we can't built a trail in that area, we can't do it.
Chairman Martin – well that's what I was getting at.
Mike Staheli – it's mentioned as potential, the word potential is before outlooks and trails and stuff and that's really ambiguous as to whether that is a required trail or I mean it sounded like there was some flexibility that the developer would enjoy as to whether to put one there or not. And we're just asking to pull it off the PUD map so that if the location changes we don't have to go back through the whole PUD amendment process.
Chairman Martin – I understand and I understand the discussion is going to take place too and we've had it established and now we're changing it and I'm giving you free reign to go ahead and do certain things and it's something we expected to be done properly, now we have a change without review or without anything to govern us.
Tim Thulson – if we could do a review outside of a complete PUD amendment, I just don't know what kind of a review we could do with regard to that trail, perhaps at final plat hearing.
Chairman Martin – and I think that's the process we're looking at the rewrites to do these particular issues, but we're not there yet. Now you took place and participated in this process of hoping to get the new rules in place; we're not there yet, so again I don't think we have any other process that what you're going though right now.
Mike Staheli– and it seems really opened ended as to whether trails exist at all down that river corridor anyway, it is designated as common interest property that the Homeowners Association owns with gaps between property that people for people to go down there, we're just thinking if you create these paths you consolidate the foot traffic, it might invite people to go down but it also invites people to stay on the path instead of just bushwhack their way through areas that might be ….
Chairman Martin – it has positives but it has a lot of negatives too, something that we're probably have to get into and discuss. It was more exciting than golf to me.
Commissioner Houpt – maybe an Environmental study on the layout because the wetlands, steep slopes and other issues were raised and that would
Mike Staheli – what if we're clear on this matter and say that we shall not construct any trails unless we come before a group and you guys tell us which group we go to before we put one in.
Tim Thulson – we could condition it prior to DOW approval.
Don DeFord – you're asking the Board to delegate their authority to someone else.
Chairman Martin – I think this needs to come back to us because we're ultimately responsible for the land use and not DOW.
Commissioner Houpt – it comes back to us with recommendation from the other agencies.
Mike Staheli – so ultimately we're comfortable with the commitment we won't construct any trails in the river corridor unless we come before this group and get an approved location.

Concerns made by Neighbors:

Commissioner Houpt – there have been a lot of concerns made by neighbors and really not neighbors because your golf course is in Westbank, your community and I think that when you draw an existing community into a new community there's some responsibility on all sides to make sure this works. And there's some pretty significant issues of concern that people have and I'm just wondering how will that's going to be resolved. For example – the tall grass issue between the golf course and people's yards. People are concerned about rodents and wildlife and it's a huge issue in this area. We're all concerned about how we take care of the land around our homes so that we aren't invested by rodents. But issues like that, do you have a plan for addressing what you've heard today that a lot of people took the day off to come in and express some real concerns that they have with traffic and hazardous materials that are being stored and landscaping.

Mike Staheli – we've talked with Westbank Homeowners Association, we have an open dialogue with then HA and we disagree for over six months, call it a year on the length of the grass on the sides of our fairways that borders their property and haven't been able to come to a mutually agreeable solution and that's one reason why they are here today talking to you all about it. We feel like we want to keep our grasses long and they would like us to cut them short. We have a variety of issues to worry about and are concerned about that they don't have. There are people that live in their own community that maintains different grass lengths and different grass species just from lot to lot. There's an open ditch with grass growing that's long and native all along and through the Westbank community except where there's sections where we piped their ditch. That invites rodents and animals and any number of critters if we want to point our finger at and we just can't solve – there's some problems that we can't solve and just like two property owners who live side by side may not agree on certain issues and I think that's where we're at as far as grass length goes.

Commissioner Houpt – no compromises?

Mike Staheli – we keep it, it's the course, we've done a lot to benefit the Westbank neighborhood, we've taken a golf course operation out of the neighborhood and all the traffic associated with it and taken a restaurant and tavern out of their neighborhood. I could go on and on, we've increased values in their neighborhood, we think we can't solve every issue they have or continue to bring on and the fact that our maintenance cars have to maintain the course and drive around in their back yards, if we were to divert from one location to another location, we'd be impacting other families instead of Mr. Haines and Mr. Beattie and their families. We'd pave that road if they'd let us but they don't want us to pave it because they want to discourage the use of that road that runs through that little strip of land. We've come up with ideas that are not satisfactory to them. We've hit an impasse and that's why they brought them to your attention. There are a whole host of other issues that we've been working on and solving.

Community Park

Chairman Martin – I want to make sure I get something straight in reference to the parcels 22 and 20 on the change of those. You're not doing away with the public park area. You're just relocating.

Mike Staheli – It was called the community park but in that zone district was the tennis courts and swimming pools and the athletic center and community amenities – we called that the community park zone district. Because those uses are going to be now part of the golf club, we're doing away with the community park district. We're maintaining the same amount of space, area and amentias.

Chairman Martin – it's just being relocated.

Mike Staheli – it's being moved and also new different ownerships.

Chairman Martin – it'll be like a private club use, memberships only.

Mike Staheli – but everyone who lives there is given a membership to those facilities so that they can be there is they want to be.

Chairman Martin – but they have a due associated with it.

Mike Staheli – sure, but they would have a dues anyway under the Homeowners Association.

Chairman Martin – I just wanted to make there's no miscommunication that it's not like an open public park that everybody gets to go but an athletic center that everybody gets to pay to use if you have property there or a member.

Commissioner Houpt – and there were some changes in amenities too.

Mike Staheli – I don't think so, I think everything that was contemplated is now included. There is actually more detail in the Preliminary Plan part of this presentation for that area.

Commissioner Houpt – I just noticed in the staff report that there were some things that would not, what would be excluded was community greenhouse, community facility, daycare center, Homeowners Association facilities, caretaker resident and rental units but that's for the whole golf II John.
Mike Staheli – if there were to be child care there's a lot of liabilities associated with that, Homeowners Association usually don't want to be involved in, that can also be offered by the club as well. Community gardens, there are areas that could be gardened by people if they wanted to, we have never seen a demand for that, we've seen it try to work in other communities and don't feel like it's really successful and I guess we're proposing the removal of that.
Chairman Martin – those were some of the selling points that Mr. Heiggermeir brought forward to get the support of the community to go ahead and do that and that's why they were discussed. The reason for the removal for the bike path that goes up top, the one you're talking about there,
Mike Staheli – that was a hiking trail.
Chairman Martin – it's marked bike path, you can always take your mountain bike up there. Is that a hard trail, in the blue there Larry.
Mike Staheli – that was headed toward an overlook that is in close proximity to a gold eagle's nest and we read of some sensitivities that DOW had about bring a lot of people up there. I haven't seen any detail as to how that path was to be constructed in any of the documents I've seen, and I've looked.
Chairman Martin – Joe's shaking his head, he didn't have any, and it was just proposed.
Mike Staheli – it's so steep that you'd, it's have to be a dirt trail, so we're proposing that it's not there.
Chairman Martin – about the same challenges I think Joe had with the cart path to get up there as well. That's an amenity that was also talked about, being able to overlook the entire valley, a selling point.
Commissioner Houpt- the end of that trail is close to an eagle's nest. So if it didn't go as far, you wouldn't get to the overlook.
Commissioner McCown – that eagle's nest is different than the bald eagle that hatched the duck eggs.
Commissioner Houpt – the community park area, I had read something in the staff report but was looking for was this paragraph "that is a result of the elimination of the community park area with the incorporation of this area into the golf course, the following uses will be eliminated and it would include day care, top lot, picnic facilities, trails, open space, and Homeowners Association facilities." Top lot, picnic facilities, trails and open space seem to be pretty big for those people who can't afford to pay the $65.00 a month or choose not to and was wondering why that was put out of there.
Larry Green – under the old regimen, when it was to be the presently approved version, there was going to be a Homeowners Association owned amenity. The HA would have no choice but to as an assessment say you have to pay whatever it is, $65.00 a month or $135 a month because it's a Homeowners Association facility just like the road will be maintained by the Homeowners Association – this is actually an effort to try to give somebody the option to be in or out.
Commissioner Houpt – I was not arguing about that Larry, I was just thinking and what really prompted my thinking, about the Affordable Housing units that you're building, if there are kids living in the housing units and there are no long parks or open space or picnic facilities and their family can't afford to join the other facilities then that amenity no longer exists under this amendment.
Mike Staheli– we have made an effort of planning for a paved system of trails/paths that run throughout the community. We find that this is the most popular amenity that any mass planned community for places to walk, places to bike and there is no charge associated with those and we do want to have an interior trail system and that's one of the reasons we've got the red dash road line running throughout the project from the north end to the south end; that's another reason why we're thinking that the river corridor would make a good place to walk and picnic too. That area is owned by the Homeowners Association and should be assessable to them. And so that the mindset we had when we were thinking about river trails. People like to be down by the river. We're talking about an a small area in the middle of the community that you couldn't put too much in the way of trails in. We could put those elsewhere and spread those out so that they would not be so confined. Those are great amenities that communities should have picnic tables and tot lots. There's several green belts in our Phase I area that are open and we're going to grass them and we have a pond and trails running through there where people can picnic and we're not proposing to do away with things like that.
<u>Modification onto CR 109 Intersection</u>
Chairman Martin – modification onto CR 109 intersection, how small when you get on that south end for instance.

Mike Staheli – it's not a Preliminary Plan issue but basically it's proposed that we go from a 4-lane which was in the preliminary plan documents to a 3-lane which was discussed to this body I think a year or so ago and also constructed as a result of a number of constraints.
Chairman Martin – I shouldn't get off the course, I'm trying to get everybody back on here, and I took another detour. I think what we need to talk about and run down the list are the 10 items to act on in this particular issue. Any other citizens here that want anything to be heard under testimony.
John Haines – these guys have had a change to give us a little bit of rebuttal from some of the comments made and I would just like to make some comments back from what I've heard. Larry's comment was, well, you know the people at Westbank really weren't concerned a long time ago so what you're talking about right now is probably that's gone under the bridge and they should have said something a long time ago. Larry, we didn't have these concerns because we had no clue what these guys were going to do. If we knew what they were going to do, nothing would have happened the way it has at this point and that's exactly why we're here upset; that's why the people are upset and Mark can talk to you about being a homeowner, we've sent letters to people, there are people who work that can't be here today and that's why I've taken the time to come and represent them. I don't normally dress this way because I've been to DECA this morning to try and help those folks out a little, but whatever. The other concern I have, Mike says he and I and Beattie and Royal Smith and Cornish Savage and Cowick are all at odds because of the cart path program that they are using through out back yards. If they just keep the carts on the paved path that they have where the golfers drive, it'd be wonderful; it wouldn't cause us any aggravation. This is an excerpt which you guys all have that Jeff Thulson wrote Steve Beattie, Rose Ranch is not however complete, I'm sympathetic to your concerns raised in this regard and am in the process of affirmatively taking steps to mitigate and in fact address therein, specifically Rose Ranch will locate within the Clubhouse to be located on the old Jim Rose property an equipment storage facility. Said facility will ovate the need for the daily commute across the yard strip of the equipment necessary to maintain the twelve golf holes located on the Rose Ranch property which arrangement should greatly reduce the total amount of equipment haulage across the yard (Rose strip) emphasis added. Now at the P & Z meeting, I brought this thing up and I learned a maintenance facility and storage facility are two different things so I've gotten a little smarter. But if they just store the stuff over there and then it just bring it over when it had to be maintained, which is what Hatch also alluded to, I think that would solve a lot of problems. So if they do that and just stay on the concrete path, all five of us will be thrilled. If you guys would put that in one of your recommendations that'd be just wonderful. And then the other thing which, don't let them bull shit you about the water, all you guys need to do is walk out there and look at the tail water that's running through that place; they've got so much water they don't know what to do with it. They can water all those weeds easily. The other thing with the weed program, your own weed manager has suggested they cut the weeds to 8 inches. All we're asking is that they cut another two or three or four or five. And tee times, being a Garfield resident thinking about what you said Tracy, I looked at public play as a person that gets off the train, person flies in, person who does whatever who may not be a member of the golf course, somebody said something about having 5 times a day, maybe that's too many, I think one time is too little. If we're going to try and encourage people to come tot his community and play to golf or do whatever, Glenwood doesn't have a course built, the club is not on-line yet, let's ask them to be a little sympathetic to our cause and just so you guys understand, this $40,000 that Mike talks about, if the homeowner can pay, he pays it today, the price goes up when the homeowner sells his house, all he gets is $40,000 back, he can't sell the golf membership to anybody. He can't do anything, the only thing he can do is sell it back to the golf course for what he paid for it. So there's really not a great incentive for a Westbank owner to buy one because it make it be of any value to his house other than he gets to play there. And if the memberships are all sold out when he sells the house, then it certainly gives the person who buys his house an opportunity to have that membership.
Commissioner McCown – John, did the Westbank Homeowners Association ever had any vested interest in the old Westbank Golf Course as we knew it? Wasn't that a privately owned entity?
John Haines - Bart owned that lock stock and barrel and you know the Westbank Homeowners just like the Glenwood course, if they wanted to come up there and play, they'd pay $10, $15, $25.00.
Commissioner McCown but the Homeowners Association never had a vested interest in that course, it was a private entity.
Warren Wright – when John Huebinger owned the course he leased it actually to the Homeowners Association for a number of years and they operated that golf course. One other thing, the chemicals in having a lot of maintenance equipment over there is a deep concern to me and there were issues when Bart

Victor ran that course too. He didn't have any fuel tanks or anything but he did have spillage of fuel down there. The fact that he made mistakes really doesn't give these guys the right to make mistakes also. If they're going to be under some kind of controls where they have to be checked out and certified, I'd like to see something done where the Homeowners Association water those down there know that is being done. I'd also like to see, we test those wells regularly for organic chemicals like all water systems do, I think it would be nice of them to provide us with a list of chemicals they use so when that shows up in our water supply we'll know where to go.
Commissioner McCown – do you do just a short test, the bacteria test or do you….
Warren Wright – every three years we do the whole thing, inorganic, radio activity, and organics.
Commissioner McCown – and so you have baseline data before this golf course came on line, so any changes in your quality of water would be noticed immediately.
Rob Snyder – this is just a basic rebuttal to what Mike and Tim said about the public/private ownership. They said that they have in the 98-80 Resolution that there was a private membership component, a public membership component and then the Garfield County deal. I belong to one private club and on the wait list for another one on the east coast and private is private. You pay your membership fee, you go there. A public membership is something like River Valley Ranch offers, Canterbury Crossing offers, it's like a seasonal punch pass or something, if you qualify as a resident of Parker or whatever here in our valley to go to RVR. This past winter we were in Westbank Mesa Homeowners Association with negotiations with the Ironbridge group about maybe getting some type of better deal, a punch pass or something for our residents and in one of the offerings they gave us in Westbank, that deal was contingent upon the various boards doing their best to keep the membership quite during any subsequent applications that they have and that's just not right.
Closing
Tim Thulson – a few comments, Jeff Thulson is a banker, he's my cousin in Durango and he'd take great umbrage in being associated with an attorney, other than that I would note that the water that Mr. Haines read into the record was an offer crafted by Mr. Beattie that was never responded to, regardless, we are willing to put that storage facility over in the other section of Rose Ranch to minimize the traffic that has to go through the Westbank Ranch Subdivision. WE will still have to take the equipment back to the maintenance shed to work on them, but we will put that storage facility over there, I think that's exactly what we represented to the Planning and Zoning Commission. Second of all there's an offer, bring this back to the golf issue, there's a lot of confusion in the, if I was a member sitting back in the hearing, what is a public membership and I'm thinking is that like Glenwood Springs where you pay a yearly membership and you get to play all rounds for free, what exactly is that, is that a public membership a membership that we're offering now to the general public. It seems that the biggest source of contention is the public play that we're offering at the course, not necessarily we're not including the affordable component, just the public play, and the guy getting off the train in Denver. Now, I don't know how we're going to quantify exactly how much of that public play we're going to allow, but my client has informed me that he would be amendable to expanding that category of play at Ironbridge and I guess the problem comes in on how we're going to quantify that and what is reasonable. And what I'm talking about is the guy gets off at Denver, he's subject to the market green fee at the course.
Mike Staheli – basically what we talked about was the creation of a different category of play, we have owner memberships, private memberships, affordable component and if it falls outside the affordability component and it's just for people who step off the train in Denver that we just call public play, we'd be willing to commit to a tee time or one or two tee times a day for people who are just willing to pay whatever the going rate is for golf. It wouldn't fall under the affordability level, it would help with certainly, we look for ways to do that anyway under the regimes we have and membership structures we have and you know to commit to something like this, we don't take lightly, but we would be willing to have a couple of tee times a day at the free market price whatever happens to be during the season if that would help. One tee time is four people.
Commissioner McCown – I still think the affordable component is important and I think the affordable component was the component that peaked my interest early on because that was a topic of concern from the get-go. We all talked around it and we talked about public play and private play and membership play and all that, but the Affordable play is what people in the audience that heard this initially asked about and were concerned about. And by your own submittals, you had a formula that 40% of the going rate is what the affordable rate was going to be for Garfield County residents. And I surely urge you to keep that as part of your plan so that we don't have to.

Tim Thulson – we're leaving the affordable component as is.
Commissioner McCown – six tee times a week.
Mike Staheli – and adding the public, not affordable.
Chairman Martin – the items we need to consider are going to be are going to be 1 through 11 minus 8 which has been withdrawn. We need to make a determination on those. Then do we have a motion to close the Public Hearing?
Commissioner Houpt moved to close the public hearing; Commissioner McCown seconded; motion carried.
Chairman Martin – the items we need to consider on this one are listed on page two of Tamara's staff report:

1. Regional Trail relocation – we heard that, got the staff recommendations on that.
2. Golf II Elimination
3. Community Park Elimination
4. Creation of PA 22
5. Interior Paths and Overlooks
6. Zoning Text and Modifications – this deals with the types of housing we are going to have here.
7. Affordable Housing Requirements
8. Construction Activities adjacent to Blue Heron Conservation Area (this has been withdrawn at the Planning Commission meeting.) - withdrawn
9. Street Name Changes – page 15 of Tamara's staff report – these have not been talked about much except that Steve Hackett has reviewed these.
10. Modifications to Lot Locations – we had some to the locations of lots
11. Phasing Plan – we never did talk about the Phasing Plan

Chairman Martin - This is what's before us and then we're going to get into another hearing, so we need to have findings on all these requests for change.
Commissioner McCown – did the, in the recommendations for the PUD Amendments, did the phasing get addresses in the recommendations from the P & Z?
Chairman Martin – you know, I don't remember so,
Tamara – page 20
Commissioner McCown – okay, page 20, here is it.
Tamara – page 20 are the conditions.
Chairman Martin – reminded Tim Thulson that the public hearing was closed and if the Board wanted to hear what he had to say, it would require re-opening the public hearing.
Tin Thulson – I withdraw.
Don DeFord – Tamara, in regard to the PUD Amendment request only, the Planning Commission recommendations starting on Page 17.
Tamara – yeah, they're on page 17 to page 21.
Commissioner McCown – I'll make a motion that we approve the PUD amendments with the conditions of the Planning Commission with the correction made on page 18, with the adjustment to include 322 as the density but to show 302 and on page 20, (b) under D 1 change of numbers there, to include the 322 allowing them to adjust down to 302 but to show 322 as the density there; on page 20 the sub-paragraph b it looks like under D-1, change the amount of the escrow from $100,000 to $150,000 in favor of the Board of County Commissioners. That's all the changes we discussed to those particular items, were there any others from the Board's notes?
Commissioner Houpt – well would this be, if there were additional items, would we do that now are in the preliminary plan.
Don DeFord – well you may wish to do it in both, it depends upon where you want the amendment to go. If it's an amendment to the existing PUD approval, it needs to happen now.
Discussion – Houpt – then I would like to add some language, some of my language fits better with the preliminary plan language because of Steve Anthony's recommendations. Should I save it for that?
Don DeFord – yes, if it's directed to a condition of approval with the current preliminary plan, yes.
Commissioner Houpt – I would like to add language that speaks to the public/private component of the golf course and I pulled this out of the report that was submitted by the applicant during the original process with the statistics and I'm actually not segregating out of county and in county people when I put these numbers together so its not as fine as it could be.

Commissioner McCown – Tresi, does No. 2 take care of that? Page 18, very top of the page
Commissioner Houpt – Well, it could but everything seems to be defined so differently that I'm almost thinking.
Commissioner McCown – However, we're not altering any of those in this amendment. This amendment does not alter any of the conditions in either of those Resolutions.
Commissioner Houpt – Except there is some misunderstanding I think on Conditions, or is there?
Chairman Martin – It is going to be open to the interpretation, I think we've heard that on both sides.
Commissioner Houpt – Well, let me read this and you see what you think as.
Commissioner McCown – And you're reading from what?
Commissioner Houpt – From my notes. The golf course will be public, no the golf course will be private with a public component as represented during the initial application process as indicated by the study presented by the applicant during application process, public tee times will be no less than 34 times a week. And that actually was just taken from out of county revenues that could be generated.
Commissioner McCown – I think – I don't have a problem with you submitting that, I think it was all part of the original submittal, but the.
Commissioner Houpt – absolutely, I'm not saying we're changing anything, I'm just defining. Because that seems to be a huge contention.
Commissioner McCown – you're saying 34?
Commissioner Houpt – well, that was the calculation that Christina came up with in her report after analyzing that study.
Commissioner McCown – that was e, I believe. That's public now, that's not reduced rate. Is that what you're wanting? It's whatever the market will stand.
Commissioner Houpt – Well, I was, no.
Chairman Martin – Then you're going to change some of the conditions of approval.
Commissioner Houpt – I am so
Chairman Martin – I think you'd be bending toward changing those conditions of approval with the planning made both part of the affordable play and public play and restructuring the dollars.
Commissioner McCown – I think what you're reading into that is the public play component that they have talked about and if that's the number you want in there, we can incorporate it. But that would be including those people that get off the train. Then if we approve that number, that's all they would be committed to.
Commissioner Houpt – so it would limit it more than, yeah, but how, how is this resolved? It's not, there are too many definitions out there and you know, the representations were that there would be an affordable component, which was that explained in your mind?
Commissioner McCown – yes.
Commissioner Houpt – how was that defined?
Commissioner McCown – 6 a week, 24 people would be the
Commissioner Houpt – that's the current.
Commissioner McCown – that's the current.
Commissioner Houpt, okay but when
Commissioner McCown – but we're not altering the current.
Commissioner Houpt – but when this came in front of you before. Was that defined?
Commissioner McCown – yes, as 6 tee times a week.
Commissioner Houpt – so it was several years ago.
Commissioner McCown – Yes, because we wanted more.
Commissioner Houpt – you wanted more but you agreed on 6 tee times?
Chairman Martin – yes.
Commissioner Houpt – so, okay. The wording I would add to the end of that would be with 6 affordable tee times a week, minimum of 6.
Chairman Martin – that's covered under the Resolutions that are there that are not changing, that's what it amounts to.
Commissioner Houpt – well, it just puts it into
Chairman Martin – if you want the scale as to how many we're going to have this week and that week, we didn't have that, it was a discussion. We didn't say how many rounds were going too played totally for the year, or the season, and that percentage is going to be walk-on, public or affordable, we never got into that kind of a discussion.
Commissioner Houpt – well that was discussed in this report.

Commissioner McCown – those were projections
Chairman Martin – those were only projections.
Commissioner McCown – there was discussion in the initial PUD about affordable Garfield County Golf as there was with Los Amigos and all the other groups that have come to us with private/public courses trying to ensure recreational entities for our constituents that discussion is always there. Even though it's a land use action, it's still a private business and we don't have the ability to tell the service station, the liquor stores, the beauticians in the valley what to charge local residents as opposed to people.
Commissioner Houpt – no, not what to charge them, but the representation was that there was that public entity or that public component that was going to be more like River Valley than Roaring Fork, and now, it
Commissioner McCown – the 6 a week was the number that was there, that I remember at its inception. I'd take more. I think the golf course will welcome more before they get done, myself, I think they'll be begging for walk-on traffic, that's your cash flow.
Chairman Martin – we still have the motion, and the amendment to that motion is still being discussed.
Commissioner McCown – how do you want to word it?
Chairman Martin – the only thing that I would like to add, is to go ahead and make sure that any representation by the applicant or agreement to any change or alteration thought the discussion is terms of conditions.
Commissioner McCown – that's normal boiler plate, I would include in my motion. It's condition no. 1.
Commissioner Houpt - so you want me to read that one more time and you can decide if you'll include it or not? "The golf course will be private with a public component as represented during the initial application process. As indicated by the study presented by applicant, and I could name that study, but, the public tee times will be no less than 34 times a week, additionally there will be a minimum of 6 affordable tee times a week.
Commissioner McCown – in addition to the 34?
Commissioner Houpt – in addition.
Commissioner McCown – I'll include that.
Commissioner Houpt – then you have a second.
Chairman Martin – Then we have a motion and a second to go ahead and approve with the read additions to the motions outlined by the staff and the planning commission for approval, call for the question, all those in favor?
McCown – aye; Martin – nay; Houpt - nay
Chairman Martin – I'm not convinced it's there yet. We can try another motion.
Commissioner Houpt – I'm confusing the issues, I keep going back to Preliminary Plan.
Chairman Martin – it is in one document, again but we must find our approval or denial on the 10 items that are in front of us.
Commissioner Houpt – no, I've also been told that you can qualify what's in place.
Chairman Martin – yes, zone text or modifications, regional trail, affordable housing requirements, Golf II zone district elimination, Community Park Elimination, Creation of PA 22, Interior Paths and Overlooks, Street Names Changes, Modifications to lot locations.
Commissioner McCown – and what did you guys have a problem with?
Commissioner Houpt – well, actually I'm uncomfortable about the sentiment right now. I'm fine with the motion, with those items and the one that I added.
Commissioner McCown – that's what we're dealing with, isn't it?
Commissioner Houpt – okay, so let's put that motion back on the table.
Commissioner McCown – are you making it?
Commissioner Houpt – yeah
Commissioner McCown – second.
Chairman Martin – so we have the restatement of the same motion that Mr. McCown made?
Commissioner Houpt – yes.
Chairman Martin – do we have a second then?
Commissioner McCown – yes, I'm seconded it.
Chairman Martin – I have a motion and a second to approve as previously stated, call for the questions, all those in favor?
Houpt – aye; McCown – still aye; Martin – I oppose. There were just one or two modifications but that's okay.

REQUEST TO CONSIDER A SUBDIVISION PRELIMINARY PLAN APPLICATION FOR IRONBRIDGE PUD (FORMERLY ROSE RANCH PUD.) LOCATION: APPROXIMATELY 2.5 MILES SOUTH OF THE CITY OF GLENWOOD SPRINGS ALONG CR 109, WEST OF STATE HIGHWAY 82 AND SOUTH OF CR 154. APPLICANT: LB ROSE RANCH, LLC – TAMARA PREGL

Preliminary Plan request for the Ironbridge PUD

Tamara stated there is no amendment to the Preliminary Process. The applicant is required to resubmit for Preliminary Plan and is subject to the provisions outlined in Section 4.00, Preliminary Plan of the Subdivision Regulations. The staff memorandum discusses the deviations from the plans and specifications and does not analyze the entire project. Two Resolutions were referenced.

Exhibit RR and SS, Tamara said as a result of Steve Anthony's comments that were originally submitted at the Planning Commission, Ironbridge submitted a weed management plan which is Exhibit SS and Steve Anthony had a change to review it and provided comments for you for today's meeting in response to those.

The following are the list of modifications:

1) Lot changes and modifications: The lot area for Lots 16, 77, 78, 79,105, and 171 have been modified; Lot 79a has been added; Lot 62 as been eliminated.
2) Westbank underpass easement was enlarged to allow for grading and revisions to underpass material and orientation.
3) Sections of the Robertson Ditch easement were relocated to straighten the ditch and allow the ditch to work with golf course grading.
4) The water tank easement was moved up the hill to satisfy elevation requirements of the Roaring Fork Water and Sanitation District.
5) New location of regional trail along County Road 109.
6) Golf cart underpass, near water tank, has been modified. The width has been increased from 10' to 12' and length from 90' to 190'.
7) Modification of intersection located at County Road 109 and River Bend Way shown on Sheet 10 of 77.
8) Ponds: Pond C, D, and G have been eliminated; Pond B has been relocated; Ponds H and E have been modified.
9) A 15' wide, newly-created river access corridor has been added between Lots 15 and 16 shown.
10) Modifications to culverts throughout the project.
11) Water Treatment Plan site changes.
12) Debris structure detail changes.

Westbank Ranch Homeowners Association (WBHOA) issues are shown in Exhibit BB. The following is an outline of the issues and concerns raised by WBHOA:

A. Westbank Area Maintenance Building: WBHOA noted that when the old Westbank golf course was in operation, the clubhouse and maintenance facilities were operated out of the building located near the end of Westbank Road and maintenance traffic from the building was light. WBHOA knew that the applicant intended to use this building for those purposes or other development purposes. According to WBHOA the applicant's representatives told Westbank representatives that maintenance of the "upriver" holes on the other side of CR 109 would be from maintenance facilities to be built in that area.

WBHOA noted that the maintenance building in Westbank is being utilized to service the entire Rose Ranch project, on both sides of CR 109. WBHOA understands that the maintenance fleet is in excess of 25 vehicles, which include mowers, gasoline or diesel fired service trucks of various sizes, often pulling trailers, and one or more large John Deere tractors. WBHOA asserted that the maintenance traffic is very heavy and causes noise, dust and petroleum fumes. WBHOA noted that the maintenance fleet is an interference with the historic quiet enjoyment of the neighborhood.

WBHOA requested that the following be added as a condition of approval for the project: *Within a reasonable time, one year, the developer shall be required to construct maintenance and equipment storage facilities on the Rose Ranch side of CR 109 and to use those facilities for all equipment and supply purposes and all maintenance*

on the Rose Ranch side of the development. In reviewing the previous application materials and conditions of approval, there do not appear to be any commitments made by the applicant that the Westbank maintenance building would not be the central building made by the applicant that the Westbank maintenance building would not be the central building for maintenance, offices, storage, and other development purposes.

B. Yard Road Strip: According to the WBHOA the applicant constructed a new roadway on a 30-foot wide strip of land owned by the applicant which had never been used for road or golf purposes. The new roadway is located between Westbank homes owned by Beattie and Haines on the east side of Fairway Lane and by Kornasiewicz and Smith on the west side of Fairway Lane. WBHOA requested that a condition of approval for the project be added to include immediate and permanently cease and discontinue all use of the Yard Road Strip for all purposes except open space. The yard road strip was created by the platting of Westbank Ranch filing No. 2 in 1972, 30 years ago. The County is not a party to this dispute and there are no conditions of approval that precludes the applicant from utilizing this easement for their benefit.
C. Pesticides and Fertilizers, Petroleum Storage and Washing Equipment at Maintenance Building. WBHOA requested that a condition of approval for the project be added and staff is of the opinion that a condition of approval should be included that requires the applicant to contact the Department of Public Health and Environment and the Garfield County Vegetation Manager to determine the appropriate procedures for the storage of pesticides and fertilizers so as to not affect the domestic wells that are located adjacent to the maintenance building.
D. Unlicensed Traffic of Public Roads: WBHOA noted the maintenance building in Westbank Ranch causes a large volume of travel by unlicensed maintenance vehicles on Westbank's streets, particularly Westbank Road. WBHOA requested a condition of approval be added "*that the use of Westbank Ranch roads by unlicensed vehicles in all locations except the Meadow Lane crossing accessing the County Road 109 underpass be discontinued."* Should any vehicles be required to be licensed, they shall license prior to Final Plat submittal.
E. Golf Course Maintenance New Yards: The Westbank golf course property abuts the properties of Westbank Ranch homeowners in many locations on the Westbank side of the development. WBHOA noted that the "seamless transition" between Westbank Ranch properties and the golf course property as represented to them by the applicant has been kept in native grasses and weeds as a design feature. WBHOA requests a condition of approval *to maintain the golf course as it adjoins Westbank Ranch properties as a groomed" second cut of rough" meaning that vegetation next to Westbank yard be regularly maintained and mowed to a height of 3 – 6" to improve the visual appearance and transition between the golf course and the Westbank properties.* Staff notes there are no provisions or conditions of previous approval to provide a seamless transition, unless representations are made at the public hearing, this should be resolved by the WBHOA and the applicant.
F. Garfield County Tee Time: WBHOA understands the original approval required that the developer would provide a golf component for Garfield County golfers at a preferred rate. WBHOA states that the applicant has adopted a policy calling for 6 County tee times per week. WBHOA requests *a reasonable compromise of say 35 County tee times per week be administered in the applicant's discretion.* Staff notes that the October 1998 PUD amendment No. 1 and Preliminary Plan application outlines the affordable play component for the daily green fees for residents as between 25% and 50% below the out-of-county daily green fees." Staff referred to Exhibits CC and DD as letters from concerns of the public golf play portion at Ironbridge.

Recommendation:
Garfield County Planning Commission recommended Approval to the Garfield County Board of County Commissioners for the Preliminary Plan request for the Ironbridge PUD, subject to the following conditions:

1. 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 and the Board of County Commissioners.

2. All terms, conditions and provisions of Resolution No. 98-80 (Exhibit _____) and Resolution No. 99-067 (Exhibit _____) that have not been modified or altered by the conditions of this Resolution, shall remain in full force and effect.

A. Zone Text Amendments

1. The Applicant shall comply with the revised Land Use Summary Table and Zone District Text (Exhibit ___) as follows:

   a) replaces the zone district text designated "Duplex Lots" with that designated within the application as "Medium Density". The Medium Density zone district text shall incorporate verbatim the test set forth within the revised Land Use Summary Table and Zone District Text (Exhibit ____);
   b) replaces the zone district text designated "Club Homes" with that designated within the application as "Club Villas". The Club Villas zone district shall be capped at a maximum of 47 residential units and shall incorporate verbatim the text set forth within the revised Land Use Summary Table and Zone District Text (Exhibit ____);
   c) eliminates all references to the Golf II zone district and to the Clubhouse Apartments;
   d) adjusts the Subtotal of Units from 322 to 302; and
   e) eliminates Community Park use from the Common Open Space zone district.

2. The Land Use Summary Table and Zone District Text (Exhibit ____), shall supersede the Land Use Summary Table and Zone District Text within Resolution No. 98-80, Exhibit A, and Resolution No. 99-067, Figures 1 and 2.

3. Prior to the 1st Final Plat, the Applicant shall provide the precise calculations and "% of Total" calculations on the Land Use Summary tables.

B. Zone District Amendments

1. With the filing of the 1st Final Plat, the Applicant shall file an amended PUD zone district map which shall include the following:

   a) Creates PA 22. PA 22 shall encompass approximately 2.5 acres, shall contain 10 residential units / lots and shall be subject to the zone district text applicable zone district designated "Medium Density"; and
   b) Eliminates the references to community trails and overlooks.

2. The revised Zone District Map required to be provided to the County under this Resolution shall supplant in its entirely its predecessor counterpart previously recorded in the records of the Clerk and Recorder for Garfield County on September 11, 2000, as Reception No. 569189.

C. Regional Trail

1. The Applicant shall include within the 1st Preliminary Plan filed under this amended PUD approval, a redesigned public bike / walking trail along County Road 109 which is separated from the existing cart path servicing the golf course. At the time of 1st Final Plat and dedication of the redesigned trail, the Applicant shall present to the Board, all documents necessary to vacate the unimproved trail previously dedicated to the public under the Rose Ranch Final Plat, Phase 1 recorded on _____ in the records of the Clerk and Recorder for Garfield County as Reception No. _____.

D. Affordable Housing

1. That Applicant shall create and obtain all subdivision approvals within PA 22 necessary locate therein (10) affordable housing units in partial satisfaction of the requirements set forth within Section 4.07.15.01 (10% of housing mix). The Applicant shall construct and offer for sale the (10) affordable housing units in compliance with the terms and provisions of the Affordable Housing Guidelines set forth within Section 4.14 of the Zoning Regulations. The obligation to provide the affordable dwelling units within the first subdivision phase of the Ironbridge PUD shall be secured by the following instruments:

   a. a deed of trust recorded on P A 22 as subdivided in favor of the Board in the amount of $500,000.00; and

b. a deed restriction which shall be appurtenant to and run with title to the land of PA22 as subdivided, which shall required the location, construction and sale of the 10 affordable dwelling units in accordance with the terms and provisions of Sections 4.07.15.01 and 4.14.

In order to ensure that affordable dwelling units are made available for sale in a manner corresponding to the development of non-restricted lots within the first subdivision phase and all subsequent phases of the Ironbridge PUD, Applicant shall be required at all times and until construction of the entire 30 affordable dwelling units is complete, to have constructed and sold or constructed and available for sale, affordable dwelling units in a number equal 10% of the total number of unrestricted units which have at that time been sold or made available for sale. If at any time, this percentage falls below the required 10%, Applicant shall be required for each such deficient affordable dwelling unit, to place $100,000 into an escrow account in favor of the Board, which funds the Board will then apply toward the construction of the affordable dwelling unit.

2. That in the event the Applicant is unable to obtain, pursuant to Section 4.07.15.01 of the Zoning Resolution, off-site units in satisfaction of its remaining (20) affordable dwelling unit obligation under future subdivision phases, the Applicant shall be required as a condition precedent to the filing of a final plat in which such affordable dwelling units are required, to obtain from the Board all required subdivision approvals necessary locate said units within the Ironbridge PUD.

3. That Applicant shall provide the Garfield County Housing Authority and Garfield County Building and Planning Department semi-annual reports documenting the status of affordable dwelling units within the Ironbridge PUD.

E. Preliminary Plan Phasing

1. In its 1st Preliminary Plat filing under this amended PUD, the Applicant shall subdivide as Planning Areas 19 and 20 as block filings to be further subdivided in subsequent Preliminary Plan filings.

2. In developing future phases within the Ironbridge PUD, the Applicant shall follow the phasing plan schedule in Exhibit ____.

F. Street Name Changes

1. The Applicant shall include within all future final plats the street name changes identified within Exhibit ____.

G. Modification to Lot Locations

1. The Applicant shall eliminate form its 1st Preliminary Plan filed under this amended PUD the Lot identified in the previous Preliminary Plan as Lot 62 and shall replace the same within a Lot to be created adjacent to existing Lot 19. The new Lot shall be identified within the Preliminary Plan as Lot 19A.

H. Community Facility

The Applicant shall make available to all lot owners within the Ironbridge PUD without initiation fee charge, memberships in the Ironbridge Club's fitness / pool / tennis facilities. Membership, without initiation fee charge, shall also be offered / provided to the Westbank Subdivision residences.

1. That all representations made by the Applicant in the application, and at the public hearing before the Planning Commission and the Board of County Commissioner, shall be conditions of approval, unless specifically altered by the Planning Commission and the Board of County Commissioners.

2. All terms, conditions and provisions of Resolution No. 99-068 (Exhibit ___) which are not modified or altered by the conditions of this Resolution shall remain in full force and effect.

3. The Applicant shall maintain all drainage structures in accordance with the provision and requirements of the Drainage Report prepared by High Country Engineering, Inc. dated April 3, 1002.

4. The Applicant shall include within and dedicate under the 1st Final Plat following this Preliminary Plan approval of the Community Trail as relocated.

5. Prior to the 1st Final Plat, the Applicant shall contact the Colorado Department of Health and Environment and the Garfield County Vegetation Manager to determine the appropriate procedures for the storage of pesticides and fertilizers so as not to adversely impact the domestic water wells serving the Westbank Ranch Subdivision.

6. The Applicant shall adhere to the recommendations of the Garfield County Vegetation Manager dated July 31, 2003, and September 22, 2003, as follows:

a. The tree inventory of 1997 indicates the presence of hundreds of Russian olives on the property. Russian olive has been designated a noxious weed in Garfield County since 2000. The Applicant shall submit a plan that provides for the control of Russian olive with the PUD.
b. There have been reports, although not confirmed, that there may be some Tamarisk trees located along the east side of the property along the Roaring Fork River. The Applicant shall inventory the area within the PUD for Tamarisk, and provide a Tamarisk management plan if the plant is present. Tamarisk is a noxious weed in Garfield County.
c. The Russian knapweed, salt cedar, and Russian olive on the subject property should be treated fall of 2003. The Applicant shall treat these 3 species prior to November and provide the County with copies of the treatment applications by November 1, 2003. Treatment may be in the form of application records by a commercial applicator. The remaining weed species, Canada thistle, Oxeye daisy and Scotch thistle shall be treated in the spring. The Applicant shall provide a weed management plan for spring treatment of oxeye daisy and Scotch thistle. The plan shall also provide for a follow-up treatment in 2004 of Russian knapweed, Russian olive and salt cedar.
d. The Applicant shall remove the tumbleweeds that have established on the road cuts along County Road 109 either mechanically or manually prior to November 2003.

7. All maintenance vehicles and vehicles associated with Ironbridge PUD utilizing roads that are maintained by the West Bank Homeowners Association but dedicated to the County shall be licensed prior to the Board of County Commissioners review of Preliminary Plan. The Applicant shall work with the Garfield County Sheriff's Department and the Garfield County Clerk and Recorders Office to determine the vehicles to be licensed.

8. Rose Ranch PUD shall be changed to Ironbridge PUD. All approvals, documentations, representations, so-forth under the name of Rose Ranch PUD shall pertain to Ironbridge PUD.

9. The following list of modifications / deviations to the Preliminary Plan granted pursuant to Resolution No. 99-068, shall be permitted unless otherwise specified within these conditions of approval:

a. Lot changes and modifications: Modification of the area for Lots 16, 77, 78, 79, 105 and 171; Addition of Lot 79a and Lot 19A; Elimination of Lot 62.
b. Enlargement of the Westbank underpass easement to allow for grading and revisions to underpass material and orientation.
c. Relocations of sections of the Robertson Ditch easement to straighten the ditch and allow the ditch to work with golf course grading.
d. The relocation of the water tank easement up the hill to satisfy elevation requirements of the Roaring Fork Water and Sanitation District.
e. Modification of the golf cart underpass, near water tank: width increased from 10' to 12' and length increased from 90' to 190'
f. Ponds: Elimination of Ponds C, D and G have been eliminated; Relocation of Pond B; Modification of Ponds H and E.
g. The addition of a 15' wide, newly-created river access corridor between Lots 15 and 16 shown.
h. Modifications to culverts throughout the project.
i. Site change to the Water Treatment Plan.

10. In accordance with the US Department of Interior Fish and Wildlife Service letter dated August 7, 2003, the Applicant shall in late 2003 or early winter or spring 2004 provide the Fish and Wildlife Service documentation regarding the monitoring for the presence and nesting behavior of the bald eagles. The monitoring may be carried out in cooperation with the Fish and Wildlife Service and/or the Colorado Department of Wildlife. Shall the bald eagle return, the Applicant will have to determine if they will enter into an Habitat Conservation Plan (HCP), and the Service will determine the adequacy of existing mitigation measures agreed to and implemented by the Applicant, and determine if other potential measures are appropriate to include, should the HCP be written. Prior to the approval of the 2nd Phase of the Ironbridge PUD, the Applicant shall provide documentation regarding the monitoring of the bald eagles and the determination of the Fish and Wildlife Service with respect to the HCP.

Applicant:

Mike Staheli standing at the map explained the modifications/deviations to the Preliminary Plan passing out a similar map showing the major changes. **Exhibit WW** was entered.

Weed Control Measures: Mike – there's been some communication back and forth with Steve Anthony and we've provided a weed control program, basically the solution for controlling the growth of weeds is to do some suggested spot spray but for the most part mow on an occasional basis. Weeds aren't very tolerate to mowing and over time it will promote native grasses and discourage the growth of weeds. control weeds. Also suggesting in the areas outside our fairways where our native grasses are growing, mow those three or four times a year, pretty much a couple of times in the Spring and once in the Fall to discourage weeds and promote the growth of grasses over time. We will be spot spraying in those areas as well to control the weeds. There are a number of areas that Ms. Poland referred to that Mr. Neiley referred to that are in disturbed areas and have been in areas of future construction of future development and we propose to mow those a couple of times a year to keep the growth down. Works out that at least there is not just dirt out there anymore but I think mowing will keep the height down and still make it look like there's vegetation growing. I would like to have you look at the Weed Control Program. There's one paragraph in there about Russian Olive and Tamarisk, we'll go ahead and remove, I was a little unfamiliar where all of these were located, but we'll go ahead and amend that Weed Control Program to state that we will clear out of the Russian Olive and Tamarisk that are identified on site.

Chairman Martin – ready to jump on that, we have a Statewide program to remove both of those items.

Mike Staheli - Everything else has been discussed.

Chairman Martin – what were the constraints that you found at the driveway, back to the roadway where you're using, what was the constraint.

Mike Staheli – in the intersection from four to three.

Joe Hope – High County Engineering – the primary constraint we ran into was we didn't have enough right of way given the slopes of the existing driveway that was there, we could not widen to four lanes and maintain a slope onto her property without having to go on her property to create,

Chairman Martin – you're talking about Ms. Poland.

Joe Hope – yes. Mark got a very nasty letter as we were doing that construction out there and we looked at it; to be honest when the decision was made to go to four-lane intersections, it was a last minute decision and the whole preliminary plan process, King Lloyd, head of the Road and Bridge at the time threw that out to us, we really didn't see an issue with it, it was something that really hadn't been looked at in length at that time, there was really not enough traffic generated at the intersection down there to need to have a left turn deceleration lane.

Tim Thulson –this was brought to the Board November 1, 2001 transcript for that hearing/meeting is contained in Exhibit W of the staff report.

Joe Hope – Also, Road and Bridge was on site and inspected and approved that construction.

Tim Thulson – one other issue – this was not included in the package and didn't need to be because it came up in this application, right now we're under a restriction under the SIA that prevents the issuance of some Certificates of Occupancy until all the improvements in the subdivision are done and this goes well beyond for instance, the sewer, water, roadways, things that are not necessarily for the safety and welfare, we have the relocated bike path we haven't constructed because we didn't want to construct it until we had your approval; we have some screening that we need to get done and would like to authorization to amend the SIA to get some relief in that regard where we can have some outstanding improvements that aren't done that are not necessary to the health, safety and welfare. And also noted that the security is completed bonded.

Chairman Martin – one of the issues of major concern when we went through this, any changes in reference to geology and soils, etc. I see that Mr. Whitehead has also reviewed the changes and he feels comfortable that none of the changes will impact the drainage program, sequels, hydro compactive soils, etc. so you stayed away from that, I'm glad to see that. At least he's given you a clean bill of health, even though that he's identified that can happen on that property within the building envelopes, the disclosures there.
Tim Thulson - noted when the changes were identified we had High Country Engineer completely revamp their drainage report and that's what Michael Erion …
Chairman Martin – and that was the reason you had the relocation of the different ponds and also the consolidation of ponds because they were on the wrong spots, is that correct?
Tim Thulson – yeah
Chairman Martin – now you've made the adjustments based upon the soils and the recommendation of Mr. Whitehead.
Tim Thulson – and as we discussed, this is something we need to include in the white paper because the space shuttle's built as it's originally specked.
Public comment:
Steve Beattie – it's been long and I'll be brief, I hope that my comments of three or four hours ago are still in your minds. It is the objective of Westbank to, if you approve this Preliminary Plan application, impose at least two conditions on your approval as set forth in our letter and is set forth in Tamara's summary at page 30 and actually they're both on page 30. Mr. Thulson made the representation, I don't know if it's a representation or not, he said during this continued hearing that it's the intent of the developer to locate equipment storage on the Rose Ranch side of this development. The problem with that is that there is no timing associated with it and there's no definition of what equipment storage is does that mean one maintenance cart or is that the equipment necessary to maintain the eleven holes on the upstream side of County Road 109. Actually, the representation goes in the right direction for months we would have loved to have heard a representation like that so long as there is timing and extent of equipment storage over there. So we think we have a representation, we need two more terms. Mr. Staheli said at one point, gosh, if you move, how are we going to move these maintenance vehicles from the old Westbank Clubhouse, it's going to affect somebody else, yeah, it's going to affect the new people over in their development if you put the maintenance over there in their new development and that's our whole point, that's who it should affect. Then there's the argument that why didn't you say something about these things in the first place. The fact is that if in January of 2001 we'd asked Mr. Hatch, do you plan to run all this maintenance equipment right through people's yards in a route that you've never run it before across Westbank, no body at Westbank cares about them running it on the golf course, we've known about that, when you run it through what's been used as people's yards for 30-years it's a little bit different thing, and if you just said, yeah, we're going to run about 25 vehicles back and forth a day, day in and day out, through your yards, I submit to you that Westbank would not have dealt in the same way with their ditch agreement, etc. hold them accountable to those comments and just please impose the two conditions on page 30 of Tamara's report and things should be good to go.
John Haines – I don't know that I need to say anymore, what I said before, will you guys consider? And I guess the greatest thing I ask is before you grant them this permit, make them solve the Homeowner's issues as I shared earlier. We weren't here at the beginning of this program because we had no clue what they were doing and before they started this golf course I think as somebody alluded to, you know someone was upset at Bart for doing this, Bart for doing that, but the Homeowner's weren't upset like they are today with what's happened, so please give us some help and if you have any questions about the comments I made earlier, are they still in you mind?
Mike Staheli in response to these issues: talk about this matter in a little bit of detail as I sense it is important to you three. It's important to us as well, but this is the reason why we're at a predicament that we're at. You can turn to Mr. Beattie's letter, the very last page of it, happens to be shared with Exhibit CC in your package, there's a map of the golf course generally as it relates to Westbank Subdivision there. This strip of land we're talking about runs along the left side, parallel to the left side, it crosses Fairway Lane and you can see there are four families that are really involved with us, impacted by us using that strip of land that we own as a more direct means of route to take our vehicles to the other holes on the other side of CR 109. If we were, I had my superintend drive the distances on the cart paths using that direct route and then using the route it would take us around on the golf course and if we use the cart paths and go along the Fairways, there's 6,000 feet, linear feet that's if we go the back way. If we go, there's two ways to go, there's a 6,000 foot direction and a 5,200 foot direction if we stay on cart paths. If we use that strip of land,

the distance is 2900 feet so it's roughly half the distance if we use that route. Also if we change direction and take our vehicles a different way, we figure that nine families will be worse off and four families will be better off.
Chairman Martin – asked for a description of the vehicles they are using to run down that path.
Mike Staheli – basically lawn mowers, and carts that just have a bed that might have hand bush mowers in it. There's fairway mowers, green mowers, a series of mowers, and any of them might be pulled behind a tractor like an air raider. We've offered to pave that strip of road so that it would knock down the clatter because in it's current dirt surface there's a lot of pot holes that have developed and the residents have been irrigating that area and it gets soft. If we pave it, it would be more quiet, but we feel like we should be able to use that strip of land so that we can have a more direct route – it takes them off the fairways and away from interference with golfers and persons that might be playing those other holes and it's saves us some time basically and it's owned property of ours as opposed to an easement that was never used. The whole course, if we talk about the historic use of this property, we took 9 holes and made them into 7 holes in this Westbank neighborhood, they used to go in one direction and we changed the direction and now they go the other direction. It was completely rebuilt, ponds were enlarged, berms were brought in, lots of direct was moved, so it's hard to compare what we're doing now with the historic use of the property but we feel very strongly that we would like to continue to use that strip of land and that's the essence of conflict with Mr. Beattie and Mr. Haines.
Commissioner Houpt – What's your anticipated use of that when you get those storage units built in Ironbridge?
Mike Staheli – I wish my maintenance guy was here, we basically have a set of mowers that take care of the front 9 holes and a set of mowers that take care of the back nine. I suspect that we would storage, we don't have to move 5 vehicles, we have 21 maintenance people many of whom don't drive vehicles so I think the number is more like 10 or 12 pieces of maintenance equipment, but I would suspect that 3 or 4 of those would be stored on a regular basis over across the County Road once we construct storage facilities over there, those units would still need to come back here for regular routine maintenance and gas and some of the pieces of equipment are used throughout the golf course and those would continue to be stored over at the maintenance building. So we're talking about probably a 30% reduction in some traffic across that road once we establish storage over there. But this maintenance building that we constructed has our full time and assistant mechanics there and has all our chemical storage, fuel storage and it's all to code and we've invested a lot of money to have it be satisfied.
Chairman Martin –fuel stored above ground or below?
Mike Staheli – above ground with the proper approved tank.
Commissioner McCown – I just wondered what your time line is on the storage building across the road. What phase are we going to see that?
Mike Staheli – there's some storage in this activity center, the whole basement is storage but it's for the golf carts, we have 60 golf carts and things are currently sitting in a parking lot in a temporary structure. Those will be put underground first to get rid of that temporary structure out there. We expect another mower or two will fit down in there and in the Clubhouse we've talked about having designed that building yet. It's hard to say what the storage capacity will be.
Commissioner Houpt – is that Phase I or Phase II?
Mike Staheli – the activity center would be first and probably start construction as soon as we get this Preliminary Plan approved in the Spring, it would take a year to construct so that would be open in 2005; the clubhouse, we've committed to members that have joined that we would start that clubhouse when 50% of our memberships are sold so it more time for sales than a specific time frame.
Chairman Martin – the storage facility that you have your chemicals in now designed to store chemicals. It's been approved? The setbacks are from the wells or the water sources by requirement by the State Water Engineer in the permitting process? They meet that requirement?
Mike Staheli – yes.
Richard Nash – Construction manager for the project. We did go through a full building permit process for the maintenance building and was reviewed by the County Planning and Zoning Commission, subsequently had the fire department out to inspect our UL listed fuel tank and have a MSDS books and all the requirements are superintendent files, all the proper requirements for a storage of the chemicals which are in a separate unit from the maintenance building separated by proper drywall and concrete and everything that was required. The chemicals on hand, fertilizers, herbicides, pesticides, diesel and gas, solvents used by the mechanics, a settling torch that we have special handling requirements for, algae suppressors

actually to some degree we're talking about those but do not have any at present. Sand and gravel stored outside.

Commissioner Houpt – so do I understand then that the access route that goes between the residences has turned into your main access route from the facility?
Mike Staheli– our golfers do not use that route, our maintenance vehicles do so that they can by-pass fairways and allows them to by-pass fairways and avoids interaction with golfers and also provides a direct access to where they need to be going.
Chairman Martin – one of the other concerns I see here are the unlicensed vehicles upon public roads. I'd like to hear that answer.
Mike Staheli – the State requires that you license vehicles you own for use on public roads, those vehicles that you lease included in personal property taxes, you pay in association with the lease covers the licensing requirements. We've checked with Mildred's office and motor vehicle and have licensed all those of those vehicles that we own that drive across the roads. We did that just prior to the Planning Commission meeting and plan on doing that every year from now on. This was an educational process for us. The tractor doesn't drive on the roads.
Commissioner McCown – The lawnmowers are under SMM's (Special Motorized Equipment that takes a different type of licensing.)
Steve Beattie – doesn't know where Mike Staheli came up with his numbers. The fact of the matter is I'm going to give you this clear copy as a new exhibit and color copy. Just like to say starting there are the maintenance building, coming down the way they now come down the blue pathway kind of scales out to be a shorter, slightly longer distance than coming on the green pathway which is through Fairway 7 and 8 which is how they always served in time and memorial, it is slightly longer when one comes around on the other side of number 7 where they have a cart path, but to say this is 2900 feet and this is some 6000 just can't be accurate. He submitted pictures on this yard strip road how it looks 30 feet from his house so they have these things, it's a mud thing now, compactive soils with holes filled with mud.
Exhibit XX the way they come down the pathway – Steve explained – map only and color photos to be included.
Richard Nash – I don't remember the exact figures submitted as far as those yard strips but I was present with Mitch Bowers the day we measured those with the wheel and I'd be glad to take anyone of the people on the opposition on those same routes with our measuring wheel in the golf cart. Those are accurate measurements, I helped make them myself.
Mildred corrected the Exhibit number.
Commissioner Houpt – actually it's only this map because we have the other items included in another exhibit.
Clarification was made on the content of the Exhibit.
Tamara Pregl – there's one thing to add, Mr. Thulson brought up Exhibit Y as just concessions with regard to the road improvements. It was discussed but there was no motion made at that time so that needs to be incorporated as a motion as part of this preliminary plan. I didn't see a motion made in any of the Minutes. This had to do with that CR 109 intersection, the changing and reconfiguration from a 4-lane to a 3-lane. And I did not include it unfortunately as a Recommendation of Approval so that needs to be included. It is actually outlined on page 22 on my report.
Commissioner Houpt – questions – in looking at these color photos, I just wondering if you feel that this is appropriate condition for this type of pathway to be in that goes through a residential area and I know you talked about hard surfacing it, but have you seen these. Does this meet your standards?
Mike Staheli – the golf course when it was Westbank, that strip of land was part of the Westbank Golf course property – it had at one time a conditional use that wasn't utilized. When we reconstructed the golf course, we saw that strip of land; saw it for what it was, a strip connecting two groups of fairways that provided a more direct access. We realize it to be a more direct route and it's property that is our own, it's an allowed use and I realize it affects the peace and quiet that they used to enjoy; if we went around another way, we'd still be coming back to the same point next, we'd be meeting up at a very point that is very close to where, we basically come down the other side of the Beattie's property instead of the interior side of the Beattie's property. And like I said, if we were to redirect our traffic going around the other direction on our cart paths we figure they'll be nine families affected in that direction and in this direction there are 4 families affected by this routing and I know if we relocate it somebody else is going to be upset. The reality

is we have a lot of maintenance equipment and that's why we have a nice golf course and it's a necessary evil of having a championship golf course in their back yard.
Commissioner McCown – where are the 9 families located that you would impact?
Mike Staheli – basically, there's a cart path that comes right here, (blue line) and then we take this short cut. If were to continue around the cart path to this point and go across, these families that are right here will experience more maintenance traffic. The other alternative is to take it around this direction and go pass these families on this side of the fairway; there's just no way that we can go that doesn't impact somebody, it's just a matter of picking these four families or these nine families, or these. Somebody's going to experience more traffi
Commissioner Houpt – there was a question about concerns of trespassing on lots 15 and 16, but I think my question to you when you were showing us the map, responded to that, the Homeowners are going to own that strip of land.
Neither Tamara nor Don DeFord had anything else to produce.
John Haines – a couple of things Mike just talked about, one is the disturbing of the nine families; those nine families are probably 150 to 200 feet away from the house. When it goes through that little yard strip he's probably about 40 or 50 feet away from the house. If it goes on the cart path that's where it's all concrete, that's where all the golfers go, that's where everybody else goes, to me it makes a whole lot more sense to think driving over there and when he talks about going behind the Beattie house, he does go behind the Beattie house, he's probably 150 to 200 feet away from the house and he also joins up with the path in a totally different spot. So there's not a great deal of validity to what he had to say about disturbing nine families, he's a long ways away from there and you don't hear a lot of that. The other comment I want to make sure, don't forget your own weed manager said cut the grass.
Commissioner Houpt moved to close the public hearing; Commissioner McCown seconded; motion carried.
Commissioner Houpt – I will make a motion that we approve the Preliminary Plan Request for Ironbridge PUD subject to the following conditions, I would incorporate Conditions that have been presented and make some adjustments: on 5, where it talks about procedures for storage of pesticides and fertilizers, I would add the wording, pesticides, fertilizers and other hazardous materials stored on site; under 6 e, I was going back, I really haven't had a chance to really look at Steve's recommendations, I know the recommendations for the report, he recommended that the tall grass be mowed and trimmed, and we closed public session and I forgot to call on Steve, so I'm going to put that recommendation he made in there to keep the tall grass mowed and trimmed. Commissioner McCown – staff, are we allowed to confer with staff, Chairman Martin – yes for clarification, Don DeFord – you really should open the public hearing to do it; he's present so he; Commissioner McCown – so then we can't ask Tamara anything then either.
Don DeFord – you really shouldn't do it either. Commissioner McCown – just you, okay.
Chairman Martin – we're in the middle of a motion however. Commissioner Houpt, so the way I have this worded was keep tall grass mowed and trimmed for a seamless transition between golf course and private yards; and f – would be keep records of reseeding once work has been completed on the sewer line at Teller Springs; and then add in 10 – I would like to change "may" to "shall" on the monitoring, that the monitoring shall be carried out in cooperation with Fish and Wildlife Service and the next sentence, shall the Bald Eagle return, the applicant will enter into a habitat conservation plan; and then take out "should the HCP be written in the next sentence;" Commissioner McCown – would you like to add j – modification to the road intersection on 9? Commissioner Houpt – no; and I would ask, can't ask, I want to make sure this storage facility is built, but I don't know if we need to do that or if that's already been, it's been represented. That is my motion.
Chairman Martin – you're including all representations presented by the application as terms and conditions.
Commissioner Houpt – well, why don't I just add it, so it won't be any confusion. Condition 11 would be that equipment storage facility be completed on the Rose Ranch side of County Road 120 to minimize traffic in Westbank.
Tim Thulson – Tresi, I just missed that.
Chairman Martin – do we have a second.
Commissioner McCown – second.
Chairman Martin – and discussion
Commissioner Houpt – I suppose I did leave the time element out of that equipment facility so I think I would like to add.

Commissioner McCown – would you like to amend your motion.
Commissioner Houpt – I would like to amend my motion at the point. My motion to have that be completed with the two facilities that you discussed, the two facilities being built in that area, the club house but the first one was the activity center,
Chairman Martin – which do you want to do, put that in the same time frame? In that phase? By the completion of that phase it has to be completed.
Commissioner Houpt – right.
Commissioner McCown – contingent on the sales.
Commissioner Houpt – yeah, I'd like to make it actually with the activity center because we don't know when the club house will be built. And that won't cut down on traffic.
Chairman Martin – do you wish to go ahead and amend your second.
Commissioner McCown – oh yes, I will amend my second.
Chairman Martin – all right, the motion has been amended and the second has been amended, any further discussion? Call for the question, all those in favor?
Martin – aye
McCown – aye
Houpt – aye
Chairman Martin – all right, in number 7 it does have the condition that all maintenance vehicles and vehicles associated with Ironbridge utilize roads that are maintained by the Homeowners Association, that are dedicated to the public shall be licensed prior to etc. So, if they're licensed, they've got to use the roadway.
Chairman Martin – all licensed vehicles need to use the roadways. I'm just kidding.

Seamless transition – not clear on exactly what this means.
Commissioner Houpt offered to explain it to Mike.
What does it mean – a 16 million golf course and now we don't have any distinction between this trophy course and Westbank residences.

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

Attest: Chairman of the Board

_____ _____

OCTOBER 10, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Budget Workshop with the Board of County Commissioners, Department Heads and Elected Officials began at 9:00 A.M. on Friday, October 10**,** 2003 with Chairman John Martin and Commissioner Tresi Houpt were present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder. Commissioner Larry McCown was absent.

Jesse and Ed presented the guidelines for preparation of the budget and the drafts submitted by each department head and elected official.
Chairman Martin noted that no new positions will be granted in the 2004 Budget. He referenced the sales tax revenue was down and a lot of cuts in budgets that affect the County as a whole.

The special projects designated for 2004 were discussed.

Each department head and elected official met before the Board and explained their requests for the 2004 budget.

Adjourn

Attest: Chairman of the Board

_____ _____

OCTOBER 13, 2003
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 13**,** 2003 with Chairman John Martin and Commissioner Tresi Houpt were present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder. Commissioner Larry McCown was absent.

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Transportation Improvements for Consideration in: ITPR 2030
Joe Krackum - Per his contract with Garfield County, he presented his report. In May and June he worked with all the communities to define their projects and through consensus building within the community, came up with a vision. The Workshop was held in July with organization and presentations on the Corridor visioning and prioritization of the list. The presentation to the TRP will be held on October 17 and prioritization within the region will transpire. The criteria used were public support, congestion, safety, environment, system continuity, preservation and etc. and then defined the criteria for prioritizing. The projects included Roaring Fork Colorado Rivers Corridor, I-70 Interstate from Mesa County line east to Glenwood Springs; US Highway 6 Mesa County line east to Glenwood Springs; SH 13 I-70 to US 6/SH 13 Intersection; SH 133 from Glenwood Springs east to Eagle County and SH 139 on the way to Douglas Pass. The projects were defined by Investment Category. The Garfield County approach was to submit Roaring Fork Colorado Rivers Corridors as the candidate for the Strategic Corridor, Define Projects, and the Prioritization Process included the Corridor Visions, Goals and Objectives and addressed the basic timeline of strategies or projects. These can be viewed on the Website under Garfield County 2030 Transportation Strategies.
Chairman Martin – this was an investment study where Tresi Houpt, Jeff Nelson, Mark Bean, Randy Russell, Fred Jarman, Tamara Pregl and Chairman Martin were actively involved. We've asked each county to give us a report of support and all the communities are in agreement.
The ITRP Meeting will be held in Gypsum on October 31. Everyone will be notified via e-mail.

COUNTY MANAGER UPDATE – ED GREEN
a. Discussion of trees in right-of-way CR 137 – Bobby Branham
Tim Thulson, Fed Jarman, Marvin Stephens and Bobby Branham were present. At a previous meeting it was determined that a survey would be done and the applicants would submit a code amendment to request a fence height. This was delivered to the office on Friday. The survey was submitted.
Marvin and Bobby went out on Thursday and walked the right of way and addressed everything on a permit. They suggested the possibility of taking out 80% of the first layer of trees for sight distance and have the property owner set those back.
Commissioner Houpt drove the sight and mentioned there were three layers of trees.
Marvin noted that the power pole needs to be removed fairly quickly. This was a temporary situation and the plan is to have the power underground. Some of the trees will still be on the right of way and the agreement was made that anytime the Road and Bridge deems them to be a hazard, they will need to be removed. It also includes the stipulation that if the present owner decides to sale his property, all the trees would be taken out that are in the County right of way.
Tim explained that the map shows the right of way in relationship to the fence and it goes into the right of way very slightly. All the trees are located on the road side. If it doesn't affect the safety on the road, why not leave the trees. They were trying to come up with a structure on how they could do this. Draft a permit and draft agreement and what the license agreement would do is to allow the trees to remain and the license agreement is revocable by the County with a 10-day notice and this document would be recorded, along with the title to the property and if the immediate owner of the property would have to remove all the trees.
Marvin – after the first layer of the trees are out they will review the others. They can be relocated.
Commissioner Houpt – hard time understanding taking out the first layer of trees and not the others.

Marvin stated they can be taken out if there is a problem with the trees. The burden goes to the new owner. Marvin wants the agreement to state that fact.
Don added that Road and Bridge is not recommended the trees be there, they are saying it is acceptable, but not suggesting it is something beneficial to the County.
Public Comment:
Pam Sednzy – CR 137 – came to watch the process but after hearing a suggestion to remove the first layer of trees only, she noted that the fence is also in the County right of way and she thought there was a 25 foot set back required from the County Right of Way. The neighbors do not want to impede the operation of the property owners and she is upset most about the process. She understands the revamping of the Zoning Codes but thinks there needs to be a respect for the rules that are in place and until the regulations are changed, the rules do need to be changed. In the last 30-days, he has continued to place the fence in the County right of way. If forced legally, then she recommended the property owner be fined the amount it would cost him to remove the fence and put that money into a conservation fund for the wildlife.
Carol Turtle – agrees, it's not about the fence, but there are many other issues and the property owner seems to go ahead and do it anyway with disregard for the rules and regulations. Dogs are at large, pets are injured, and the property owner closed the fence and was she was appalled that in the midst of all of this, he did proceed to close the fence. He ought to be able to do what he wants to do with his property, but he should obey the rules. She is hoping to come to a peaceful solution and have this property owner abide by County regulations.
_____ Armstrong – requested clarification on the trees and the suggestion for the removal of the trees.
Don restated the position of the R & B is that the property owner has asked to keep some trees and the fence in the County road right of way and under certain conditions they do not object. Those conditions are to remove a lot of existing trees and in regard to the fence height that hasn't been addressed yet.
Tim Thulson – Peter and Patricia the property owners, hired the contractor, and did not check about the set backs and the fence was put in without their knowledge of the regulation. The only piece of fence they put in since the last meeting on this issue is a temporary access and it was agreed to close this up. And we are recognizing they are in the right of way and presented the permit and license and the fence height and right of way. They surveyed the county right of way and are trying to come to a reasonable agreement on these issues.
The rezoning application will be back before the Board.
Malcolm Jolly submitted a letter to Fred Jarman and it was handed out to the Board that was received on Friday. Fred explained the contents and today's issues were addressed voicing his concerns about the narrow portions of the road and traffic in regard to the fence and trees.
Bobby – the ones they asked them to remove will be re-located very quickly.
Carol Turtle – closing of the fence – it's been open where the animals could get in or out. The upper part of the fence has been completed within the last week or two at the most. Regarding the mistake, she said "oops we put the trees and fence in the wrong place, now how can we fix it"; this is her issue. The reason for this show of residents is because this is how the property owners do business and if they suffer the consequences of their actions, then maybe they should take out the fence and the trees.
The fence review will be forth coming before the Board.
The question is should a permit be authorized to keep certain trees and fencing in place.
Chairman Martin requested the legal issue be discussed in Executive Session first before they proceed.
Executive Session
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to come out of Executive Session; motion carried.
Direction from the Board:
A motion was made by Commissioner Houpt that we not approve a permit that would allow trees in the right of way and that we require the landowner to move the trees that are within the existing right of way on County Road 137 and show they are within the legal limits required by the County and this be done during this planting season. Chairman Martin seconded. Don asked for clarification: Commissioner Houpt – there is a window right now, this fall; and if there is a time issue it would be allowable for them to come before us. Chairman Martin recognized there are some beneficial use to those trees, etc. in certain locations, not all of them, it is unfortunate that we're going to have take all of them out but hope we find a location to put 2500 trees as there is a tremendous value to those trees, both visual to the applicant and to the public. This

was an attempt to beautify the property and to protect their view corridor but agrees that many trees in the right of way are not beneficial to the general public. Motion carried to remove the trees.
The use of the fence in the right of way.
Don noted that the fence setback will be brought back to the Board. There is a zone text amendment that will be brought before the Board.

A motion was made by Commissioner Houpt and seconded by Chairman Martin to second that we require the fence that is constructed on this property at the Okanela Ranch to be located outside of the public right of way on CR 137. Commissioner Houpt – it's really important when you're investing that time and money and effort into something to recognize the regulations that are in place, the safety uses, this is a narrow road and there is some really high shade areas in the winter and we need to abide by the regulations that are in place.
Don asked the applicant about the utility pole and timing as this presents a safety hazard.
Bobby and Marvin agreed that this needs to be moved, the applicant has been issued their permit to conduct a bore under the County Road which would eliminate that pole because it is currently for an overhead to get across the road. There is a transformer on the other side of the road. Don confirmed that this would be completed within 30-days. Motion carried.

b. Cash-out of PDO over Maximum accrual limit

Last year the Board provided for a two-year cash-out of PDO over the maximum accrual limit as long as the employee had used at least 15 days and then they would receive 40% of the value amount. Last year we weren't sure what the impact would be, but it came to $22,486.41 and about 20 people participated. The procedure implemented required a revisit and this is what we are doing today. This year there are around 40 people and about half are from Road and Bridge and the Sheriff's Department, and they expect 20 to participate and the cost to be around $20,000. Ed recommended to proceed with the procedure.
This is beneficial, particularly in the Sheriff's Department. Those who have been here a long time accumulate time and do not always have the benefit of using it. This allows them to cash out at 40% to be paid in their February paycheck or they can funnel this into their retirement if they so desire.
A motion was made by Commissioner Houpt to continue the cash out over accrual limits as started last year. Chairman Martin stepped down as Chair to second the motion; carried.

c. Renewal of Heating and Cooling Maintenance for the Courthouse, Detention Center and Courthouse Plaza – Richard Alary

Richard Alary and Tim Arnett presented the yearly contract for $14,705.60 and recommended the contract agreement be renewed for another year to Climate Control Companies
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to renew the Heating and Cooling Maintenance for the Courthouse, Detention Center and Courthouse Plaza with Climate Control for $ 14,705.60; carried.

d. Renewal of Countywide Custodial Services – Richard Alary

Richard Alary and Tim Arnett presented the monthly contract for $17,360 and stated they recommend renewing the agreement for another year.
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to renew the Countywide Custodial Services; carried.

e. Renewal of Lawn and Ground Maintenance for Taughenbaugh, Courthouse Annex and the Henry Building – Richard Alary

Richard Alary and Tim Arnett presented the renewal contract for Barbara L. Gold, Owner who has asked for a .086% increase making the total cost of $13,296.00 for calendar year 2004 and recommended to renew this agreement for another year.
Tim reported that this was the last year they could renew the contract and next year it would have to go out for bid.
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to renew the Lawn and Ground Maintenance for Taughenbaugh, Courthouse Annex and the Henry Building for Barbara L. Gold; carried.

f. Yearly Purchase of Grader West Edges, Snow Plow Wear Edges & Replacement Teeth – Marvin Stephens

Marvin Stephens and Tim Arnett presented a bid for procuring grader, snow plow wear edges and replacement teeth for inventory and recommended the bid for bother sections be awarded to West Parts out of Commerce City for $27,423.80.

A motion was made by Commissioner and Chairman Martin stepped down as Chair to second the motion to award the Wear Parts contract for not to exceed $27,423.80 for the Garder West Edges, Snow Plow Wear Edges and Replacement Teeth; carried.

g. Renewal of Countywide Trash Removal and Recycling Services – Richard Alary

Richard Alary and Tim Arnett presented the renewal contract for one year to Derrick Masimer for a total cost of $1,546.12 per month or $18,553.44 per year.
Richard submitted the waste locations, the current price and the new price including recycle expenses.
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion; carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Discussion re: Okanela Ranch/CR 137 ROW

Incorporated above in (a) under Ed's time.

b. Contract Amendment Community Corrections – Dale Hancock

Don submitted a memo to the Board stating he had reviewed the provisions of the proposed 5th Amendment to the Community Corrections Contract. This changes the name of the party as the contracting authority from the Community Corrections Board and retains that authority under the control of the Board of County Commissioners. This year the contract is changing from a monthly accounting to a quarterly payment which benefits the County.
A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to authorize the Chair to sign the amendment; carried.

c. Executive Session: Litigation Update and Land – Use Issues

A motion was made by Commissioner Houpt and Chairman Martin stepped down as Chair to second the motion to go into an Executive Session and invite Mark Bean to join in the land use items; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Email requesting support on the Nislanick conservation easement; Chairman Martin agreed. Budget presentation – Tuesday; 4H awards Tuesday, 15th – Oil and Gas in CCI in Denver.
Chairman Martin – Workshop on Water Law on 10-9; 10-7 Community Corrections; CR 137 Mitchell Creek – Glenwood Springs is putting in a line and have jersey barriers that residents want removed. CCI oil and gas on 10-15.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign the Resolution and Exemption Plat for the Tamburello North Exemption – Tamara Pregl (removed and will be held later)
f. Authorize the Chairman to Sign the Scott Special Use Permit – Tamara Pregl

A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the Consent Agenda Items a, c, d, f, and g as presented; carried.

PUBLIC HEARINGS:

a) Sixth supplemental to the 2003 Budget – Jesse Smith

Exhibit A and Exhibit B and the public notice were submitted.
Chairman Martin swore in the speakers. Jesse explained the supplemental. He called attention to this particular supplement in the fact that if affects the general fund $300,000 plus in the general fund (and telephone expense – just changed their cell phone usage) in the Sheriff's due to short-staffed. As of last Friday, they have hired at full-staff.
There was a significant increase in the Motor Pool as they budgeted for 10 months, $86,000; $80,000 for patrol and $83,000 for jail overtime.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to close the public hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the Resolution concerned with the sixth amendment to the 2003 budget and the sixth amended appropriation of funds.

Jesse noted they can reject but it is a matter of department heads to keep better attention to their budgets. $240,000 is not the case of line items. The rest of the $60,000 is moving from one line item to another line item.
The issue with the Sheriff is: fully staffed is that he has a body to cover every shift or if someone is ill or on vacation, he has to go to overtime. When he requested the extra staff he is looking at having extra staff to cover absences. There is a point where this is most cost-effective and the question is how much would he go over if he had an extra staff to cover this problem. The Sheriff picked up 5 additional staff from where Community Corrections took over and suggested the overtime issue be discussed with the Sheriff.
Jesse stated they are going to recommend doing away with the line item except to personnel but the rest approved as a bottom line.
Motion carried.

PUBLIC MEETINGS:

a. ***Request of Fire Chiefs to Establish a Fire Code Adoption and Revisions Commission – Don DeFord***

Ron Biggers, Glenwood Springs Fire representing Fire Districts in Garfield County. Mike Pifer from Glenwood Springs, Jim Sears – Sheriff's Department, Dave Rowan from Gypsum and Mike Morgan from Rifle were present.
A report of the meetings that were held to discuss fire code adoption and enforcement were included with a memorandum from John Denison, Colorado State Forest Service District Forester supporting the efforts of the fire department in Garfield County to adopt a fire code and one that particularly addresses wildfire concerns in the wild land urban interface.
Ron said in June they requested of Mark Bean and Don DeFord on how to address issues to get on a Countywide program. Don suggested that the County Commissioners could set up a Code Adoption and one of the Commissioners and a public representation that would be a direct recommendation to the Board to set up a plan that would work countywide. This is a goal of the Building and Planning in order to have a standard to go by when reviewing the land use issues.
Mike Pifer, Glenwood Springs Chief supports the fire code adoption and revision commission noting the nation-wide issues of the lack of uniformity. There have been discussion about adopting the 2003 international fire code to put in the fire codes they feel is correct and use of common sense and logic giving the fire chiefs the ability to adjust those if needed in instances where through what practical situations would arise that they would not be feasible. Additionally the wildfire interface issues can be addressed as well.
Mike Morgan favored this as well.
Mark Bean stated they have worked on the issues with all the fire chiefs and support the fire code adoption. Adopting the 2003 International Code is something they are working on.
Jim Sears, Garfield County Sheriff's Office said they have been involved with this since the beginning and support it fully.
Don addressed the procedure requirements. 1) Adopt a fire code revision commission, the first step that will lead to an Ordinance that would imply all areas, especially the unincorporated; this does not apply to ranch and farm property. BOCC (one), all Fire Chiefs in the County and any other member the BOCC feels it is needed. Don recommended the Sheriff's designee. This will come back to
Chairman Martin suggested some input from ex-officio members and communications authority for input.

A motion was made by Commissioner Houpt and seconded by Chairman Martin to request Don to outline the function and responsibilities of the members incorporating the Statute specific to adoption of Fire Code both procedure and substance in the Resolution.
This committee would make recommendations after the fire code was established.
A motion was made to direct staff to write a resolution to form the fire code adoption and the revision commission outlining the membership as such commission and stating their powers and duties as outlined under State Statute 30-15-401.5, the membership would be comprised of the designee from Board of County Commissioners, the fire chiefs of Garfield County or their designees, representative from Sheriff Department, a representative from Garfield County Building & Planning Department, an ex-officio members representative the State Forestry, BLM and Forest Service, and determine the Board member at the time of the adoption of the Resolution; motion carried.

Dave Rowan – Sweetwater – Worksession on the station. He requested a date set up for a meeting. Several dates were recommended and these dates will go back to his board and he will let the Commissioners know.

Full time Emergency Coordinator for Garfield County
Mike Pifer and Mike Morgan support having a full time emergency coordinator for Garfield County. The Commissioners informed them that this will be discussed at 1:00 P.M. during Citizens Not on the Agenda.

CITIZENS NOT ON THE AGENDA

Conditional Use Permit

Stan Rachesky – His house burned in the Coal Seam Fire and he has had a Conditional Use Permit to operate a Bed and Breakfast since 1993. He was told by the Building and Planning that he had to go through a Conditional Use Permit hearing because he now has two bedrooms proposed according to his website.
Mark Bean was present and confirmed that in order to rebuilt and operate his Bed and Breakfast would require approval of a Conditional Use Permit via a public hearing.
Stan – never remember being told that his business would be limited to 3-people. He is the oldest Bed and Breakfast in the area. Now we are asking him to pay $400 with no guarantee of approval. Stan stated when he was denied to build his house the way it was there was some incorrect information.
The Board will do research and make a decision in writing.

Emergency Management Coordinator Position

Mike Pifer, Mike Morgan and Lou Vallario were present and stated they have been meeting as an Emergency Management Council and it has been very successful. Coming out of this is the Council includes things like the Red Cross. The one thing missing is the Coordinator, who presently is Guy on a part-time basis, but Guy doesn't have a lot of time to allocate to this. There are grants available to get equipment and they need someone who knows how to write these grants. It's important to note that all surrounding counties are aware of this – Mesa, Eagle, and Pitkin and they see the value of it as well. This is unanimous among the agencies that support this need for someone full time. They see the natural gas impacts and the County noted the need, but now to make this County informed and keep all agencies coordinated is essential. We just finished the emergency crash exercise and it could have gone better and feels the emergency coordinator full time would assist in that endeavor. 50% of Guy Meyer's salary comes from the federal office and as the Correctional Director and program at the jail now, they do not feel they get the 1040 hours due to this job.
Chairman Martin – Jim Sears is full time emergency response.
Lou stated Jim also coordinates the operations of the Sheriff's Office; in order to make things happen in Garfield County, whether it works in the Sheriff's office, is Guy or someone else to replace Guy, is necessary. Lou also sated that he feels there is a great deal of regional cooperation.
Commissioner Houpt – it sounds like the departments are working very well and she would like to get their job descriptions. Doesn't disagree but wanted to get more information before a decision is made.
Chairman Martin – take back to each board and come up with $30,000 to $40,000 to pay for this position. It's a special district and county position. It is financially impossible to fill Lou's requested positions within the Sheriff's Department this year. Tax revenues are down and the budget will be tight for 2004.
Mike Pifer – the special district contribution is limited hours – they spent a lot on special district efforts and local community planning and do not have the ability to continue and need this new person to write the grants – it's almost an in-kind contribution.
Commissioner Houpt – agrees this could be paid for through grants – we need more information before we can make a decision.
Chairman Martin – knows that you want a full time staff and we need to be in this all the way.
Lou Vallario – will get information from the other Counties that have a full time position and will bring back the information for the Board.
Mike Morgan – clarified that they were not making comments against Guy. The way the process is going now it takes days to get anything done. It is frustrating Guy and 90% of his time is going to Community Corrections.
The Board agreed to come to some resolution of the matter.
Mike Pifer – the grants include a lot of funds for staff.
Commissioner Houpt – sounds like there is potential that this can be paid for outside the budget process.

b. Information Only: Bair Chase Subdivision at Sander's Ranch PUD amendment and preliminary plan

A letter was submitted from Jim Wells clarified the timing for the extension of the Sander's Ranch PUD amendment review and Bair Chase Preliminary Plan review granted by the Board of County Commissioners on September 8, 2003. The hearing before the Planning and Zoning Commission will be scheduled February 5, 2004 or thereafter; however it was brought to Jim's attention that the bankruptcy reorganization timeline outlined in the September 4th letter, it is imperative that the rescheduling of the October 8, 2003 P & Z hearing not occur prior to February. The P & Z meeting will likely take place on February 11, 2004 and the request is to amend the request from February 5, 2004 and request that we meet before the Planning and Zoning Board of February 11, 2004.

A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to approve an amendment extension from February 5, 2004 to February 11, 2004. Motion carried.

PUBLIC HEARINGS:

REQUEST TO CONSIDER A SPECIAL USE PERMIT REQUEST FOR AN ACCESSORY DWELLING UNIT. LOCATION: 4341 COUNTY ROAD 117, GLENWOOD SPRINGS. APPLICANTS: MICHAEL MAYER AND HILDER TROYER – TAMARA PREGL

Tamara Pregl, Carolyn Dahlgren and Michael Mayer were present.

Carolyn reviewed the regulations for noticing and the submittals from the applicant. She determined they were in order and timely also noting that the applicant wasn't aware of any mineral owners and none were notified. Tamara stated that Hilder Troyer indicated there were no mineral owners. Carolyn advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Tamara submitted the following Exhibits: Exhibit A – Proof of 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 as amended; Exhibit E – Staff Report dated October 13, 2003; Exhibit F – Application Materials; and Exhibit G –Well Permit No. 61052.

Chairman Martin entered Exhibits A - G into the record.

This is a request for a Special Use Permit for an Accessory Dwelling Unit (ADU) on 5.63 acres of property located at 4341 County Road 117, Glenwood Springs. The applicant requests approval for the conversion of an existing unit above a detached garage to an AUD in order to construct on an addition, a living room, to the existing unit. The existing unit is approximately 302 square. Feet and the proposed addition is approximately 400 square feet.

Recommendation:

Staff recommends that the Board Approve the Mayer/Troyer Special Use Permit for an Accessory Dwelling Unit, subject to the following conditions:

A. 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. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.

3. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide a copy of a report conducted by a certified structural engineer licensed in the State of Colorado that the existing unit, the proposed ADU, meets UBC (Uniform Building Code) standards. Can be removed – a letter was received. – Exhibit H and entered into the record.

A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to close the Public Hearing; motion

A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to approve the Moyer/Troyer Special Use Permit for an accessory dwelling with the conditions recommended by staff; motion carried.

REQUEST TO CONSIDER A SPECIAL USE PERMIT REQUEST FOR AN ACCESSORY DWELLING UNIT. LOCATION: 1501 COUNTY ROAD 245, NEW CASTLE. APPLICANTS: LESLIE WAREHAM AND LEE PADILLA – TAMARA PREGL

Leslie Wareham and Lee Padilla, Thomas Lippitt, representative and Carolyn Dahlgren 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.

Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Proof of 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 as amended; Exhibit E – Staff Report dated October 13, 2003; and Exhibit F – Application Materials.
Chairman Martin entered Exhibits A - F into the record.
This is a request for a Special Use Permit for an Accessory Dwelling Unit (ADU) on 4.14 acres located at 1501 County Road 245, New Castle. The applicant requests the conversion of an existing residence to an ADU for the purpose of construction of a new residence on the subject property.
Staff recommends that the Board approve the Wareham/Padilla Special Use Permit for an Accessory Dwelling Unit, subject to 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. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
Leslie requested the Board approve their request.
A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to close the Public Hearing; motion
A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to approve a Special Use Permit for an Accessory Dwelling Unit for Leslie Wareham and Lee Padilla with two conditions recommended by staff; motion carried.

REQUEST TO CONSIDER A SPECIALL USE PERMIT FOR AN 8 INCH LOW PRESSURE GATHERING LINE THAT WILL COLLECT NATURAL GAS FROM ANY NATURAL GAS WELLS IN THE PARACHUTE AREA AND TRANSPORT THE GAS TO A PROCESSING FACILITY. LOCATION: PORTIONS OF SECTION 10, 11, 12, 14, 15, 16, 20, 21, 29, 30 AND 31 IN TOWNSHIP 7 SOUTH, RANGE 95 WEST AND SECTION 36, TORWNSHIP 7 SOUTH, RANGE 96 WEST SOUTH OF I-70 IN THE PARACHUTE AREA. APPLICANT: CANYON GAS RESOURCES, INC.

Tamara Pregl, Carolyn Dahlgren Brian Peters, and Rob Thompson 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.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Proof of 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 as amended; Exhibit E – Staff Report dated October 13, 2003; Exhibit F – Application Materials; Exhibit G - Email from Doug Dennison, Garfield County Oil and Gas Auditor dated October 1, 2003; Exhibit H – Letter from Jake Mall, Garfield County Road and Bridge Department, dated September 15, 2003; Exhibit I – Letter from David Blair, Grand Valley Fire Protection District dated September 30, 2003; Exhibit J – Letter from the Army Corps of Engineers dated September 26, 2003, Exhibit K – Letter to Canyon Gas Resources, Inc. from Army Corps of Engineers dated September 26, 2003; Exhibit L – BLM right-of-way grant and Exhibit M – letter from Steve Anthony.
Chairman Martin entered Exhibits A - M into the record.

This is a request for a Special Use Permit for an 8-inch low pressure gathering line that will transport natural gas to a processing facility. The gathering line is the 2nd Phase, referred to as Bentley Phase II, of the Canyon Gas Resource, Inc. gathering line. The gathering line will cross private land and some BLM land crossing. The line will collect natural gas from many natural gas wells in the Parachute area and transport the gas to a processing facility, the West Rifle Compressor Station. The gathering line will be approximately 8 miles and will encompass approximately 48 acres.

The applicant has negotiated easements with all private land owners that the gathering line will traverse. The construction dates are scheduled for October 1, 2003 to December 1, 2003.
The applicant wasn't aware that they needed to go through the SUP process and therefore their construction time frame is behind. They do need to be complete by December 1, 2003 due to the BLM restrictions.
The applicant did submit a fire and suppression plan and the applicant amended it per the recommendations from the Grand Valley Fire Protection District.

Mr. Anthony is requesting a bond be placed by the applicant in his letter noted as Exhibit M.
Doug Dennison has a concern regarding the water being used and the applicant responded to these in an acceptable manner.
Jake Mall from the Road and Bridge noted that the road crossing for CR 302 is not an issue. He will issue a road cut permit with conditions for the road cut specified in the permit.

Staff recommends that the Board approve the "Canyon Gas Resources, Inc. SUP" for the installation of an 8-inch low pressure natural gas gathering line 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. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide written comments from the Grand Valley Fire Protection District that all recommendations outlined in the Fire District's letter dated September 30, 2003, have been addressed accordingly.
3. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide written documentation with respect the legal use of the water to be used controlling airborne dust along construction rights-of-way, unpaved haul roads, and other graded traffic routes, and for watering the topsoil and spoil storage piles in order to minimize the effects of wind erosion and fugitive dust, as well as for fire protection.
4. The Applicant shall obtain a road cut permit from the Garfield County Road and Bridge Department, prior to the issuance of the actual Special Use Permit.
5. Prior to the issuance of the actual Special use Permit, the Applicant shall provide to the County approved Storm water Discharge Permit. – Everything has been addressed and there will not be a permit issues – not need
6. Incorporating the recommendation from Steve Anthony that were just received.
7. Incorporating the wildlife management plan with regards to extending that beyond the BLM property.
8. When not in conflict with the fee owner agreements, the applicant shall follow the special stipulations of the BLM right of way grant.

Rob Thompson and Brian Peters – there will be approximately 30 employees working on this project and it has been awarded to Flint Energy Services and they recently set up a yard/office in the Rifle area and will be staging out of there and going to the project everyday. We are fairly limited on how much room we have to work; additionally some staging will be done from the Tom Brown well existing well pads because our project is basically going to connect with their wells. This will minimize disturbance. To address the pipeline testing we are going to do a pressure test with the inert nitrogen with the DOT regulations and will eliminate the need for water in the testing the pipe. He reviewed the comments on the noxious weeds and revegetation and will incorporate these. Also the wildlife plan from the BLM to the rest of the project. There may be some conflicts with the individual right of ways on some of the requirements within some on the right of ways on the fee lands and some of the BLM stipulations and wanted to make sure they didn't get crosswise on any of those.
Commissioner Houpt asked if there weren't special stipulations from the fee owner, would you be willing to do it in the manner that BLM has requiring?
Applicant – yes.
Public comment – Joe Clem – no comments pro or con and stated he has dealt with these people coming over his property and for the record wanted it noted that he did come over and the communication and negotiations with the land man and Rob have been very successful.
Commissioner Houpt - On the staging areas, and the employees going into the area that's being worked on, can you see that it will work out well to have the vans for the 30 employees or will they be coming to work at different times?
Brian Peters - There will be a few other vehicles. The welders will bring out their trucks and he anticipated 8 vehicles to be used.
Mildred Alsdorf, County Clerk asked if the vehicles will be licensed in the State of Colorado.
Applicant – yes.

Exhibit N was submitted – a revised document – this one will take the place of the one in the notebook handed out.
A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to close the Public Hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Chairman Martin who stepped down from the Chair to approve the Special Use Permit for Canyon Gas Resources Inc. for the installation on an 8-inch low pressure gathering line subject to the conditions set forth by 1-5 in addition adding #6 will include Steve Anthony's memo dated 10-13-2003 and the recommendations within that memo; Condition #7 will be that the BLM special stipulation for wildlife management be included as a condition; Condition #8 where there's not conflict with the fee owner applicant will follow the BLM special stipulations for right of ways as presented for use on BLM land for this project; Chairman Martin asked to have included all stipulations and agreements by the applicant to be included as well. Commissioner Houpt – that is the first condition already in the conditions; motion carried.

REQUEST FOR REVIEW OF A SPECIAL USE PERMIT FOR RESORT DESIGNATION IN THE A/R/RD ZONE. LOCATION: SOUTHWEST OF RIFLE, CENTRAL TO RIFLE AND RULLISON, SOUTH OF I-70 APPROXIMATELY 8 MILES. APPLICANTS: ARNOLD L. AND DARLEEN MACKLEY.

Fred Jarman, Arnold, Darleen and Diana Mackley, and Carolyn Dahlgren 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.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits: Exhibit A – Proof of Mail and 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 as amended; Exhibit E – Application; Exhibit F – Staff Memorandum; Exhibit G – Letter from Michelle Francisco to the Building and Planning Department dated October 2, 2003; Exhibit H- a letter from Road & Bridge dated October 9, 2003; and Exhibit I – letter from the Rifle Fire Protection District dated October 13, 2003.
Chairman Martin entered Exhibits A – I into the record.
Fred stated there is no regulation to amend a SUP and therefore the Mackley's had to go through the entire process once again. Fred stated this is a request for a resort status for a 160 acre parcel currently being used for light agricultural operations. A single homestead cabin is located on the site. The applicant received approval for a SUP for a resort in 1998 via Resolution No. 99-08 and a permit has been issued. The approval for a resort allowed for the placement of four additional guest cabins ranging from 1,500 to 2,500 square feet, with a main lodge up to 3200 square feet.
Arnold Mackley cleared up that it is 3200 square feet. They are asking to expand from 2400 to 3200 square feet.
The proposal would also create four outdoor campsites for tent camping. The main target market includes family reunions, weddings, and other similar social activities. A small restaurant serving guests only is planned for the larger main lodge. To date, none of the proposed buildings have been constructed.
Various roads and trails have already been constructed which can also serve as hiking, horseback and cross county ski trails. The property is unique and well suited for the requested use in that it is situated in hidden valleys and hills that will provide a screening for the proposed use.
Recommendation:
Staff recommends approval, with the following conditions of approval.
Staff recommends APPROVAL, with the following conditions of approval:

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 obtains all building permits and inspections consistent with the adopted rules and regulations of Garfield County for all development within the resort area.
3. That site specific soils investigation shall be performed for all proposed sites prior to construction of units and that all construction be consistent with all recommendations of a licensed engineer, and that the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.
4. That prior to usage of any adjoining public lands, an access and recreational use permit be obtained from the Bureau of Land Management.

5. That a final engineered water system be approved by the Building and Planning Department prior to issuance of building permits.
6. That a fire mitigation plan be prepared and submitted to the Building and Planning Department prior to issuance of building permits.
7. That the applicant annually test and report the condition of the water system to the State Department of Water Resources as may be required by the State.
8. That the applicant be limited to four (4) cabin sites, four (4) camping sites and one (1) main lodge site and existing structures on site.
9. If alcohol is to be served in connection with the use, that the applicant receives licensing for service from the appropriate entity.
10. If any further expansion of the use be attempted, that the applicant readdress the proposal with and obtain the necessary approvals from the Board of County Commissioners.
11. No new open hearth solid-fuel fireplaces will be allowed anywhere within the resort designated area. One (1) new solid-fuel burning stove as defied 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.
12. All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of designated cabin sites, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Arnold Mackley stated in designing the lodge they found it wasn't large enough and this is the process to clear it all. It is a simple request to add square footage to the guest lodge.

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

A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the SUP for the Mackleys for a resort designation with the same terms and conditions presented by staff 1-12; motion carried.

REQUEST FOR APPROVAL FOR A PRELIMINARY PLAN AND PLANNED UNIT DEVELOPMENT AMENDMENT FOR SPRING VALLEY RANCH PUD IN ORDER TO REALIGN A PORTION OF CR 114. THE APPLICANT IS SPRING VALLEY HOLDING USA, LTD. AND SPRING VALLEY DEVELOPMENT, INC. – FRED JARMAN

Chuck Perry for Spring Valley Ranch, Steve Gamba from Gamba and Associates, Jim Lockhead for the applicant, Fred Jarman, Don DeFord and Carolyn Dahlgren were present.

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

Chairman Martin swore in the speakers.

Fred submitted the following Exhibits: Exhibit A – Proof of 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 as amended; Exhibit E – Garfield County Subdivision Regulations of 1984 as amended; Exhibit F – Application to include:

- 1 Blue Spiral Bound Binder: Preliminary Plan Application to revise the Alignment of CR 114 dated 5/27/03
- 1 Orange Spiral Bound Binder as Appendix S – Preliminary Plan Drainage and Hydraulic Analysis Report dated 12/19/00;
- White Binder #1: Preliminary Plan Application
- White Binder #2 – Preliminary Plan Application – Appendix Items A – F
- White Binder #3 – Preliminary Plan Application – Appendix Items G – R
- White Binder #4 = Preliminary Plan Application – Exhibits 1 - 15

Exhibit G - Staff Memorandum; Exhibit H – Letter from the Colorado State Forest Service dated 8-15-03; Exhibit I – Letter from the Glenwood Springs Fire District dated 8-21-03; Exhibit J – Letter from Brownstein/Hyatt/Faber dated 8-29-03; Exhibit K – Letter from Schmueser Gordon Meyer for Spring Valley Sanitation District dated 8-28-03; Exhibit L – Approved Phasing Plan for Spring Valley Ranch;; Exhibit M – Letter from Resource Engineering dated 9-4-03; Exhibit N – Staff report to BOCC for the Original Preliminary Plan dated 10-29-01; Exhibit O – Resolution 2000-95 approving the Spring Valley Ranch PUD; Exhibit P – Letter from the CGS dated 9-2-03; Exhibit Q – email from the County engineering Department dated 9-8-03; Exhibit R – Email from Resource Engineering dated

9-8-03; Exhibit S – Email from the County Vegetation Director dated 9-9-03; Exhibit T – Letter submitted to the Planning Commission from Donnalynne and Louis LaGigilia dated September 10, 2003; Exhibit U – Letter from the Division of Water Resources dated September 5, 2003; Exhibit V – Letter from Brownstein/Hyatt/Farber dated 9-24-03; Exhibit W – Letter from Brownstein/Hyatt/Faber dated 9-26-03; Exhibit X – Walking Tour Photo Map of Proposed Route of CR 114; and Exhibit Y – Letter from the US Dept 10-7 of Agricultural.

Chairman Martin entered Exhibits A - into the record.
Fred provided a Power Point Presentation to the Board.
Jim Lockhead – 2-7028
Asked for a continuance of this matter. A glitch to the primary witnesses. Gamba was not certain they could get this published for an original date of 10-6 – the engineer is not available and needs to be available. They would like Bill Lorah if there are any questions regarding water uses. The request would be to hold this November 3, 2003 at 1:15 P.M.
Chairman Martin noted the applicant is entitled to request a continuance.
Public – Donna LaGilia – 4002 CR 115 – this could be a conflict – November 10th would be more workable.
Chairman Martin asked if it was significant from her letter in Exhibit T.
Mr.; Lockhead requested the November 3, because the 5th it expires and this is not approved, they would want the opportunity to file a new application by the 5th.
Chairman Martin – stated to Ms. LaGilia that they could put their concerns in writing.
Commissioner Houpt made a motion and Chairman Martin stepped down from the Chair to second the motion to continue the hearing for the Preliminary Plan and PUD in order to realign a portion holding this over until November 3, 2003. Motion carried.

Executive Session – Litigation

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

ADJOURN

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

Attest: Chairman of the Board

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OCTOBER 20, 2003
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 20**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

COUNTY MANAGER UPDATE – ED GREEN

a. Consideration of the LOVA Trails Group Master Plan for Adoption – Brian Brown

Brain Brown presented the Lower Colorado River Valley Trail and River Corridor Action Plan and Guidelines. Also present were: Steve Rippy of New Castle, Mayor Pro-tem Al Lambert; Todd Tibbits, Jean Golay, Ted O'Brian, Randy Russell, Steve Spears, Nicole Bowden.

Brian gave the background saying they have worked hard especially with the private landowners along the river and obtain tremendous support. Much of the trail in on the north side of the Rifle. The areas around the towns are referred to as the "Commons Area." Whether it is on the river or set back away from the river depends upon the landowners. All Planning & Zonings in the County have adopted this into their Comprehensive Plans.

Al Lambert from Rifle spoke on behalf of the Trail and gave a presentation as to Rifle's current involvement of trails in the City of Rifle and hopeful of connecting to the LoVa Trail.

Steve Rippy stated the Town of New Castle has been working with trails and sees this as an economic benefit to the area. Trails systems are the number one request from the citizens.

Todd Tibbits – Mayor Pro-tem for Silt stated they are concerned about the access to the new school off Peach Valley Road. An entity like LoVa can bring the multi-districts together to have a trail system.

In pursuit of the vision of a non-motorized transportation and recreation trail connecting communities and destinations in Garfield County along the Colorado River, LOVA Trails has been working diligently to incorporate existing uses and blend the many interests for this purpose. Ultimately, The LOVA Trail may form a key link in a potential Trans-Colorado Trail – a 400 mile scenic bicycle and pedestrian corridor extending from the Utah border to the Kansas border. Significant segments of the trail system are in place including the Glenwood Canyon Trail (Glenwood Springs to Dotsero), the Eagle County Core Trail (Avon to Vail), The Vail Pass Trail (Vail to Silverthorne), as well as segments along Clear Creek between Silver Plume and Idaho Springs and in Mesa County between Fruita and Grand Junction.

For planning purposes, the study corridor is divided into three segments:

Segment I – The "Canyon" (Glenwood Springs to New Castle, Length – 13 Miles). The Canyon segment of the corridor extends from the confluence with the Roaring Fork River in Glenwood Springs to the opening in the Grant Hogback just west of New Castle. It is a relatively narrow canyon with steep walls. The rights of way of the Union Pacific Railroad, I-70 and Highway 6 occupy most of the usable land in the eastern portion of the corridor.

There are several strong reasons for pursing trail construction expeditiously in this segment. There is the potential of CDOT funding and CDOT right of way.

Segment II – The "Valley" (New Castle to Rifle – Length – 15 Miles). This extends from the opening in the Grand Hogback (at Elk Creek in New Castle) to the confluence of Rifle Creek in Rifle.

Segment III – The Mesas (Rifle to Garfield County Line – Length 24 Miles). This segment of the corridor extends from the confluence with Rifle Creek in Rifle to Parachute and then onto the Mesa County line near DeBeque.

The request today is for funding support for FY 2004. The financial request s of the communities from Parachute to New Castle total $5,600 which does not include the in-kind staff time every municipality

contributes each year. Glenwood's River Commission has recommended that the Glenwood Springs City Council match the cash support the County provides to LOVA, up to $15,000 again.
LOVA is requesting $20,000 cash and $2,000 in-kind from Garfield County.
Commissioner Houpt noted the budget currently has $30,000 earmarked for LOVA.

b. Approval of the Contractual Agreement for the Auditor for 2003 Audit – Patsy Hernandez

Patsy Hernandez and Don DeFord were present. Don submitted a memo to Jesse stating he had reviewed the proposed letter agreement with Chadwick, Steinkirchner, Davis & CO for provision of auditing services for the fiscal year ending December 31, 2003. Don submitted his memo dated January 3, 2000 where he referenced 5 points that needed to be addressed and stated he believed these still need to be addressed. Discussion was held on the points that Don outlined. Commissioner Houpt stated it was very important to include "concerning compliance with laws and regulations."
Don suggested he could talk to the Auditing firm and clarify some issues that were left over from three years ago. Don suggested putting this off until the next meeting. Commissioner Houpt noted that they have already agreed to maintain Chadwick, Steinkirchner, Davis & Company but it is necessary to work out these concerns. Postponed until November 3, 2003.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Clarification on form – Human Services Commission Contract – Carolyn Dahlgren

Commissioner Houpt clarified that the financial impact can have an impact but using public funds, but the contracts should read "shall" have an audit.

b. ***Executive Session: Litigation Update*** *both current and pending litigation and a personnel item Litigation include: Mayo, Downtown Development Authority – County Road 121 and in the case of a Deputy Sheriff where the County has been called to testify and a personnel issue.*

The Board, Mildred, Don, and Catalina were requested to be in the session.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.
Action taken:
EnCana
A motion was made by Commissioner Houpt to allow them to proceed with the permit process and as long as they are actively pursuing that we will withhold enforcement action; motion carried.
The Mayo Case – status report. Catalina read into the record from Judge Ossola: "The judge concluded that the plaintiff, which is the Board of County Commissioners, met its burden of establishing that it is likely to succeed on the merits and that irreparable harm may result from the continued conduct of the defendants in using the un-permitted structure for non-agricultural purposes. The Court also concluded that the defendants failed to meet their burden of convincing the Court that the County Ordinances and Regulations were unconstitutional or unconstitutionally applied to them. And the Court ordered that a motion for preliminary injunction be granted to the Board of County Commissioners and that Mr. Mayo and Mrs. Mayo be adjoined from using the structure in any other way other than for agricultural purposes. He specifically said in his order that the Mayo's be adjoined from using or permitting the structure to be used as a community center or for community meetings without first obtaining the appropriate permits and authorizations from the County. The order further requires that the County or the plaintiffs provide a red status report within 45-days from the date of this order with respect to assuming to the use of the property (what's happening with it).
Chairman Martin – and our contact person for that particular review would be Mr. Swaller.
Catalina – we're going to try to get Mr. Swaller to do a review and see if he's allowed on the property.
Carolyn Dahlgren – and should the Mayo's not allow our inspectors on the property then we'll just simply have to go back to Court.
Commissioner McCown – I would suggest and asked that a copy of this order be placed on the press table for review.

COMMISSIONER REPORT

Commissioner Houpt – Last week – Budget presentation and an excellent job by staff; informed the press that they were not in attendance; Oil and Gas Round Table in Denver on Wednesday on Pipelines and the discussion included the technical and land use for Counties. There will be a follow-up meeting in

November; Breakfast last week - Re-2 invited the Commissioners for breakfast in Rifle on Tuesday. Wednesday – Healthy Beginning meeting. – Commissioner Houpt in Oregon the last of the week. Commissioner McCown – Fire danger is high; Tuesday evening, outstanding award interviews in 4H; Thursday – Communication Board meeting.
Chairman Martin – Recognize those for Boss Day – Community Corrections – Tuesday for screenings; Rifle at Taughenbaugh Building for 4H interviews. Intermountain TPR – 6:30 P.M. 20/30 plan on the transportation corridor. Ed was authorized to accomplish the $20,000 payment and we only have $12,000 in the budget. Oil and Gas Round Table in Denver last Wednesday - Rule Changes Meeting and possibly approved in February.
Ed asked the Board if there was any objection to Healthy Mountain to use the equipment if they continue to go this way. Direction was given to Carolyn to draft the lease agreement.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign the Resolution and actual Special Use Permit for Wareham/Padilla – Tamara Pregl
f. Authorize the Chairman to sign the Resolution and actual Special Use Permit for Mayer/Troyer – Tamara Pregl
g. Authorize the Chairman to sign the Resolution and actual Special Use Permit for Arnold and Darleen Mackley – Fred Jarman
h. Authorize the Chairman to sign the Resolution of Approval for Collins Special Use Permit – Tamara Pregl
i. Authorize the Chairman to sign the Westerlind Amended Plat
j. Authorize the Chairman to sign the Exemption Plat and Resolution for Tamburello North – Tamara Pregl

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – j omitting (b) as there were no wire transfers; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION – DEVELOPMENTAL SERVICES – SHELLY HANAN & BRUCE CHRISTENSEN

Bruce Christensen gave an update on the Mountain Valley Developmental Services stating they are the primary service serving Lake, Pitkin, Eagle and Garfield County. The annual budget is $6,000,000 and about $4,000,000 is spent in Garfield County. There are 3 residential houses in Rifle now with a substantial investment. $4.25 million in payroll. Local support is getting to be more and more critical. $30,000 from the County is very important. Cuts in State and Federal funds have been significant. Growth has slowed down in the County and it has helped some. For the first time in 25 years they have a waiting list for infants, but no one has waited longer than a few months. Jobs are becoming difficult to find for their people. There's been a couple of deaths in the last year but everyone is doing well. Vail is becoming very interesting and the services are working well in that area.

BOARD OF HEALTH

WEST NILE VIRUS UPDATE/2004 BUDGET REQUEST – STEVE ANTHONY

Kate Lujan and Steve Anthony presented a Power Point that included: West Nile virus spread quickly throughout Colorado in 2003 and there were 2108 human cases with 42 fatalities. Garfield County has reported 2 human cases this year and no fatalities. Mesa County reported 11 cases and two fatalities. In Garfield County 5 positive birds and 9 positive horses were confirmed.
Kate noted the State is trying to make the testing for humans quicker. The possibility of a rapid test is being discussed. The testing is being done in Denver as well as local physicians do the tests.
The informal task force has been meeting monthly to address the WNV issue and to establish lines of communication between the different communities.
Staff is requesting the budget amount under the assumption that the West Nile virus will increase in Garfield County in 2004. The requested amount is $100,000 for management efforts for 2004.
The plan of action includes: 1) Monitoring: dead bird evaluations, limited larvicide treatments and continued education/prevention programs; 2) "In-house" mosquito abatement program consisting of 2-4

traps in each town and 6-10 in unincorporated parts of the County; 3) Contract with private mosquito control company – ballpark figure of $2000/square mile to perform the services.
The mapping and population densities include:
Parachute - .90 square miles; Rifle – 5.61 square miles; Silt – 1.58 square miles; New Castle – 1.45 square miles; Glenwood Springs – 4.08 square miles; and Carbondale – 1.83 square miles for a total of 15.45 square miles. Battlement Mesa is 3.00 square miles and is included in the 150.5 miles of unincorporated miles of Garfield County.
Staff recommendation:
Staff recommends that Garfield County contract services with a private mosquito control company for 2004 at the rate of $2000/square mile for services.
If the BOCC decides to choose the private contractor option, staff will request that each municipality consider budgeting a proportional amount based on their square mileage. If agreed, the municipalities' share of the program would be $31,000.
If the County considers the budget item request of $100,000, this would enable us to cover an additional 34.5 miles of unincorporated Garfield County. However, if the municipalities contribute, the actual cost of the 50 square mile area in the unincorporated portion of the County would cost $69,000; and the additional $31,000 would cover an additional 34.5 miles.
If the Board approves a private contractor, then we request to work out of one of the old Road and Bridge Shops (Rifle or Silt) to be used as a base site.
Commissioner Houpt received some calls regarding ponds on private property and Steve has an El Paso County policy for mosquito abatement on private property. The use of larvicides could be mandated on ponds and standing water on private property.
The El Paso County Mosquito Control Regulations were submitted to the Board.

BOARD OF SOCIAL SERVICES

As the Board of County Commissioners

I. Approval of September 2003 Disbursements

EBT (Electronic Benefit Transfers) for the month of September 2003 were made in the total amount of $73,533.79.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the EBT (Electronic Benefit Transfers) for the month of September in the amount of $73,533.79. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Social Services; motion carried.

II. Employment First Program

Effective October 1, 2003, the Department elected to no longer provide the Employment First Program that serves unemployed adults with children over the age of 12. The decision was based on: 1) low caseload, 2) low reimbursement rates and 3) state review findings. Benefits for current clients will continue and they will be referred to the Workforce Center for Services. A staff member will be only be assigned eight hours per week to oversee this program. Garfield County is not required by the State to have an Employment First Program due to the number of eligible clients.

III. CBMS (Colorado Benefit Management System) Implementation

Update – the Department received information of a possible delay until April 24, 2004 for implementation. Some speculation was made that it may be July 1, 2004.

IV. State Child and Family Review – County Program Improvement Plan

In 2002, the federal government conducted a comprehensive review on child welfare outcomes in the State of Colorado. The report indicated "conformity" or "not in conformity" issues. The state is requiring counties to participate in a Program Improvement Plan (PIP) process to improve identified outcomes for children and families with 21 counties needing to submit a PIP for areas they are not in compliance. Garfield County Social Services did not meet 5 of the 15 areas. A copy of the county's program improvement plan will be submitted by November 25, 2003.

V. Core Services and Mental Health Contract Update

Lynn stated that an agency letter was received the week of October 6 notifying counties that there was no longer a requirement to contract with local mental health centers for services to eligible child welfare clients. Garfield County currently has a signed regional contract with Colorado West Regional Mental Health Center for $132,497 (Garfield, Eagle, Pitkin and Summit) and $132,497 (to Moffat, Rio Blanco, Routt, Grand and Jackson). There is a Regional Director's meeting scheduled for October 23 in Eagle to further discuss this issue, including possible contract termination. It is understood that funding amounts

will not be affected during this current state fiscal year. The possibility of dividing the allocation and being able to use other services will be discussed on Thursday. It is the County's option to provide the 30-day termination clause if the direction was to go in this direction.
Lynn noted that this only deals with mental health and not substance abuse.

VI. Aspen Valley Medical Foundation Grant

Lynn submitted the final report on the current year's child care center nursing consultation grant. Carrie Podl Haberern requested and received a second year grant to extend direct nursing consultation services to child care centers in the amount of $9,000.

VII. Regular Administration Allocation

The state allocation for 03-04 state fiscal year is $381,119 and the figure is based on a newly accepted methodology that incorporates specific case count information. There is no percentage change in allocation form the prior year amount.

VIII. Program Reports

Various program reports were submitted for the Board's review and comments.

IX. Food Stamp Review

Lynn stated they just received the report and will be working on some issues.

X. Staffing Wise – Joyce Christenson joined the staff from Mesa County.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of the Board of Social Services; motion carried.

PUBLIC HEARINGS

VALLEY LIQUORS LIQUOR LICENSE RENEWAL AND LOCATION CHANGE – MILDRED

Mildred Alsdorf, Julie Wernsman and Tom Stuver were present.
Julie Wernsman lost her lease and she has moved the business to a new location. The lease expires the end of November and her new building should be completed by that time.
Mildred submitted the public notification, the posted sign and report of no complaints filed against the establishment. The Applicant submitted the petitions for making note there were no petition against.
Don asked about the sign posting. Mildred confirmed she was at the location and witnessed and filmed the posters. The new location is 2-blocks from the previous location. A set of plans for the new location was shown to the Board.
The applicant submitted the petitions for and stated there were no petitions signed against the establishment.
The neighborhood boundaries were established and the applicants were notified by letter from Mildred.
Tom Stuver – the application is completed and notice has been proper. The change in location is the only issue and noted for the record there were no violations in the operation of her business.
Rick Neiley stated he was representing a couple of different interests with respect to this application and a personal interest in it. He represents the property owner, Valley Investments Partnership which is a limited liability company who owns the Thunder River Market Place where Valley Liquors is currently located. He is also a member of and represents Rhino Liquors Inc. which is the next liquor license application the Board will hear today which proposes to take over the existing space where Valley Liquors is located. There are a number of significant problems with the application that is before you today and will present the Board some exhibits that will demonstrate unequivocally that it would be unlawful for you to issue either the renewal or the change of location for Valley Liquors. First, a couple of preliminary matters: a renewal liquor license application is treated, for all purposes, in the same fashion as any other liquor license application. There is no vested right in a liquor license application, there is no reliance that can be asserted with the fact that there was previously a liquor license granted to a particular applicant. A transfer application has to be proven on the same standards as a new application that means you have to prove the needs of the neighborhood and the desires of the adult inhabitants, residents of that neighborhood. You also have to prove that it is an appropriate location for the liquor licenses, premises and that it is consistent with the public interest and good. The problems you are going to see when I present you with some documentation in this case, are that Julie Wernsman has an interest in Choice Liquors in Rifle and despite the fact that the fashion in which that liquor store has been licensed, that is in her husbands name, she has both a direct and indirect interest in that store and that is expressly prohibited by the liquor license code in the State of Colorado. Specifically, there is prohibition in Section 12-47-407(4) which states as follows: "It is unlawful for any owner, part owner, share holder or person interested directly or indirectly in a retail liquor store to conduct on either in whole or in part or be directly or indirectly interested in any other business license pursuant to this Article", that is Article 47 the Liquor License Code pursuant to which you

can obtain a Retail Liquor Store License. So there's a prohibition against ownership, there's also a prohibition against having either a direct or indirect interest. And what I'm going to show you, the documentation and exhibits that I'm going to present here today as part of the record is that Julie Wernsman has both a direct and indirect interest in Choice Liquors. Let me start by telling you what Choice Liquors is, Choice Liquors is an 8,000 square foot liquor store located next to the new Wal Mart Superstore in Rifle, Colorado and present as the first Exhibit, Exhibit D – a site plan for Choice Liquors in Rifle which demonstrates that it is in fact an 8,000 square foot building that is owned, according to the real estate records by a Limited Liability Company called Ray Rex LLC. and I will show you some documentation which will make it evidently clear that Ray Rex LLC. is Ted and Julie Wernsman jointly. For purposes of convenience, I have a series of Exhibits and provided each of the Commissioners with a copy of them and I will go through them and I will provide to Mildred the originals.
Chairman Martin marked this packet as Exhibit E and entered into the record for consideration.
Rick Neiley – if we look into Exhibit E just handed to you, the first document is a decision of the liquor license application in the matter of Ted Rex Inc. for a liquor store in Rifle at 680 Waupedie Court and it was issued on May 21, 2003 and signed on June 4, 2003. Now, you may ask who is Ted Rex Inc. and if you look at the next document in the Exhibit there is a retail license application for Ted Rex Inc. and you will see that the name of the manager on the second page of Ted Rex Inc. is Ted Wernsman and that Mr. Wernsman, in fact, based upon the last page of the document is in fact the principle of Ted Rex Inc. Now, what does this all mean in the context of Valley Liquors? What it means is that there's been a corporation established for Mr. Wernsman to hold the liquor license for this 8,000 square foot, which can be described as a discount liquor store in Rifle and the reason it's in his name is so that Julie Wernsman can hopefully convince you that there's a sufficient distinction in the entities and a sufficient lack of indirect or direct interests in the two liquor store so that you will allow her to move her liquor store to a new location. I will submit to you that the documentation you will see will convince you unequivocally that there is no real distinction between these two entities. Now, the next document is a partial transcribe from the discussions in the liquor license hearing in Rifle on May 21, 2003 and I want to submit as another exhibit the actual tape of that hearing so that if there is any question or any need to refer to that tape in the future, it will be available for you to do so. There was concern at Rifle City Council regarding the fact that Julie Wernsman's liquor store was referenced in the liquor license application as being owned by Ted Wernsman's wife and councilman Lambert stated as follows, "the attorney from Mr. Wernsman has offered to the council that these are two separate and distinct businesses" and them members Callie said, as you talking about his wife then." And council member Lambert said "that's correct and at this point I think we have to accept that on face value, I don't see where we have any alternative to that." And the reason they didn't have any alternative to that was because there wasn't any evidence, there weren't any documents in front of the Rifle City Council that would show them that in fact there is a unity of ownership interest with respect to Choice Liquor and Ted and Julie Wernsman. I will show yet this morning. The next item in here is another partial transcribe from that same tape and it deals with the fact that Ted Wernsman is a full-time employee of UPS operating out of the Glenwood Springs location over by Thunder River Market and councilman Lambert again said, "Mr. Wernsman, would you be operating this store." And Ted Wernsman said, "yes." And council member Lambert said, "how are you going to handle your employment with UPS, that's pretty rugged." Ted Wernsman said, "hopefully, hum, there might be a change for some sort of part time job or reassignment that way, that I" and then the tape in unintelligible for the next couple of words. What this doesn't say to you is that I'm going to be quitting my job with UPS and being the full time manager, the full time owner of this 8,000 square foot significant venture in Rifle. And I think that's significant in the context of what's going on here because Ted's wife, Julie is the one with the liquor store experience, she's the one with the management experience, she's the one that knows how to operate these businesses and as I will show you through these documents, she's the one that actively engaged in hiring people for the Choice Liquor Store right now. We'll look at the next document, a special warranty deed to a parcel of land in Rifle granting title to Ray Rex LLC. It's the location where the liquor store is being constructed for Choice Liquors. If you look at the next document you'll see there's a statement of authority, this is also recorded from the real estate records and it says Ray Rex LLC is Julie Wernsman and Ted Wernsman. So what we have is a limited liability company set up by Ted and Julie Wernsman that owns the land upon which Choice Liquors is being built. The only thing that separates that ownership to the liquor license is a one and a half page lease which is the next exhibit. It's a one and a half page lease that is between Ted Rex Inc. and Ray Rex LLC. Now, what's interesting about this lease is that of course, there's a couple of things interesting about it, but of course you have to be able to prove the right of possession in

order to get a liquor license. And so, typically, if you don't own the property you submit a lease. Well the Wernsman, of course, they didn't own the property at the time this was submitted actually; they didn't own the property until the 26th of September 2003 even through this lease is dated the 8th of April and purports to provide a right of possession on June 1, 2003. By the way when you look at that tape, if you look at that tape, they didn't tell Rifle City Council, we don't own the property that this lease covers, they didn't tell Rifle City Council that we can't possibly take possession; nine days after the liquor license hearing on June 1st, nor when the decision was adopted on May 4th did they tell the members of City Council, oh, by the way we don't have possession of the premises right now. You might say that's not a big deal because as long as you do end up with them at the time the liquor license is issued, you satisfy the requirements. However, when you look at this lease what else is interesting about it, is again not what it says, but what it doesn't say. When you talk to the liquor enforcement people in Denver, they will tell you and they told me, it's not necessarily unacceptable for a husband and wife to own a piece of property and lease it in an arms length transaction with an entity that's going to operate the liquor store. This however, is not your customary arms length transaction. When you look at this lease it covers four things: the term of the lease, the rent, the requirement for insurance and a security deposit. Again, what it doesn't cover, it doesn't cover who's responsible for the payment of real estate personal properties, sales, and use taxes that kind of thing. It doesn't say who's responsible for utilities, it doesn't say who's responsible for installing improvements, it doesn't say who owns those improvements, it doesn't have any requirement for approving improvements, it doesn't say who's responsible for repairs, it doesn't say what common expenses have to be paid or by whom, it doesn't even have a default provision, it doesn't have any provision for remedying a default, there's no notice provisions, there's no provision for landlord's liens, of course there's not, this is a deal between a husband and wife, they don't need that kind of thing. Ray Rex isn't going to turn around and sue Ted, it's just not going to happen, but what is does suggest is that there's not distance between the entities or the parties with respect to this large liquor store. You want to see the existing lease, it's the next exhibit, and it's the lease between Valley Investment Properties Partnership that was done in 1994 and Julie Wernsman. This is a lease that's an arms length transaction lease. It covers all the issues that are typically covered in a commercial lease and it's fifteen pages long, fourteen pages long instead of one and a half pages. One of the things this does is it identifies specifically the term of occupancy that was negotiated with Julie Wernsman. Julie Wernsman did not lose her lease, it was a nine-year term negotiated and that term is up. And when we get into the liquor license application for Rhino Liquors, I'll talk to you a little bit more about what prompted us to make a decision to go ahead and do our own liquor store, going back to 1999 when we couldn't get a clear decision from Julie as to whether or not she was going to stay in the building. I'll go into more detail in that. Interestingly it's not just the matter of a lease between Rae Rex LLC and Ted Wernsman's Corporation, if you'll look at the next document, it's a deed of trust. It's a deed of trust signed by Rex Ray LLC., comes from the real estate records, and signed by Ted and Julie as members, it's a deed of trust for $700,000 to buy the property that the liquor license in Rifle is going to be located on and to construct the improvements. This document is a document that obligates both Ted and Julie to perform obligations for the financial institution that loaned money to them to buy the property to build the liquor store to create the improvements to have a liquor license business. It's for $700,000 and it is secured not only by the liquor license property but as I will show you, by other property that is owned individually by Ted and Julie Wernsman.

I think the mere fact that there is this ownership interest and when you look at the plans that were submitted to the Town of Rifle, it shows the construction of a liquor store, not just a commercial space that might be leased to somebody, it shows the construction of a liquor store. That's what they are doing. They are building a liquor store business. Now, again, if this truly was an arms length transaction, it might be okay. I think it doesn't pass the smell test to begin with, but it might be okay as long as it was really arms length no interconnectedness between the two businesses. But what we've discovered since is that Julie is also hiring people for Choice Liquor and offering those people housing in a house they own in Silt to induce them to go to work for Choice Liquors. And one of the things the statutes recognize as an interest or indirect interest is an interest in management in the control of the liquor license. And when you consider the fact that Ted Wernsman is working full time somewhere else, it's easy to understand why Julie's the one who's taking the lead in finding employees. I have a letter here dated October 10, 2003 to Lisa McCutchen, who's the manager at Thunder River Market and it says, I've been asked to provide this letter in connection with the application of Julie Wernsman, Valley Liquors to renew and transfer her liquor license to 7094 Highway 82, Garfield County Colorado. I'm the manager at Thunder River Market, I was informed two weeks ago by one of my employees, Shane Utie that effective October 12, 2003 he would no longer be

working for Thunder River Market; he told me he'd been hired to work full time at Valley Liquors until Choice Liquors in Rifle was ready to open in approximately 3-weeks. They were going to switch his employment to the Rifle store as one of the managers, it was clear to me from my discussion with Shane that Julie Wernsman had hired him to first work at Valley Liquors on a full time basis and then be transferred to Choice Liquors full time when they were ready to open. It's a notarized statement. Similarly there's an affidavit in the file from Maria Maniscalchi and I'll tell you Maria is my partner in the real estate interest in Valley Investment Partnership and she and her brother Chris are the proposed partners with me in Rhino Liquors. And what Maria says is that I'm the owner of Thunder River Market which is located at 6818 Highway 82, Glenwood Springs, Colorado and approximately on October 1, 2003 I was informed by my manager Lisa McCutchen that one of our employees, Shane Utie had provided us with notice that he would no longer be working for us because Shane was a long time valued employee I had a meeting with him to discuss his reasons for leaving. Shane informed me that Julie Wernsman, the owner of Valley Liquors had offered him a job where he would be responsible for the beer coolers at Choice Liquors in Rifle, Colorado, the job would start as soon as Choice Liquors' premises were ready to be opened. Shane advised me that Julie made him an offer he couldn't refuse to work at Choice Liquors and that she had further offered to provide him free housing in Silt as an inducement for him to terminate his employment with Thunder River Market and go to work for Choice Liquors in Rifle. I subsequently discovered through my own investigation that Julie Wernsman and her husband Ted own a home in Silt, Colorado and that this is undoubtedly the home that Julie had offered to Shane as housing while he was employed by Choice Liquors. Finally, Shane advised me that until Choice Liquors was open Julie Wernsman had agreed to employee him at Valley Liquors. There's no question in my mind that Julie Wernsman hired my former employee, Shane Utie to work at Choice Liquors in Rifle and that she negotiated the terms of that employment herself with Shane as management. You don't do that unless you've got some direct or indirect interest in the business. You're not allowed to do it because it constitutes the equivalent of an ownership interest in fact you are providing some control over the license and of course control of employees is an arm of control of the license because they have to comply with the laws and they have to comply with the regulations.

The next document is a property card from the Assessor's Office which shows the ownership of the residential property in Ted and Julie R. Wernsman at 1345 M Avenue in Silt; and then the next document is another deed of trust for the same $700,000 loan which is secured by that same property in Silt, so we have this loan for the purpose and construction of a liquor store and the property is secured not just by the liquor store property but it's also secured by personal residential property owned by Ted and Julie themselves. Again, Julie Wernsman has a financial interest in Choice Liquors. And finally, trying to figure out what's going on here, I have to say these types of cases are extremely difficult to get factual information on because when people try to set up corporate shells so that you can't see what's going on inside, it's really hard to get the documentation that shows you what's really going on. But I was looking in the City of Rifle's building department files last week and I found a letter which is the next Exhibit in this file, it's dated August 19, 2003, a month before the liquor license in this application was submitted to this liquor licensing authority for review and approval and this says, "City of Rifle, we Ted and Julie Wernsman wish to build a liquor store at 680 Waupedie Court, Rifle Colorado for the purpose of selling wine, beer and liquor. This will be an 8,000 square foot building with a 2100 square foot cooler inside on approximately one acre of ground." It says, we are building it and we're doing it for the purpose of selling beer, wine and liquor. It doesn't say, and again, this is one of those things where you can look at what isn't stated and reach some pretty concrete conclusions, it doesn't say we are building a commercial building for the purpose of leasing it to a 3rd party to run a liquor store or some other legal enterprise under the laws of the state of Colorado; it says what's really going on here. That's Ted and Julie are building and they are going to operate a liquor store and all they have done is create a corporate entity to hold the liquor license so they can argue before this board that we're entitled to two liquor licenses. Now the statutes in the state of Colorado make that against the law, specifically says, "it is unlawful to have a direct or indirect interest in two liquor licenses." This documentation I think it's unequivocal there is at very least an indirect and there's in my opinion a very clear direct interest. Those laws are not adopted simply to keep husbands and wives from intermingling their assets; the regulations acknowledge that a husband and wife can each own a liquor license and a liquor store so long as they are truly separate and distinct from one another. So long as they isn't an intermingling of the financial obligations, or the management obligations, or the ownerships. And the reason this is important is if you think about the large liquor warehouses down on the front range, like Applejacks or Liquor Mart or some of these other big entities, if they were allowed to come into a

community, a small community and simply, let's say buy an existing liquor store and then cut their prices they don't have to make any money, if they're making a million dollars a year down in Applejacks in the front range, they don't have to make any money in Garfield County, they can run that store at a loss, they can run it at break even, they don't have to compete in the market place and then when they put the other small operators out of business, they monopolize the market place and they raise their prices and that's what the potential damage is here. You've got an 8,000 square foot store in Rifle, the buying power for that store is substantially greater than 2,000 square foot store over here in Glenwood Springs and if you combine it with a new store, all of the sudden you get the potential for real damage and real hazard to existing businesses in this valley and that's what needs to be avoided and that's what the statutes seek to avoid.

There are some other problems; that's the main problem. There are some other problems, one is I'm not sure we know who your applicant is, your application came in the name of Julie Wernsman, but the next document here in an insurance page that we got as the landlord because we're entitled to know there's insurance on our building that the tenant maintains, the name of the insured is Valley Liquors. Well that might make sense other than in the fast it always said Julie Wernsman dba Valley Liquors. The name of the business is Valley Liquors but then we ask the question, who owns Valley Liquors. And if you'll look at the next document, the certificate of trade name registration, from the Secretary's website that was filed on March 31, 2003 there's a corporation called Julie Rae Inc. located ironically at 6280 Hwy 82, Glenwood Springs, Colorado that owns the Trade name Valley Liquors. So apparently there's a corporate entity out there that operates out of a liquor store, that owns the trade name but that isn't a party to this application, so I think there's a question of identity and by the way, if there's at transfer of an ownership interest or the bringing in of a new entity to operate the license holder is obligated to provide notice to the state and the local licensing authority within 30 days of that event and that has not happened in this case. This happened last March. I have a couple of pictures, I know Mildred has already given you some, but I want to show them to you because I believe there's some questions about whether or not it's necessary to have this liquor store at the new location 7094 to serve the best interests and the needs of the community. The first picture is a picture of the Thunder River Marketplace where Valley Liquors is currently located and where Thunder River Market is located and it shows its location which of course, you're probably familiar is at the light on Highway 82, CMC road and 154 Road. An extremely busy intersection when we get to the Rhino Liquors application, we'll show you some numbers about how much traffic is generated and what goes on at that intersection. It's extremely busy. The other picture is a picture of the new proposed location which is about a quarter of a mile away for Valley Liquors and I would suggest that it's not a good location in any stretch of the imagination, there's no controlled intersection light there and in order to get from the light at CR 114 down to this new location it's necessary to drive past 35 residences. It is in a commercially zoned area but I would submit to you this type of business is not appropriate down in an area where you have to drive by a lot of residences and I will tell you a lot of the people who live in those residences are regularly walking over to the Thunder River Market at the corner there. What's perfect about the Thunder River Market location is that it sits at the intersection of busy roads with a light controlled intersection with good access to the building, it's a concentration of commercial uses, restaurant, coffee shop, pizzeria, deli, convenience store, offices, labor source and liquor store. Liquor store is entirely appropriate there and if you look at the next document in here, this is the letter, the original of which you will see in the Rhino Liquor application but it's from William Slattery, who owns Modern Cabinet shop,

Chairman Martin – we're going to introduce two more items for exhibit which will be Exhibit G and H.

Rick Neiley – and this is in part, by way of background reference but Bill Slattery has lived on Old Highway 82 before the main highway, he lived up on the hillside and he's maintained his cabinet shop on what is now 154 road since 1962 and he's lived there since 1964, so he has a good history of what's going down in that neighborhood. He notes that, in his last sentence "there's been a liquor store at the same location for over 20 years and it is appropriate to continue the business in the same location. I can't tell you that there isn't enough business in this neighborhood for two liquor stores. I can tell you what the Rhino Liquor application will show are that there's overwhelming support for continuation of the liquor store in the same location. Again, it is the burden on Valley Liquors to demonstrate that the new location is needed under the perimeters of the neighborhood and desired by its residences. I haven't heard anything that truly addresses that, I don't know what the petitions show, I don't know what their numbers show, don't know ho they procured signatures on their petition whether they actually really went out an canvassed the neighborhood as we did, went door to door, we haven't heard any of that, we haven't heard from them the needs or the desires of the community are, the neighborhood are and that of course is their burden and

again they bear the same burden as any new liquor license application which establishes their location is an appropriate, desirable, needed, necessary. We can establish unequivocally that over 20 years the existing location in our building is the desired, needed appropriate location and will submit to you that it would be extremely damaging to Valley Investment Partnership to grant a new location and liquor license for Valley Liquors but to deny one for Rhino Liquors. Now again, I'm not saying there's not enough business out there, I don't think it's appropriate for this new location to be improved and will give you some more information. I will tell you this, we put an addition on our building in 2001 – 2002 and we have an empty commercial space that we've been trying to lease for almost two years; the commercial market is fairly weak right now; there's a lot of empty commercial space. If we can't have a liquor license there, then that space will almost certainly end up being vacant which would deteriorate our property values and the tax base we pay in connection with the Valley Investment Properties Partnership. In addition where Valley Liquors proposes to relocate is into a residential building so will result in the lost of valuable residential property in an area where there certainly is no glut of reasonable priced residential housing. Mr. Slattery's letter as I mentioned will show up in its original form in the Rhino Liquor's application. But it does reference the fact that there have been many many improvements to our property since Maria took over the operations of Thunder river Market in 1996. Finally, let me turn to the question of the appropriateness of the new location being proposed by Valley Liquors. There's warranty deed in the file which is of interest, it's dated 9-19-2003 the same day the application for Valley Liquors was submitted. In the exceptions there's a couple of things in Item A which I think are of interest. The exceptions to title of course are those things that the title insurance will not provide insurance for. One of the exception is the apparent encroachment of single story wood and brick building into the 50 foot access road right of way 7094 Highway 82, that's of course the premises for which Valley Liquors seeks approval. It says, an apparent encroachment of single story wood and brick building into the 20-foot drainage and public utility easement same building and then some other encroachments. But when I looked at the building and planning file here, it got even more interesting because I when I looked at those encroachments I was trying to figure out exactly what they meant and the last document in your file is a photo copy of the site plan that is in the building department files upstairs and it shows that a corner of this building isn't even on the property that they're leasing from this George Suka in fact it appears that it's either in the public right of way or it may be a private road right of way leading up to Professional Auto Body and some of the other businesses. I don't think you can issue liquor licenses for premises if you don't have the consent of all of the underlying property owners and there is a corner of this building that encroaches onto somebody else's property. I think that is an issue that has to be resolved before you could possibly consider issuing a liquor license for Valley Liquors for this new location. I would also note that the building department file requires an access permit from the Colorado Department of Transportation, which has not been obtained because of the change of use. So, not only do we have a building that is encroaches onto someone else's property that is being proposed for licensing by this Board, but we don't even have clear right of legal access based on the requirements of the Colorado Department of Transportation who is responsible for the frontage road there. That coupled with the fact that this not a controlled intersection, is only a quarter mile from another location that is clearly more appropriate for a liquor store, and the fact that in order to get to this building you have to basically drive by residential units that are occupied by in excess of a hundred people, it really does not make this an appropriate location for the operation of a liquor store.

The Board doesn't have to make a decision on the Valley Liquor License right now or even today; you have 30-days to make that decision. I expect we're going to hear some rebuttal on some of these issues. And you may have a fair amount to ponder in terms of is this appropriate, do we want to go in this direction, do you accept my contention that Julie Wernsman has both a direct and an indirect interest in Choice Liquors. I don't think that you can be fooled by the corporate façade; you have to look behind at what's really going on in these transactions. You have to look at who's on the line financially, you have to look at what the true nature of the relationship, it's tough when you're husband and wife to complete separate your business interests and the liquor license regulations acknowledges simply because you file a joint tax return for instance, doesn't mean you have a financial interest. But you've got to look at the picture as a whole; you've got to consider what's really going on here. You've got a building that they're building together, you've got Ted who's working full time somewhere else; you've got Julie who's hiring employees; you've got these financial obligations on their personal residence; there's so much there that in a situation where it's typically very difficult to get this type of evidence, I think we've accumulated a significant enough folder of documents to convince you that this is an unlawful application that you can't approve it and we'd ask you to deny it for the reasons I've stated.

Commissioner McCown asked Mr. Neiley if he presented any of the voluminous file to the City of Rifle when the application was being made.
Rick Neiley – I did not. I didn't even know that application was being made over there at the time. We had no reason to know and frankly when we heard that Julie was moving her business to Rifle, we said great. I want her to be successful and have a good business. Our business relationship is over but we thought Julie was moving her liquor store to Rifle and it seemed like a good alternative when your business with your landlord comes to an end.
George Suka – landlord at the new location 7094 Highway 82 and CDOT is currently analyzing whether or not they're going to reissue us our access permit but regardless we definitely do have access from the side road. Regarding the apparent encroachment on public land, the building department has not stipulated any need to deal with that whatsoever. They accepted our building permit and we've flying straight.
Chairman Martin – is the right of way privately owned or public property.
George Suka – I believe it's public.
Tom Stuver – you are certainly appraised by hearing Mr. Neiley's comments that he is not a disinterested commentator or witness having an interest as a principal in both Rhino Liquors, the competing business to be established in the building owned by the landlord in which he is a principal and which as he indicated did not extent the lease for Valley Liquors, rather chose to retain that vacant space and apply for a new license which is a fairly clear and legal attempt to simply have the business that's been established over the last nine years by Valley Liquors without compensating the owner for the business. There are certainly disinterested comments on behalf of an interested public. The second items that I think are key that Mr. Neiley does admit and that is that a husband and wife can lawfully own interest in co-existing liquor licensees. The regulations support it; Mr. Neiley contacted the State and admits that this is not an unacceptable practice. The fact couples filing joint returns can do so. Now the remainder of what he's had to say if you really think back on it is primarily conclusions he's made from things he doesn't know or innuendo from what has been a public record for months and months. I represented Mr. Wernsman and Ted Rex in their application to the City of Rifle. The co-existence of separate entities which were established precisely for the reason of maintaining clear financial lines between the ownerships of the two liquor stores was on the record, was explained to the council upon inquiry, was accepted by the council is issuing the license and in turn accepted by the State in reviewing the local licensing authority, Rifle's approval of the issuance of the license upon completion of the improvements. Mr. Neiley has attempted to revisit whether the City of Rifle and the State, in granting the license to Ted Rex Inc. did the appropriate thing. There's nothing inappropriate about it whatsoever. All of these records that pertain to that are in fact admitted, they're appropriate and they're what you would expect to clearly differentiate the interests of the husband and wife in the ownership of these businesses. Now, on your application you will find that the applicant before you is Julie Rae Wernsman, trade name Valley Liquors. She owns that individually. I'll ask that you add to the record, it's already part of the record, Mr. Neiley's exhibit, certificate of Trade Name for Julie Rae Inc., Valley Liquors Inc. and for which Mr. Neiley seemed to be fuddled not knowing what that was all about. What it's all about is to have the potential for Mrs. Wernsman business to be transferred into a wholly owned corporation in her own name, in the name of Valley Liquors Inc. that's what that document says, it doesn't say Valley Liquors, it says Valley Liquors Inc. That potential existed in May; it continues to exist today. It's not what's before you at this time. The application before you is Mrs. Wernsman utilizing the Trade Name that she owns, it's been recognized and used by her for the last nine years, and you'll find it's the name in which all previous licenses have been issued. He asked part of the record, a letter dated 12-2-1994 by which the State of Colorado recognizes the name of the Trade Name, Valley Liquors.
Chairman Martin entered this as Exhibit I.
Tom Stuver – there's so many innuendos, the fact that a lease constructed by Mr. Neiley's firm, him as principal of the landlord contains pages and pages of text for a lease and a lease contains two or three pages has no bearing on this merits of this application. It has no bearing that the landlord for the new premises that this applicant is applying for chose to utilize a Bradford Form Lease so what? The fact is that legal relationships were established; they're of record and they are discernable interests from each other – there is no record, only Mr. Neiley's innuendo that Mr. and Mrs.Wernsman will not maintain separate books, separate accounting, separate management for two separate businesses. The records he submitted in fact substantiate the existence of different entities created for the very purpose of keeping the business interested segregated. Now we employ a fiction that was sort of glossed over that somehow it's admitted that licensing can be done by husbands and wives separately who file joint tax return, so we know when the tax man comes the funds are co-mingled and the State know it too. There's no way around that, but other

than that we do maintain legal lines so that the operations do separate account for their inventories, they don't close their books together; they don't do joint ordering; they're recognized as separate responsible legal entities in their operations. Revisiting what was before the City Council of Rifle is simply untimely and it's inappropriate and the fact it is self-defeating on Mr. Neiley's part, because the City had this evidence before it; it was directly raised by another competitor of Mr. Wernsman operating as Ted Rex Inc. It was confronted, it was before the Council same questions were asked and answered and the license was granted. That's a minor excerpt, it's taken Council Lambert to inquiry but the fact is that it was part of the total consideration of those issues which saw that there were discernable interests and made the decision that under the law that was not a reason to deny an application. That same issue, the flip side is before you and it should not color your determination of this case. The County staff has reviewed the plans for the new location; they are in the same neighborhood there's no question about that; and to say this is handled no differently, there's no vested right, well in a sense that's true from a procedural standpoint, but the fact is this is a business that you know has been conducted lawfully in that neighborhood for nine years and there is no record of any compliant against this applicant under that license in that neighbor and you've heard the applicant tell you under oath that there's no intent to change the employees or the manner of operation, so it is a little bit different. You know what has gone before with respect to this applicant, you don't know what will go forward with respect to new applicants. Mr. Neiley well knows that the building that is the subject of the application has been in place for decades, that encroachment is insubstantial and the fact that there is no deed for the area of the encroachment is not conclusive on whether or not there's a right to occupy the premises, in fact what is before you is an application that shows and claims ownership and possession of those premises. That's all you need with respect to the applicant. If you look at the documents carefully this is some hidden agenda, it was a clear path to create separate operating entities recognizing that the State did allow husbands and wives to have separate, segregated businesses.

Executive Session to discuss legal interpretation of the Liquor Laws and Issues

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

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

Rick Neiley – responded to three issues: 1) the City of Rifle had an opportunity to review these and issues and there's some suggestion that we should have gone over and complained at the City of Rifle. First as I said we wanted Julie to get a license from the City of Rifle because it seemed the appropriate thing to do, but second and the reason I gave you the tape, is this evidence was not presented to the City of Rifle, there was a question raised by a competitor of the fact that Julie Wernsman was listed as having a liquor store on the application and isn't that a conflict. Mr. Stuver responded that these are distinct entities and when I gave you that excerpt from the transcript which said we have to take it at face value; the reason they had to take it at face value is that there wasn't any evidence in front of them contrary to it. And I think you have evidence here today that is completely contrary. In addition when you look at the letter of August 19, 2003 when it says 'we' are building a liquor store to sell beer wine and spirits, that didn't even exist at that date, that's new evidence; the City of Rifle clearly didn't have that. Next, the suggestion was made that what we're doing here is we're simply coming in and trying to take Julie Wernsman business without paying her compensation, and that is absolutely not what's going on and made it real clear that that is not what's going on. We brought this building in 1990 there was a liquor store in 1990 and there was a liquor store there when we leased this to Julie for a fixed term in 1994. The letter from Bill Slattery, the reason I put it into this package is because Bill has lived there since 1994 and he confirms that there's been a liquor store there for over twenty-years. When we were looking for a new tenant because Jim Blair was moving out of Mid-Valley Liquors which was the name of the business in 1994, we had four people that were interested, we wanted to deal with Julie because we thought she was people like us that would work hard, that would be an attribute to our building. And in 1994 that building was a fairly run down neglected strip center that didn't have much character and what happened after we executed the lease with Julie and what really made the business as successful as it is today, and the things that have happened is this: Maria and I bought out our other three investors in that building so we could take control of that strip center. Since 1995 she and I have invested just about a million dollars into that plaza. The first thing that happened was in 1996 when Maria took over the convenience store, and sold her restaurant in Snowmass Village so that she could completely remodel that store; she added a pizzeria and a deli from had been a convenience store between 1994 and 1996 that sold day old bread. That was the nature of the business that was there when Julie

entered into her lease with us. And emphasized that this lease was for a fixed term always knowing this day would come when Julie was going to have to move. The reason that we decided to move ahead with this project was four years ago we weren't getting the indication from Julie that in fact she wanted to stay when she had the option to renew, and we were worried, we said we want to be able to control our own destiny in this building and the best way to do it is for us to take over that business. Maria's brother, Chris Maniscalchi was one of the Rhino Liquor applicants, was a police officer until 2-weels ago in the Town of Basalt and Maria in particular was looking for an opportunity for Chris out for what had been ten years of policing, he had two little girls and get out of that difficult business, schedule and situation and we looked at this as a good opportunity to bring in a working partner. We put a million dollars into that building since Julie has taken the lease with us, Maria completed remodeled the convenience store, there's new gas pumps, there's new canopies, we put lighting in, we added a new parking lot in the back, we added 6400 square feet to that building, we put completely new roofs on that building, we put new awnings, we put a new septic system in, we repaved, we put new lighting in, Julie's been a good tenant for us and that's why we were hopeful she was going to move onto a new venture in Rifle and it would be a good thing, but it is fallacious to suggest that we're simply trying to take her business without compensation. We have made that corner what it is today through a lot of hard work and a lot of expenditures of money and a lot of risks and it very much a concern to us that we might end up with a vacant second space there if there's a relocation of this liquor store out of there without an opportunity for us to continue the business. Julie has another business opportunity and the expertise that she's developed while being a tenant of Valley Investment Properties is what's made it possible for her to move over to Rifle and do it again in a bigger and hopeful a more successful fashion.
Tom Stuver – just so there is clarity on the continuance of the relationship at the present location, I think Julie Wernsman wants to say a few words with respect to opportunities to continue the business there with Mr. Neiley.
Julie Wernsman – I would definitely still be there if I had the opportunity. I made repeated attempts to try to get in writing an extension of the lease and I had no response back and in May of 2002, I had written him a letter about some concerns I had and the last paragraph stated that we are assuming you are not interested in our being a tenant once our lease is up November 2003 as we have not heard a word from you either way. We will continue to pursue the alternatives. And I stated in 2000 to try and get something in writing verbally, I was told I could move over into the extension that he had stated earlier, the expansion and I had even gone so far as to talk to him about what electricity I need in there, because you need a different phase for the cooler and he said we will put amply security and service in there for you. But I still never got anything in writing so that is why I pursued trying to go somewhere else so I just didn't have nothing after nine years of business.

Action Taken:
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
Chairman Martin requested Don DeFord read before the motions are made in reference to a renewal and the limitations the Board can make their determinations upon.
Don DeFord – Referring in part, first of all to Section 12-7-302(1), as it relates to what is before this Board, it states, "the licensing, that's the Board of Commissioners, may refuse to renew any license for good cause subject to judicial review". State Law further defines good cause on which you must base a decision for renewal, it states "good cause for the purpose of refusing and denying a license renewal or initial license issuance, the licensee or applicant has violated, does not meet or has failed to comply with any terms, conditions, or provisions of this article, or any rules, regulations, promulgated pursuant to this article." That's (a). (b) – the licensee or applicant has failed to comply with any special terms or conditions that were placed on it's license and prior disciplinary proceedings or arose in the context of potential disciplinary proceedings; (c) in the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or desires of its adult inhabitants; (d) evidence that the licensed premises may be operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located which evidence must include a continuing matter of fights, violent activity or disorderly conduct."
Chairman Martin requested Don identify relocation as well.
Don DeFord – there are separate provisions on relocation. There's been a great deal of discussion over the question of dual licensure, there's a Section13-42-407 which is a Section of this title with which the

applicant is required to comply: it provides at Section 4, “it is unlawful for any owner, part owner, share owner, or person interested directed or indirectly in a retail liquor store to conduct, own either in whole or in part or to be directly or indirectly interested in any other business license pursuant to this article.” There are exceptions but they don’t appear to have any relevance here. Those are all questions that arise of the request to renew by this applicant. There’s also the question before on the change of location. “A licensee may move his or her permanent location to any other place in the same City, Town or City and County for which the license was originally granted or in the same County if such license was granted for a place outside the corporate limits of any City, Town or City and County but it shall be unlawful to sell any alcoholic beverage at such place until permission to do is granted by all licensing authorities provided for in this article (the Board is that licensing authority at this point). (b) In permitting such change of location, such licensing authorities shall consider the reasonable requirements of the neighborhood for which the applicant seeks to change his or her location, the desires of the adult habitants as evidenced by petition, or demonstratives or otherwise and all reasonable restrictions that are or may be placed upon the new district by the council, board of trustees or licensing authority of the City, Town or City and County or by the Board of County Commissioners of any County.”
There are two actions that this Board is being requested to take:
Renewal of License and Change of Location.
Motion:
Commissioner McCown made a motion that we approve the renewal of the liquor license for valley liquors. Commissioner Houpt seconded it for discussion.
Commissioner Houpt – this is really complicated. There’s been a lot of information brought forward that has put us in the position of some hairs split on legal level and think the legal paper trial that was put together for you to be able to create businesses that aren’t commingled is correct; my dilemma is with the involvement that has happened in seeking employees for the new business and the relationship with the old business. And that’s where I’m stuck on this and having…. with the exception of that, complying with the regulations for renewal is not questioned, the question is how do we keep these businesses separate, apart from what’s on paper and that’s my dilemma. Struggling with how the law has been created that makes it so difficult to make this kind of business successful.
Chairman Martin – there is a battle there and we have to decide if there’s an interest or not an interest. The motion is that there be an approval.
Vote: Martin – aye; McCown-aye; Houpt – nay

Relocation of the Liquor Store Application
Commissioner McCown made a motion that we approve the location change for Valley Liquors as applied for. Commissioner Houpt – second
Chairman Martin - Make sure that the building department has that building permit in place, all provisions are legal and up front.
Mildred requested to be included in the motion that the license will not be issued until the building is complete
Commissioner McCown – the license wouldn’t even be compliant so that’s to be understood but would amend my motion to reflect that. Commissioner Houpt amended her second.
Don DeFord – for clarification, the needs of the neighborhood are an issue with regard to change of location and are you finding the needs of the neighborhood support relocating this license.
Commissioner McCown – yes, I do feel that need has been presented and is adequate for an on-going business; there are petitions to reflect that.
Chairman Martin – and do you agree to that.
Commissioner Houpt – I agree to that.
Martin – aye; McCown – aye; Houpt – aye.

RHINO LIQUORS, INC. LIQUOR LICENSE FOR LIQUOR STORE – MILDRED ALSDORF
Mildred Alsdorf, Maria Maniscalchi, Christopher Maniscalchi and Rick Neiley were present
Mildred submitted the public notification, the posted sign, petitions for and against and reported that the newspaper had made an error in the publication. Mildred submitted Exhibit A – the posted sign and Exhibit B – the published notice with the error in the name of the applicant.
Chairman Martin entered exhibits A and B into the record.

Don noted there was a form of published notice, Exhibit B as presented and this may present some questions. It was timely and published on October 9, 2003. Notification is the responsibility of the licensing authority and not the applicant.
Commissioner Houpt stated it was important to have proper notice in spite of Mr. Neiley's comments that they would like to proceed and to republish with the correct name.
Commissioner McCown agreed and acknowledged that it was no fault of Mildred or the applicant. Taking testimony today and then renotice would not be correct. In all other situations where publication is required, we normally find notice was flawed and then require the hearing to be renoticed and reposted.
Don DeFord stated that there are couple of reason to require that renoticing and reposting; the Board cannot move forward to make a decision and at best would only be hearing and should there was a dissatisfied member of the public it would require the matter to be reset. Therefore his legal position would be to postpone.
Commissioner Houpt made a motion to postpone this hearing until 10:15 a.m. on November 3.
Commissioner McCown seconded and noted it was the paper's fault. Motion carried.

Citizens Appearing Before the Board Not on the Agenda
Stan Rachesky – Mitchell Creek – Conditional Use Permit
Stan Rachesky appeared before the Board of County Commissioners on October 13 with a request for a decision as to whether or not the Commissioners would require him to obtain a Conditional Use Permit to rebuild his home. The Commissioners were going to research the issue and respond in writing.
Today, Stan appeared regarding that decision. He stated he was notified that his building permit to rebuild his home that burned during the Coal Seam Fire in June of 2002 was supposed to be ready on Wednesday, October 22, 2003. He reiterated his argument of last week that he was merely rebuilding what he lost in the fire. He operated a Bed and Breakfast out of his home. He presented a letter from Mark Bean stating "there were no restrictions of any kind" and maintained Mark never mentioned anything about him having to obtain a Conditional Use Permit to rebuild the Bed and Breakfast. Stan put information on his Web page. He's been in business for 10-years and doesn't understand the sudden need for this Conditional Use Permit. It's either a yes or a no.
Commissioner Houpt responded that the Conditional Use Permit is required for Bed and Breakfast operation of a certain size and above to obtain and it will make life easier for Stan to have this in place.
Stan stated he understands all of this and is willing to pay the County the $400 but he doesn't want to lose his Bed and Breakfast and this will make a big impact as to whether or not he'll rebuild his house or not.
Chairman Martin remarked that this same issue has been before the Board with other folks that had some existing uses that are not allowed after the fire. The least that we can do is to take a look and waive the fees, allow the review on the Conditional Use Permit but it needs to go through the process. I would like to make a motion that we go ahead and consider waiving the fees, it is $400, it is due to the fire, etc. This was totally out of the control of Mr. Rachesky.
Commissioner Houpt – but the difference here is that his new structure will have different use because his old structure didn't fall under the Conditional Use condition. He didn't have to have a Conditional Use Permit with his previous business because Mr. Rachesky represented that it was a smaller business.
Mr. Rachesky refuted that statement and stated he did not represent it.
Commissioner Houpt referenced statements he made at the last meeting, that he said he would just have a certain number of guests and if you read the requirements for a Conditional Use Permit for the Bed and Breakfast, what he had represented with his old business did not fall under those requirements so that he did not need a Conditional Use Permit with that initial structure because you had one bedroom instead of the two that he'll have with this.
Stan – but the capacity is the same. The capacity of his last Bed and Breakfast area, the square footage was a 600 square foot suite which had a king and two twin beds in it. This has 225 square foot rooms each with one king size bed, so the capacity is exactly the same and he didn't try to hide this on his Web page or anything.
Commissioner Houpt – so I guess you needed for the old structure.
Stan – no I didn't, here's the letter right there. It says right here in this letter, Tresi.
Chairman Martin – and that letter is dated 1993.
Stan – correct, but even if it was dated 1893 it wouldn't make any difference.
Mark Bean responded that we would not have made those statements if we were under the impression that he was going to have four or more beds there. The only reason that statement would have been made and

was made in this letter and unfortunately the letter was not written clearly enough so obviously that's the reason we have a misunderstanding, is that we were under the impression he was going to have only a bedroom in there, being added, so the fact that we didn't clarify that in the letter is a mistake. As far as not seeing the Website for 10-years now, we don't check Websites on a regular basis in terms of what people are doing on that type of issue. This came up in the discussion. The new application came in we saw two bedrooms, that to use is four more.
Commissioner Houpt – and that falls under the requirement for a Conditional Use Permit.
Stan – now it does, but it didn't then when he got his permit, when he got this letter.
Mark Bean – it's the same definition that's been in effect.
Commissioner Houpt – how long has that been in effect?
Mark – since 1973.
Chairman Martin – I'm sympathetic.
Stan - I just need to know, like I said, I'd be happy, if I hand in my Conditional Use Permit application which I said I would do with $400 until they told me it was a non-refundable $400, I'd just like to know, in fact I'd like to know right now, am I going to get my permit or not?
Commissioner Houpt – you don't understand.
Mark – you have to go through a public hearing. The attorney's are here to do that, but I can assure you the Commissioners will not predispose themselves of a decision outside that public hearing.
Stan – but I've already had my business for 10-years. All of a sudden my house burns and it's like, am I going to be in business tomorrow or not. Am I going to be living in Glenwood Springs next year or not?
Chairman Martin – we hope you are. He asked Mark if there was a scheduled hearing for his Conditional Use Permit.
Mark – we have no application.
Commissioner McCown – do we have a building permit?
Mark – we do have a building permit application and we'll be issuing a building permit for a single family dwelling.
Commissioner McCown – and that has not been done at this point so there is a window there that it takes to build a home before Stan could utilize it as a Bed and Breakfast.
Commissioner McCown made a motion that we move forward, this action waiving the fees for the Conditional Use Permit of a Bed and Breakfast issue, the building permit and in that 90-day period we will schedule the Conditional Use Permit for the Bed and Breakfast.
Stan asked a question on the motion. You mean we have to wait 90-days now.
Commissioner McCown – how long are you going to take to build your house. You haven't even submitted; the building permit hasn't even been issued.
Stan – he said it was going to be issued on Wednesday.
Commissioner McCown – that's fine, how long do you anticipate it takes to build a house?
Stan – four months.
Commissioner McCown – okay, is 90-days going to, you cannot run a Bed and Breakfast if you don't have your CO for your house and if it takes four months to build it, I'm saying 90-days to hear your permit.
Stan – but maybe I won't build my house if I don't know if you're going to let me back in business. That's the problem.
Commissioner McCown – we cannot guarantee a permit without a hearing.
Stan – I don't think that's fair, because I have a letter here that's says I have the right to be in business from this office and it doesn't say any restrictions on here. I mean if I build my house and then open up my business, what would happen, I don't even know.
Chairman Martin – well, you're probably in violation of the zoning ordinances and then you'd have to take an action.
Stan – I don't want to go all through that. I don't want any problems.
Commissioner McCown – I think we're trying to do it as painlessly as we can sir.
Stan – well, it seems the most painless would be for you to honor this letter that was written by the County.
Commissioner McCown – as far as I'm concerned that is a non-complying use; that letter I cannot be responsible for, it changed the minute your house burned down.
Chairman Martin – it's unfortunate, but it is true. We have a motion to go ahead and waive all fees, issue a building permit and then schedule a hearing on a Conditional Use Permit within 90-days.
Commissioner McCown – only the fees on the Conditional Use Permit.
Chairman Martin – okay, do we have a second.

Commissioner Houpt would not second.
Chairman Martin stepped down as Chair to second the motion.
Discussion:
Commissioner Houpt - the reason I can't second that is because I see a specific change in business and under what is being proposed for this Bed and Breakfast, anyone in the community would be required to come in for a Conditional Use Permit and I think that is an illustration of our regulations and how we keep track of businesses and make sure everybody is in compliance.
Chairman Martin – so we still we have the requirement for a Conditional Use Permit to come before us in 90-days if the applicant chooses to do that and hopefully he will bring that in.
Commissioner Houpt – I understand that, it's only the waiver of fees that I can't agree with.
Chairman Martin –there's some specific reasons why we're looking at that simply because the fire out of his control.
Commissioner McCown – that's why I included that in my motion.
Chairman Martin – and we took special provisions for others that live in the same area and I think we need to extend that to all the citizens.
Commissioner Houpt – and I would totally agree if it were not a change in business.
Vote on the motion: McCown - aye, Martin – aye; Houpt nay

Rapids on the Colorado

Jim Hilton appeared on a plat amendment on Rapids on the Colorado where some changes were made on some of the lot lines and septic setbacks to comply. On August 18, 2003 this was considered and approved and the plat modified was to be before the Board for the Chairman's signature. Surveyor has signed and submitted for the Board.
Tamara – the agenda was finalized on noon on Wednesday and received the plat late – otherwise it would have been on the consent agenda.
Need the Chairman's signature.
A motion was made by Commissioner McCown to authorize the Chair to sign the amended plat for the Rapids on the Colorado; Commissioner Houpt seconded; motion carried.

REQUEST FOR APPROVAL TO CONSIDER A FLOOD PLAIN SPECIAL USE PERMIT FOR EXCAVATION AND LANDSCAPTING, INCLUDING CHANNEL SLOPE REHABILITATION, ROCK LANDSCAPING, RETAINING WALL, POND/DRIVEWAY AND TRAIL CONSTRUCTION, OVER-LOT GRADING AND VEGETATIONMANAGEMENT WITHIN THE FEMA 100-YEAR FLOODPLAIN. LOCATION: EAST OF RIFLE VILLAGE SOUTH SUBDIVISION OFF OF CR 320. APPLICANT: HARRY AND COLLEEN COLBORN – TAMARA PREGL

Tamara Pregl, Derrick Walter, Boundaries Unlimited, Harry Colborn and Carolyn Dahlgren were present.
Carolyn reviewed the regulations for noticing and the submittals from the applicant.
Derrick on the mineral rights – 50% S. W. and Lola Anderson – unable to locate an address. The applicant tried, left phone message, also on the Internet and was unable to acquire an address. She determined they were in order and timely and advised the Commissioners they were entitled to proceed based on the legitimate attempt to notify.
Chairman Martin swore in the speakers.
Tamara submitted the following Exhibits:
Exhibit A – Proof of Certified Mailing Receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Resolution of 1978 as amended; Exhibit D – Garfield County Comprehensive Plan of 2000 as amended; Exhibit E – Staff Report dated October 20, 2003; Exhibit F – Application Materials; Exhibit G – Revegetation Procedures; Exhibit H – Comments from Jake Mall, Garfield County Road and Bridge Department, dated September 16, 2003; Exhibit I – Driveway Permit No. 88; Exhibit J – The Loesch and Crann Ditch Company Certificates of Shares; Exhibit K – Letter from the City of Rifle dated October 3, 2003; Exhibit L – Letter to the City of Rifle from Boundaries Unlimited, Inc. dated October 15, 2003; Exhibit M – Letter from the Army Corps of Engineers to Boundaries Unlimited, Inc. dated September 12, 2003; Exhibit N – Letter to Army Corps of Engineers from Boundaries Unlimited, Inc. dated October 9, 2003; Exhibit O – Letter from Steve Anthony, Garfield county Vegetation Manager, dated October 15, 2003; Exhibit P – Driveway Permit No. 121 and Exhibit Q - A letter from Division of Wildlife received October 17, 2003.
Chairman Martin entered Exhibits A - Q into the record.

This is a request for approval of a Floodplain Special Use Permit for development within the 100-year floodplain on property located off of County 320, just east of the Rifle Village South Subdivision on 27.54 acres. The applicant requests approval to construct a single-family residence and construct improvements, including rehabilitation and rock lining of the Helmer Gulch channel, pond/driveway/trail construction, over lot grading, vegetation management and installation of a rock retaining wall within the 100 year floodplain of the Helmer Gulch.
The applicant is also proposing to relocate the Last Chance Ditch along the northeast property boundary and construct a 1/3 acre pond.
Derrick Walter
Recommendation:
Staff recommends that the Board of County Commissioners APPROVE the Colborn Floodplain Special Use Permit for development within the 100 year floodplain of the Helmer Gulch, 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. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide in writing consent or agreement from the Last Chance Ditch Company allowing the piping of the portion of the Last Chance Ditch along the northeast boundary of the subject property.
3. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide in writing from the Army Corps of Engineers that the concern raised in the Corp's letter dated September 12, 2003, have been addressed accordingly.
4. Prior to the issuance of the actual Special Use Permit, the Applicant shall provide an approved Outside City Water Service permit from the City of Rifle granting permission of the primary residence to connect to the City of Rifle water main that traverses the property.
5. The Applicant shall adhere to the performance standards in Section 6.09.02 of the Zoning Resolution for development in the Flood Fringe and Flood Prone Areas applicable at the time of approval of this Special Use Permit.
6. The Applicant shall comply with the following recommendations from the Garfield County Vegetation Management Director:
A. Noxious Weeds
i. Inventory and mapping: The Applicant shall map and inventory the property for County listed noxious weeds. The wetland delineation report does not mention noxious weeds. A visual inspection from the county road indicated that Russian olives may be on the northern end of the property although it was difficult to tell the property boundary from that distance. All ditches and waterways on the property must be mapped also.
ii. Weed Management: The Applicant shall submit a weed management plan for the inventoried noxious weeds, including removal and treatment of the aforementioned Russian olives.
B. Revegetation
The revised Revegetation Guidelines from the Garfield County Weed Management Plan calls for the following:
i. Plant material list.
ii. Planting schedule.
iii. A map of the areas impacted by soil disturbances (outside of the building envelopes).
iv. A revegetation bond or security at Preliminary Plan and prior to Final Plat.
Tamara made a clarification on 6B, iv, it should say "a revegetation bond or security shall be provided prior to the issuance of the actual Special Use Permit and then
Condition No. 7, "that the applicant comply with the recommendations of the Division of Wildlife."
The Applicant has provided the plant material list and planting schedule. The Applicant shall quantify the area, in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances. This information will help determine the amount of security that will held for revegetation. Any straw used as mulch shall be certified as weed-free straw.
The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Garfield County Weed Management Plan Reclamation Standards. The Board of County

Commissioners will designate a member of their staff to evaluate the reclamation prior to the release of the security.
C. Soil Plan
The Revegetation Guidelines also request that the Applicant provide a Soil Management Plan that includes:
i. Provisions for salvaging on-site topsoil.
ii. A timetable for eliminating topsoil and/or aggregate piles.
iii. A plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more
Derrick Walter – In Tamara's introduction of this he stated they were not proposing to pipe the ditch at this time, the drawing that was in reference was to the nationwide permit plan to Army Corp and that was to relocate the ditch with the possibility of piping it at a future date. And that references back to the Losesh and Crann Ditch letter allowing us the opportunity to relocate that ditch, it doesn't say anything about having to pipe it, but we do have to follow through with their standards and their guidelines on doing so, so we would ask that be considered not that we would have to pipe it but that it would be a possibility in this application.
Carolyn clarified that the Losesh and Crann Ditch letter was submitted as an Exhibit R.
Chairman Martin entered Exhibit R into the record.
Derrick – Tamara also stated that we worked duly with the U. S. Army Corp of Engineers to try to acquire those nationwide permits in a timely fashion, last response with them was from the resubmittal for the two nationwide permits and our indication from them was that the three permits we requested were not needed, one of them had to do with utility crossing in the wetlands and then it could actually be incorporated into one of the others. So it was a reduction to two that were requested and presented in the other exhibit. The response from them was that it takes time for them to process their paperwork and we understand they are in full jurisdiction of all wetlands and we don't feel that impedes on the request for a Special Use Permit through the County at this time. The applicant requests to continue through the process and asked that with the application to the Corp, we requested a pond be requested should they not allow for a pond to be constructed that should not have a condition on the Special Use Permit but that the pond would not be allowed to be constructed under their jurisdiction. We believe that this SUP is for the request to provide for a residence on the property within the floodplain and allow for the opportunity to clean up the property by reducing the banks on the slope, to mitigate the weeds that are out there, to reduce excess brush and some dead trees that exist, a couple of those happen to be Cottonwoods which I see referenced in the Division of Wildlife letter which the applicant received and are along the County Road, dead and ready to fall down and asked to be permitted to remove those trees. The absolute certainty that these are the trees referenced in the DOW but they didn't see any nests in them.
Public Comments:
Mickey Neil had a question about the zoning and was informed it was A/R/RD (Agricultural, Rural, Rural Density).
Carolyn asked water questions – how many ditches come through the property?
The applicant responded they were the last end user of the Loesch and Crann Ditch Company; The Slide Hill Ditch; and the Last Chance Ditch. The pond would be filled and provided from the Slide Hill Ditch.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing;
Motion carried.
A motion was made by Commissioner McCown to approve the Flood Plain Special Use Permit for excavation and landscaping within the floodplain with the conditions of staff with the recommendations by staff with the change in Condition No. 6 clarification on 6B, (iv), it should say "a revegetation bond or security shall be provided prior to the issuance of the actual Special Use Permit as opposed to Preliminary Plan and then adding Condition No. 7, "that the applicant comply with the recommendations of the Division of Wildlife."
Commissioner Houpt requested an adjustment to No. 2 "prior to the issuance of the actual Special Use Permit" and just start with the applicant shall… since they don't know when they will be doing the piping. Commissioner McCown agreed to the adjustment. Commissioner Houpt seconded. Motion carried.

PUBLIC MEETING
HEALTHY MOUNTAIN COMMUNITY – PROPOSED IGA ESTABLISHING ROARING FORK HOUSING TRUST – COLIN LAIRD

Colin Laird stated that the first round of meetings with the local governments to discuss the Regional Housing Trust Proposal have been completed. Additionally, the concept was presented to the Rural Resort Region Housing in Grand Lake and at the Housing Now conference in Vail. At present they are working on a second round of presentations to answer questions from each of the elected boards. This will hopefully be scheduled in October and early November.
They are also participating in a work session with the RE-1 School District Board focusing on affordable housing and some there's an interest from Pitkin County in participating in the Trust in some way.
Don DeFord stated that he had reviewed the IGA by and among Town of Basalt, Town of Carbondale, Eagle County, Garfield County and the City of Glenwood Springs and commented with (12) specifics in a written memo to the Board.
Colin stated all the concerns can be addressed by the IGA and these things were being brought forward for the Board's comments.
Discussion was held with respect to Don's memo dated October 1, 2003.
Commissioner McCown – would like the trust to be self-funded. The goal is to make it self supporting. The upper valley is not considered part of the agreement.
Colin said the idea is to create a framework and want to make it self-funding. The first couple of years they will need to have funding. They want the County Manager from Garfield County to be on the Board. Trying to have different checks and balances included. Colin is in the process of running various scenarios and he will share them. The formula for cost-sharing is included in the IGA. The Roaring Fork Valley for Eagle and Garfield County were used to run the figures and it came to 5,000 people - Glenwood Springs to Basalt due to the commitment of Affordable Housing. This is the way to get it established and it will make it easier to get this going.
Commissioner Houpt – focus on the area that the Authority was seeing a need in and the entities who wanted them live in the County where they worked.
Commissioner Martin has a concern of limiting and putting up a wall due to the fact that all of Garfield County is paying and need to make the distinction that this is the Roaring Fork Valley.
Commissioner Houpt – it is targeted for the Roaring Fork and they are coming to Garfield County because we represent a significant portion.
Chairman Martin – this is the smallest portion of unincorporated Garfield County.
Don DeFord - Distribution of Assets should be addressed.
Colin will be more specific and will go back to the drawing board, clear these things up in the revised IGA and will submit the revision to Don DeFord.
Michael Blair – the City of Glenwood Springs Housing Commission, in the land planning business as well. The School District, the hospital, other large employers do not want to run this and requested the Board give this program some thought as to how they can be involved and give some support to what was presented.
Geneva Powell – Garfield County Housing Authority – working with Colin this year. Concerns about the trust becoming a regional housing authority. They submitted a letter of support as it is the necessary piece to get funding. Cautious about it as well becoming a jurisdictional housing. Look at the benefit after two-years. Agrees with Chairman Martin that the entire County needs to be included.
A decision was made that this will be resubmitted on November 3 under the consent agenda.

PUBLIC MEETING
DISCUSSION REGARDING THE DEFINITION OF A SUBDIVISION AND HOW TO APPLY THAT TO LEASEHOLD INTERESTS – MARK BEAN

Mark submitted a memo to the Board outlining the issue saying that staff has had to confront an issue that is starting to be more common to some of the recent building permit and land use permit application. The dilemma is related to how to treat leasehold interests that would technically be considered subdivision of land per the definition of subdivision. He submitted the section – "Subdivision" or Subdivided Land" means any parcel of land in the State which is to be used for condominiums, apartments or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of this part 1 with substantially the same density, or which is divided into two or more parcels, separate interests, or interests in common, unless exempted under paragraph (b), (c), or (d) of the subsection (10). As used in this section "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests."

Mark said the underlined sections of this definition are confusing for staff. Separate interests would include leases of space in or on an industrial or commercial building or tract of land, in addition to apartments. It has been an informal practice of the staff to say that any lease over a year in length would necessitate a person to submit a subdivision application for any use exceeding that length of time. This interpretation has not created any known conflicts, questions about the applicability of this definition have come up in the process of rewriting the land use codes. Additionally, there is no process available to enforce such an interpretations since the County does not review lease agreements.

At this time the County Subdivision Regulations exempt from the definition of subdivision "leases, easements and other similar interests in Garfield County owned property, land for oil and gas facilities, and an accessory dwelling unit or two family dwellings that are subject to leasehold interest only and complying with the requirements of the Garfield County Zoning Resolution." The Board has the authority to exempt other divisions and interest in land from the definition of subdivision, but it will take an amendment to the regulations to formalize them.

As a result of the recent activity tied to multiple special use permits on a lot and stated intentions to build a number of buildings on a property with further subletting of the space, staff has had to re-evaluate the interpretation of the definition of subdivision. These land uses are technically subdivisions of land that have not been exempted from the definition and should have to go through a subdivision process.

Therefore, staff is looking for direction from the Board regarding this issue. The question is does the Board want to exempt all leasehold interests from the definition of subdivision? Consistency in our statements to developers, which would necessitate changes to the regulations, if the Board so chooses to exempt all leasehold interest. However, if we do no exempt them from the definition of subdivision, we will advise developers of the need to submit subdivision applications with building permit and land use applications that propose leasehold interests.

Ron Liston, Michael Blair and Tom Stuver were present.

Discussion summary

Prior to the rewrite – put in an amendment or an exemption of certain leasehold interest and require them to go into a full subdivision or is this an issue to bring before the board.

Commissioner McCown – are easements, powerline easements, included. The one that raised the flag was the Collins Special Use Permit. Apartments via lease, commercial lease on Collins that sets out a piece for prosessory use, they effectively has split that property. ADU are exempted and compressor sites have been exempted and County-owned property i.e. the Airport. All have to comply with zoning, single owners not severed with these leases. The impacts of the multi-lease holders, Collins, own impacts on sewers, roads, water, etc. Same use as if it were subdivided. Want some rules that are consistent.3-6181 – all lease hold under State law and the B

OCC should set some rules.

Tom Stuver – works as a practical matter – his perspective – regulations present a problem and when he had an issue of public concern to see if we were over that step to do a 99 year lease. The problem in advising the clients, the one year, two years, 10 years, can we have a standard that it should be a subdivision to make them invest in the improvements. Tom gave examples – what or what not the County wants to regulate. Tom encouraged the Board not to add more things that require extensive planning processes.

Subdivision Action on a Conservation Trust – over 35 acres - no.

Don wants some guidelines when they shouldn't be regulating.

Ron Liston – has a client influenced by this. Reaching out to 99 years but current leases of up to a year or more, a use by right, might get some uses in there when the property was originally zoned. Particular site uses, senses those things should be available. Something of greater impact, tied into a CUP or a SUP pretty

clear – ag industrial zone district – SUP but he applied to a commercial park – can't subdivide it. You can deal with the impacts this is going to make
Mark has some concerns but he refers them to their own legal staff. He would like the Board to have examples. Carbondale and Cattle Creek have issues. Mark – in instances they can't tell if it's a year or 99 years.
Commissioner Houpt – felt we should look to staff to come up with examples.
Some examples were given: West Glenwood Mall – this was done before this was changed – the Mall was built in the early 80's. Cattle Creek – a building with sublets – no requirement once they sublet to a new tenant. There's no limit. Thunder River Market – has had some problems there with the septic system.
What is the public interest and what is it we are trying to protect?
Ron Liston – suggested looking at it as what is the concern and what it is we want to protect – use by right.
Lee Leavenworth in Rifle as City Attorney he takes the position that generally anything greater than 10 years start to look at it as a potential subdivision; anything less than that, they don't consider it.
Michael Blair – experience in Eagle County with this same thing several years ago and the upshot of it was as the County Attorney pointed out, the County made up some rules and they had to do that based on some rules and regulations and try to stay within the statutes, the rules were more lenient toward development so they would get less challenges. The concern was having developments or uses that occur that present traffic problems, utility problems and incident problems, etc without any kind of regulation. What was done was that leases weren't considered as subdivisions but where a person was going to have a development and just lease either space of areas of lands, an affidavit had to be filed that this is not a subdivision and the land will not be separated into separate ownerships unless the person has gone through the process. It wasn't the entire answer. It also had to do with the same time as the development of the Eagle County Airport as Don mentioned and the County Attorney with a long list of others worked out a solution that they thought worked for that area as well as the rest of the County. Fritz was innovative. Easements are just a wide open problem and staff can spend forever trying to keep track of those things and maybe it isn't as big a problem as pointed out as long as you have a good clear policy as to how to handle it.
Direction
Mark suggests or request is authorization from the Board to try and come up with some suggestions for exemptions from the definition here and then continue the discussion further and then proceed with regulatory changes as appropriate.
Chairman Martin – writing them properly into the new rewrite.
Mark noted that this is one of those things that are raised more and more and needed to bring this to the Board. He will try and get something back to the Board shortly.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

NOVEMBER 3, 2003
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 3**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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
Peppi Langegger – 311 Road, Silt - *Fencing Issue on Divide Creek and Pipeline*
Peppi raises Elk on his ranch and there is a very delicate fencing issue that has come up in the last few weeks. He has some drilling leases and on his property for about 1.5 miles he has a pipeline that EnCana is building presently. This was started about 3-months ago and Peppi called Russell George from DOW and voiced a concern about a big 90 degree corner where the fence is and on the other side is the road and the other side of that is the pipeline. His concern is at nighttime if a big herd of wild elk come in there, they will be locked into this 90% angle and when the work begins the next day and the wild elk have no other way to go except to thrash into his fences. This happened with hunters several years ago. After the DOW looked at this situation, and went to EnCana and stressed a possible liability issue and asked them to build a protective fence along the road and on the outer corner that cut the 90 degree. EnCana put in this protective fence at a cost of $50,000. Peppi's fence is a 4' cattle fence and it's been there for a hundred years. So EnCana suggested taking Peppi's fence down and build the other 8-foot fence which they are mandated to have by the DOW in the department of agricultural (a State law). When this came out and to the County's attention of the 8-foot fence. The County put a Cease or Desist Order on it so everything's in limbo at the present time.
Peppi is concerned about his business and as far as DOW and the State's regulations, if any wild elk were to crash in and get mixed up with his elk, he would have to kill the entire herd; Peppi would be out of business and somebody would be in for a liability issue. He hopes the County will look at this and make a statement about this fencing issue. This is an agricultural issue and a common sense issue of having an 8 foot fence to keep the wild elk from encroaching onto his property and private elk heard. By straightening out the 90% angle is it will still be on his property and will eliminate the problem. The only question is the height of the fence.
The Commissioners are aware of the problem and assured Peppi that they will address this problem a little later today.
Discussion of Fire Ban
Guy Meyer presented the weather information data capture of NFDR Index showing this area at a 5 and 6. The look at more elements that just this index. Since this was put on the agenda, the area received some moisture. The Board requested that Guy keep an eye on this and keep them informed.
COUNTY MANAGER UPDATE – ED GREEN
a. Consideration and Adoption of Agreement between Valley View Hospital and Healthy Beginnings and Lease of Mountain View Space
Carolyn Dahlgren presented two contracts for the Board's review. We are purchasing VVH services and all nurse mid-wives will be employees to the hospital. The specifics will go to a meeting next week indicating we will purchase services at $35.00 an hour.
The second document is a lease and she suggested leasing specific space and gets rid of shared space making Mountain Family a separate entity but share some of the costs. This was drafted as an equipment lease for exam tables, etc. Carolyn reviewed the other leases but noted they were drafts only. Pharmacy items, year to year lease term, space issues, equipment, etc. need to be addressed in order to continue this merge of Healthy beginnings and Valley View Hospital.
Ed suggested a two-year lease.
The meeting is the 19th.
Ed stated there was a long-standing concern with the compensation and liability of the mid-wives and now the hospital has agreed to take on this issue. The County will still be involved for a long period of time.

Commissioner McCown suggested charging rent and then granting it back to them, same as we do for Legal Services and to have separate spaces in order to address the liability issue.
Carolyn said at some point you want the private and public sector's split all together. There are two employees that want to stay as County employees.
Direction to administration to get a clearer definition of the space, charge for rent based on square footage, and Denise, Carolyn and Ed will keep preparing for the meeting scheduled for November 19th.

Appointment of Human Services Representatives

Nancy Reinish, Membership Coordinator presented the following for representatives on the Human Services Commission: Richard Roper for Clergy; Danielle Pennington for Law Enforcement; Cheryl Hurst for Garfield Legal Services; and Frannie Gillming for Salvation Army.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Richard Roper, Danielle Pennington, Cheryl Hurst and Frannie Gillming to the Human Services Commission; motion carried.

a. Approval of the Contractual Agreement for the Audit Firm of Chadwick, Steinkirchner, Davis & Co., P.C. for the Auditor for 2003 Audit – Jesse Smith

Jesse submitted a letter from the firm outlining and confirming their understanding of the services to provide the County for the year ending December 31, 2003.
Don will do an alteration page addressing Issues 3, 4, and 5 regarding clarification on the opinions they will give us on work papers, Jesse's paragraphs 4 and 5 and bring this back to the Board.

b. Ratification of Rural Resort Heritage Grant

Ed noted that Chairman Pro-tem Houpt has signed the grant, but she was not officially authorized and requested this be ratified.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Rural Resort Heritage Grant; motion carried.

c. Providing Road Sanding Material for Road and Bridge – Mike Vanderpol

Mike Vanderpol and Tim Arnett were present. The low bid for District 1 was United Companies at $9,000 for 7 miles, a ton price of $6.00; the low bid for District 2 was Western Slope Aggregate for 7.5 miles at $6.00 ton for $15,000.00.
A motion was made by Commissioner McCown to award the United Companies bid for the material for the West end of the County and seconded by Commissioner Houpt to award the road sanding material to United Companies at $9,000 for 7 miles, a ton price of $6.00; and the low bid for District 2 Western Slope Aggregate for 7.5 miles at $6.00 ton for $15,000.00; motion carried

d. Traffic Patterns Origin and Destination Study – Mark Bean

Tim Arnett, Mark Bean and Randy Russell were present.
This is to provide a new traffic pattern origin and destination study to undertake an Origin-Destination survey and study of the area bounded by Aspen to Parachute primarily utilizing the outreach and analysis methodology contained in the previous study conducted in 1997-1998 with some additions. The review committee consisted of personal from Glenwood Springs, Garfield County, Eagle County, Town of Silt, RFTA, and the City of Rifle. After tabulation of the above criteria, RRC Associates, Inc. was selected to provide the updated study for a not to exceed price of $53,500.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the contract to RRC Associates, Inc. to provide the updated Traffic Patterns Origin and Destination Study for a not to exceed price of $53,500. Motion carried.

e. Garfield County Transportation Master Plan – Randy Withee

Randy submitted the recommendation and award for LSC Transportation Consultants, Inc. to provide a transportation master plan for Garfield County with a not to exceed amount of $53,997 to include: Inventory existing transportation system, Develop a functional classification system for county roads, Establish level of service standards for county roads, Develop and evaluate transportation improvements based on level of service, cost, feasibility, existing and future deficiencies, etc, Develop an offsite street impact fee methodology, Prepare a detailed corridor improvement with preliminary cost estimates, and Prepare and provide a final transportation master plan. The work would not start until the 1st of January. Tim stated they put out about 35 bid packets.
Don felt this would fit into the future plan and not be redundant. However he would like to make sure there would be change orders available and also include the 20/30 plan. Regarding the Gatsby conversion, we will need to classify grade and value every road in the County.
The last inventory done on the County roads, we know there are problems on that report.

Randy Withee stated they would check with LSC about the change orders.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award for LSC Transportation Consultants, Inc. to provide a transportation master plan for Garfield County with a not to exceed amount of $53,997. Motion carried.

f. Discuss Inter-governmental Agreement (Homeland Security) – Guy Meyer

Guy Meyer and Don DeFord presented the IGA and discussed the inclusion of the following comments provided the Board in a memo after he had reviewed the draft agreement:

1. The first paragraph (1.a.) redrafted to provide "this IGA is promulgated under the provisions of Articles 1, 5, and 22 of Title 29, and Section 24-32-2105 C.R. S., as amended. Statutory provisions shall control in the event of a conflict between this Agreement and a statute;"
2. Adding in both Paragraphs 4 & 5 – "Except as provided in Section 29-5-108 regarding liability of a requesting agency for negligent acts, …;"
3. Suggested a paragraph be provided that the sending agency's personnel and equipment shall perform services solely and exclusively under the control of the sending agency's supervisory staff; and
4. Adding "subject to appropriation" clause to the standard contract provisions.

Mutual Aid Agreements have been worked on since Spring of 2003 dealing with the 11 counties in the region.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Inter-governmental Agreement for Homeland Security for emergency management; motion carried.
Commissioner McCown commended Guy on his efforts with this agreement.

DSS – MARINE CORP RESERVE – DISTRIBUTION OF TOYS FOR CHRISTMAS

Ed requested the right to use the Commissioner room for the distribution of the toys for Christmas on December 25th.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Executive Session – Litigation Update: Lofton, Mayo, TIF, Legal Advice – Disbursement Agreement; Legal Advice – Contract Negotiations; Legal Advice – Use and Status of County ROW; Legal Advice – Coroner and Commissioners and open records act; – County Insurance and Permitting Oil and Gas; and Spring Valley Ditch issue

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
ACTION TAKEN
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the County Attorney and Building and Planning staff to proceed forward with ISDS code enforcement concerning the Mayo Property. Motion carried.

Fence Issue

Note noted that legal advice has been given with respect to use of County right of way, zoning and building codes issues from a legal perspective on placement of fences.
Commissioner McCown stated that in lieu of the discussion to be held later today, he felt we needed to set this aside until after that discussion and will contact Mr. Langegger at that time as far as him being able to proceed.

Open Records Act and the Coroner

Don stated it might be appropriate to have his office file a request for preparatory judgment concerning the opens records status of autopsy records. Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Knox Letter to the State Engineer's Office

Don asked authority for the Chair to sign a letter to the State Engineer; the Knox property does not meet the definition of an exemption based on the County road right of way. Commissioner Houpt so moved; Commissioner McCown – seconded; motion carried.
Fence Heights
Commissioner McCown asked legal opinion as to the County to continue stay enforcement until the regulations are realigned, would that allow the on-going of construction of illegal fences.
Don said we would treat it as if there were no regulations.

Epic Committee

Judy Osman and Ed Green presented.

Judy said the Epic Committee is a branch of the personnel committee but not appointed volunteers. Judy stated the HR Department provides information to all the department heads and agenda, etc. and have asked all department heads to share this with their members.

Ed says this group basically finds problems and basically they do not serve a purpose.

Commissioner Houpt stated they have been asked to do a couple of things over the years by the Personnel Committee.

Mildred – one was to do a study of the holidays since Commissioner Houpt favored Martin Luther King as a holiday. They did a study of employees and brought the information back to the Personnel Committee. They also did a study on the overtime as to how it was figured, example if you were sick, the other four days they worked 8 hours and they didn't understand why they wouldn't receive overtime for the day they worked over. There's a personnel committee meeting this month and we could invite them to it.

Commissioner Houpt – do they feel slighted if the Personnel Committee doesn't agree with their recommendations.

Group – very definitely.

Mildred reiterated that the study on holidays indicated they didn't want Martin Luther King and would prefer a different day.

Jesse – studies they were asked to do were not from the Personnel Committee, they were in response to the Personnel Committee to problems they brought in saying "we want this reversed" i.e. the overtime paid, a policy that had been changed previously. They brought it saying we voted as a committee that we want this reversed, then the personnel committee asked them to pursue what other counties do on this, so then they went out and did it.

Judy – when she first came one of the Epic Committee's recommendations was to raise the retirement from 3.5 to 4% and that accomplished. One of the things they actually were working toward was changing the health insurance plan. There was always someone from the Human Resources present and up until this year served as a member. One of the Epic members accused one of Judy's staff of taking management's side. Unfortunately in HR you see both sides of the issue and try to point those out.

Roundtable – made up of employees only.

Mildred stated that if there are things that are happening in the County that pertain to needing some improvement, the elected need to know.

Ed said anything substantive that comes out of that will be related to you.

Jesse stated this is mostly information clarification on what an employee heard and then they are given the actual issue.

Commissioner McCown – we are doing such a poor job with our managers that our employees aren't getting correct information?

Ed – didn't think this was reflective only in this County. Managers don't get information that employees want down to them and that's part of the reason for the roundtable.

Judy – didn't think it was from employees not asking managers or managers not informing employees but rather it was from a lack of time and from too many tasks. She suggested agendas from meetings made available.

Ed said this is a chance to get employees together and it is a cross section of the organization and force interaction – random selection.

Jesse – a memo goes out to each department head stating that the following employees are scheduled for a date and time and asks them to encourage attendance.

Commissioner Houpt suggested a mechanism for the employees to get tools for getting this information outside of that forum.

Green Acres and there will be an internal website available for information.

Judy - Part of the roundtable is giving people information on the county as a whole. It is also a tool for exchanging information on others and what they do within the county.

Chairman Martin felt the Board was not the entity to make a decision to disband the EPIC committee. The Personnel meeting will be November 18, 2003.

Jesse suggested if anything is needed such as survey that a group is formulated as a task force for that specific purpose and the next time a different task force.

Judy – the Wellness Committee is working well in the Epic Committee.

Commissioner McCown noted there wasn't any money tied to this and that's why it has worked well. The letters however were addressed to the Board and if it needs to be disbanded, it needs to be done within the Personnel Committee.
Jesse – the Library packet is listed out the holidays they recognize and they recognize more holidays that within the County and it could create a problem.
Judy stated the Library has always had different holidays and different vacation schedules. They operate under a different personnel manual.

COMMISSIONER REPORT

Commissioner Houpt – Vacation next week (family emergency) – meeting with CBCB – Shell Oil and Gas – 13th in Denver; Roundtable on the 14th.
Commissioner McCown – Meeting Tuesday, Shannon with American Soda for the new owners and that discussion will be based on sale price and future tax assessment; RAC meeting next Thursday and Friday, November 13 and 14.
Chairman Martin – 27th – met with Gypsum Fire Board - Sweetwater location; price of Fire Station – community come up with agreement on water and building – take place to finalize – 23 of November and will report back. The County will participate. Community Corrections – Tuesday 9 a.m. for Screenings. 3 were reviewed last week 2 – accepted. Forest Service participating at the Roundtables for Oil and Gas; met with ITPR – 20/30 plan and categories for participation and it was very well accepted. ITPR – referred a potential from Clear Creek to Garfield County to keep the monorail viable. Soil Conservation Dinner on the 7th at the First Choice Inn.
Little Box Canyon Road and Forest Service recognized the grades were too steep and invited GARCO and Mr.; Cox and his group to make sure they could go up the different waster grids.
CR 214 – Jesse noted that he drug on the water grid several times.
Concern has been voiced. This is a Congressional issue and an attempt to close roads.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign the Resolution of Approval for Colborn Floodplain Special Use Permit – Tamara Pregl
f. Authorize the Chairman to sign the Resolution and Special Use Permit of Approval for Canyon Gas Resources, LLC. Tamara Pregl
g. Authorize the Chairman to sign the Special Use Permit for Ackerman Special Use Permit – Tamara Pregl
h. Authorize the Chairman to sign the Resolution of Approval for Gilead Gardens Subdivision Preliminary Plan – Tamara Pregl
i. Sopris Restaurant – Liquor License Renewal – Mildred Alsdorf
j. Sunlight Mountain Resort – Liquor License Renewal – Mildred Alsdorf
k. Authorize the Chairman to sign a Resolution of Approval and Special Use Permit for an Accessory Dwelling for Phil and Patricia Lacerte – Mark Bean
l. Authorize the Chairman to sign a Resolution of Approval and Special Use Permit for an Accessory Dwelling for the Warren Stults Trust – Mark Bean
m. Authorize the Chairman to sign an Amended Subdivision Improvements Agreement for the Roaring Fork Preserve – Mark Bean
n. Authorize the Chairman to sign the Resolution for a Special use Permit for an Accessory Dwelling Unit for Bernard and Martha Long – Fred Jarman
o. Authorize the Chairman to sign the Resolution for a Special use Permit for a Camper Park for Sunlight Mountain Properties, LLC. – Fred Jarman
p. Authorize the Chairman to sign a Special Use Permit for the Seaton Special Use Permit – Fred Jarman

Remove – k and l for voting purposes – prior to Commissioner Houpt's being a Commissioner at that time.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – p removing items k and l; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve Items k and l on the consent agenda; motion carried.

REGULAR AGENDA

Budget Work Session:

Library – Jaci Sphuler

The Library budget process centered around a memo from Judy Osman with recommendations to reclassify two positions: Library Assistant III and Branch Manager. Judy is recommending a 2-pay grade increase that will bring these positions in at the 12.5% range. Jaci suggested the one-pay grade this year and then watch the sales tax increase and incorporate another pay grade next year. 7 department heads are over 50 years of age and to replace them with qualified librarians will be difficult.

This year the Board decided to put funds into personnel.

Commissioner Houpt asked if the Board had looked into sharing resources with the schools. Jaci noted there were some differences in philosophy. They are trying to remain open, they filter the Internet and the Library doesn't.

Commissioner McCown – RE-2 – meeting and he had mentioned some public access. He encouraged Jaci and her directors to keep the lines of communication open with the possibility of having some computers restricted and other not.

Jaci stated that CMC is also a possibility as well.

Rifle Wal Mart may produce additional sales tax.

Jaci – a pilot project started this morning, trying to centralize technical services to take the stress off thee branch libraries versus hiring a 1/2 time person at each entity.

Dispatch – Bob Kibler, Director and Carl Stevens, Assistant Director

A resolution concerned with the acknowledgment of the receipt of the Garfield County Emergency Communications Authority's budget for the year 2004 was presented.

5th and final year with the Authority. Getting to the point where they can look a little forward down the road. A new recorder, a new building on Lookout Mountain, a new lap top, combined the records system with the sheriff and a new grant for $66,000 to upgrade the system to locate cell phones when they call the dispatch.

The 2004 is 5.5% increase in sales tax. The main areas of increases health insurance, utilities, rent of some sites, equipment maintenance, telephone and training. 13% up in activity.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the Resolution approving the budget 2004 for the Emergency Communications Authority; motion carried.

RANKING OF ENERGY IMPACT GRANTS – Ed Green

Rifle Fire Protection District – Fire Chief Mike Morgan and Daryl Meisner was present. James B. Van Teylinger, Board President of the Fire District – submitted the grant request for construction of new living quarters/training rooms to Station 1 – Amount requested $529,572.00. Mike said they have 9 staff and 50 volunteers; they purchased a modular from the Silt School District and are currently using this for staff; when the new building is completed, the modular will be used for a training facility. They've had 33% growth in fire calls in 2002.

Town of Silt – Richard J. Aluise, Town Administrator – submitted the grant request for the Silt Water Treatment Plant Project. Amount requested $300,000.00. He gave a brief presentation explaining the proposal.

Two factors – growth and the new removal rate of the distribution lines. This is a micro system Total cost is $1.5 million. Financing for $1.2 million and need the $300,000 for the balance of the funding. This new plant will provide safe drinking water for the town.

Asked the Board to consider the impacts on Silt for the Energy Impacts.

Ballots were distributed and Mildred submitted the following counts with the lower number being the highest ranking: Town of Silt – 1 1 1 1 1 and Rifle Fire Protection – 2 2 2 2 2

The Board will submit the recommendation as follows to the Department of Local Affairs, Energy Impact Grant:

Number one – Town of Silt

Number two – Rifle Fire Protection District

PUBLIC MEETINGS

FURTHER DISCUSSION AND CONSIDERATION OF RESOLUTION ESTABLISHING FIRE CODE ADOPTION AND REVISION COMMISSION

At the October 13th meeting, a motion was made to direct staff to write a resolution for form the fire code and revision outlining the members and stating their powers and duties as in Statute 30-15-401.5 including membership designees.
A motion was made by Commissioner Houpt and seconded by Commissioner to authorize the Chairman to sign the Resolution establishing Fire Code Adoption and Revision Commission; motion

CONSIDERATION OF CEBT CONTRACT FOR GARFIELD COUNTY HEALTH PLAN

A letter was drafted to Allen Chapman, CTSI, notifying them of the decision to withdraw Garfield County from the County Health Pool in favor of contracting with Colorado Employer Benefit Trust (CEBT) for services effective January 1, 2004.
The CEBT has secured a rate increase maximum of not to exceed 14% for the July 1, 2005 renewal date however, if the county was eligible for a lower increase based on their paid loss ratio and the preferred location on the left side of the "bell curve" then the county would receive the lower increase.
Carolyn encouraged the incorporation of the secured rate increase maximum to be within the contract. She reviewed the contract.
The rates for the employees will not be any higher that what they are paying currently. Going from $10,000 to $20,000 at the same insurance costs.
Wellness and Prevention is not a factor in the new plan. November 12th and 13th – booklets will be handed out.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the chair to sign the contract and amendments with CEBT as outlined; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to official withdraw from the County Health Pool, after the signed contract with CEBT is in place; motion carried. Ed noted that the County has already given them 90-day notice already.

AAA CAREGIVER SUPPORT AND SR. EQUIPMENT/SERVICES PROGRAM – APPLICATION AND ASSURANCE OF COMPLIANCE SIGNATURE REQUEST – LYNN RENICK

Don DeFord and Lynn Renick were present. Don stated that he had reviewed the Assurance Certification and recommended the document be executed by the Board of Social Services.
Don explained that the Assurance document requires that the County will not exclude any person from participation based on discrimination and to comply with all federal statutes and regulations.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the AA Caregiver Support and Sr. Equipment/Services program until VI of the Area Agency on Aging. Motion carried.

PUBLIC HEARINGS

RHINO LIQUORS, INC. – LIQUOR LICENSE FOR LIQUOR STORE – MILDRED ALSDORF

Rick Neiley and Mildred Alsdorf, Maria Maniscalchi and Chris Maniscalchi were present.
At the October 20, 2003 meeting it was noted that the Newspaper made an error in the publication and this did not go forward. Exhibits A and B were entered into the record.
At the meeting today, Mildred submitted the new publication and sign resulting from being republished. She added that the newspaper republished at no charge and Rhino Liquors also published notice. Exhibit A – Proof of Publication; Exhibit B – the posted sign; C – Application and Information; and Exhibit D – petitions were submitted.
Chairman Martin entered these exhibits A – D in to the record.
Chairman Martin swore in the speakers.
Mildred stated that she ran names the candidates through CBI and there was nothing that came back against any of the applicants. The fingerprints were sent both to CBI and FBI, which takes quite a while to receive a reply.
Rick Neiley presented that he and Maria Maniscalchi own the building jointly. He submitted Chris Maniscalchi is a current police office with the Town of Basalt but he is retiring to be the full-time manager of the liquor store. He will be retiring from the Basalt police force as there is a prohibition against having a law enforcement officer owning an interest in a liquor license. Exhibit E – Packet in totality including the Photo of the Thunder River Market Place where the liquor store that's proposed will be located, Resumes for each of the applicants – Maria, Chris and Rick that identify who the Commissioners are dealing with, what respective experiences they each bring; a letter from Art Smithe, Chief of Police in Snowmass dated October 16, 2003, and read it into the record in support of Maria's application for the liquor license; a letter from John Huebinger, the purpose being to demonstrate that since 1978 there has been a liquor license in the location proposed 6820 Highway 82 through the present time; letter from Bill Slattery a resident of the

area since 1964 and owner of the Modern Cabinet Center noting there has been a liquor store in the Market Place for over 20-years and noted that since Maria took over the center there have been many upgrades and the overall character of this corner has been improved; letter from Richard Mullick, CR 154 and indicates knowledge of the applicants and supports this application; and letter from Robert J. Snyder who lives in Westbank Mesa in support of the application; letter from Bernard Poncelet, owner of commercial property at CR 110, and a letter from Lynn Cantrell in support. Copies of leases 1994 to current for Valley Liquors and one going back to1987 to demonstrate a consistent chain of business there that is entirely appropriate for this location to be considered for a new liquor license to continue an existing business. An old photo of the Market Place obtained when they purchased the property in 1990 and shows Mid-Valley liquors, an existing liquor store; when the lease came up in 1994 they offered the opportunity to Julie Wernsman to take over the existing business and to grow with us as we expanded the business and the size of the Market place. Rick noted that when Maria took over the convenience store known as Mid-Valley Mart in 1996 through the present time, she significantly increased the business to the Market Place and in July of 1996, she looked as sales tax revenues of slightly over $11,000; through 2002 those sales tax revenues increased to about $22,000 showing in the past 6 years a doubling of the sales taxes in the Market Place – these sales tax revenues were submitted as Exhibit F and entered into the record. Average daily traffic counts were included in Exhibit E and traffic counts, page one showing CR 114 over a little less than 2,000 vehicles per day and across the highway at CR 154 in excess of 2500 vehicle trips per day; and for the intersection of Highway 82 showing as of July 1999, approximately 15,351 traffic counts. The annual average daily traffic volumes for Highway 82 with the junction of Highway 133 an excess of 18,000 vehicle trips per day and for the length of Highway 82 through Garfield County we have an average traffic count of over 22,000 – a very busy stretch of highway. When they purchased the property in 1990 they looked at the traffic counts and they were less than 10,000 vehicle trips per day. It appears the traffic volume through this area has doubled since they bought their property. Again, all this was to show the appropriate location of the liquor store.

Rick submitted the next 5 closest liquor stores in the area and commented that the Commissioners granted a change of location and renewal to Valley Liquors which is about ¼ mile away from this current location. All of the other liquor license locations are at least 5 to 6 miles away. The GIS map was submitted showing the location of the other retail liquor license submitted and entered as Exhibit G depicting the various locations of the other liquor stores along Highway 82 and into Carbondale. Even though the neighborhood was established they did a survey for signatures across the highway into Coryell Road, H Lazy Seven and CR 154 as well as the area up in the CMC area. The petitions and signatures reflect the support of the neighborhood on both sides of the highway for their location.

Chairman Martin accepted both Exhibit F and G into the Record.

Rick – the next item comes out of the Comprehensive Plan Study Area I and what is shows is the projected build out for the Cattle Creek Sub area where they are located, and it shows a maximum build-out scenario of approximately 25,000 residents in this area and a build-out based on the average density of existing subdivisions at about 13,000; page two shows the maximum density based upon the projected land uses in excess of 14,000 people. We know that a lot of this growth is underway in the area and submitted a map that comes out of the Comprehensive plan showing some of the subdivisions in the area that are newly approved since 1994 – Westbank Mesa in 1994 at 62 units; Rose Ranch for 322 units; new phases going in at Los Amigos, Spring Valley Ranch, Lake Springs Ranch and Sanders Ranch that has Preliminary approval for 94 single family residences and 120 multi-family residences and submitted it as Exhibit H. Chairman Martin entered Exhibit H into the record. There is a fairly dramatic increase in development in the area, increase in population, in traffic and in sales tax and it is a trend that will continue into the future. In the packet a couple of pages out of the comprehensive plan and are relevant because they relate to what is appropriate in terms of development for the area and Rick highlighted one of the goals of Garfield County with relationship to development in the area, “as Garfield County will retention and expansions of convenient, viable and compatible commercial development capable of providing a wide variety of good and services to serve the citizens of the County” and this is what the Thunder River Market Place does for this area and it is very appropriate to continue the use in this area. RFTA built a parking lot in front of Thunder River Market and they see a lot of business from the people running up and down the valley and therefore consider this to be an appropriate location for a continued liquor store business. Petitions: Rick stated they hired petitioners and Maria, Rick and Chris’s wife also went door to door to see what the public felt about the continuing of the liquor store at this location. They also had Spanish translator to do interpretations due to a lot of Spanish speaking residents in the area. Their reception in general was

favorable. From the petitions submitted there were a total number of neighborhood residents in favor of this application of 148 residents and 1 not in favor and reason was that she does not drink. 15 refused to sign and 230 they could never get in touch with at home. 148 in favor of what they considered to be the neighborhood defined by the County and the neighborhood on the other side of the highway that they defined; of that 148, 85 were in the neighborhood assigned by the County, and the balance were in the area on the other side of Highway 82, 63 in the extended neighborhood. They also circulated their own petition at the counter at the Thunder River Market and although the desire of patrons is not a governing factor in the issues of a liquor license, it's an important consideration and we think it is an important consideration when it comes to this location for a couple of reasons: 1) Thunder River Market has a large number of commercial accounts that come there everyday to buy fuel and as a result we attract a large volume of people throughout the county and a large number of commercial businesses come to the Thunder River Market to use their commercial accounts. What we showed on our petition we have an additional 95 people who consider members/residents of the neighborhood supporting it and another 227 patrons of the Market Place in excess of 400 signatures in favor and 1 opposed. Exhibit I – a breakdown of the Valley Liquor Petitions. On October 20 the BOCC granted the relocation application and relocation application is subject to the same standards as a new license, that is you need to demonstrate the needs and desires of the neighborhood. The Valley Liquor petition contains 293 signatures; 3 were out of state, 29 were out of the County, 96 had no address; 141 were not the area and of all those petitions, there were 21 signatures in support of the Valley Liquor application from residents of the neighborhood. We have at least four times as many supporters for this application from just the neighborhood defined by the Board of County Commissioners and more than eight times as many if you expand that neighborhood over to 154, Coryell and the H Lazy F Mobile Home Park. The evidence is clear there is a need and a desire for continuation of the liquor license and the liquor store in this area.

Mildred asked when Rick thought he would be in the building so she and the Sheriff's Department can inspect it?

Rick Neiley – by the 2nd week of December.

Julie Wernsman – Currently owns Valley Liquors at 6820 Highway 82. As her letter stated for you guys, she was not required to even petition and merely did so because of this situation going on which she has her petition for her customers at the store. It was very confusing when we were both doing petitions, the first day we had picked up petitions, my first three customers came in and expressed their displeasure of us closing and she stated we are not closing. People were led to believe that we were either closing or moving to Rifle or the petitions they had signed next door was on our behalf to keep a liquor store on the premises. And so, if you compare the two petitions you'll see there are a lot of the same names on the petition for that reason because it was just unclear. Julie submitted a Petition that she did after they were granted their relocation and renewal, and there are 684 names designated as live in the area, work in the area, or commute to the area and these were also taken at the counter. This petition, I understand Valley Liquors will be moving December 1, 2003 to its new location at 7094 Highway 82, I do not believe there is a need to maintain a 2nd liquor store at 6820 Highway 82. Julie said, a couple of weeks ago as Mr. Neiley stated the commercial business and economy is down and we have seen this at the liquor store for the past two years, our customer accounts have gone down. In the past two years, the margins in the liquor store business are very slim and the competition is pretty competitive in the valley and because of this you need to do a large volume of business and customer accounts just to be successful. In this instance having two liquor stores in the area isn't going to mean there is going to be more customer base. We're simply going to be splitting our customers in two which will cut down on both of our numbers and possibly put both of us out of business. Our distributors have even expressed their concern for products sitting on the shelf twice as long as what it does already and there are expiration dates on all the beer products. There's a reason in our area between Glenwood and Carbondale that there's only one convenience store, one gas station, one coffee shop, one pizzeria, one lumber yard and one liquor store and it's simply because the neighborhood can't support more than one of any of these. She added for access to our new location is the same access that would be at Rhino Liquors and plus we would have another access up by BMC West and the traffic flow, we get most of our business from Aspen down to Glenwood during the rush hour, probably 4 – 7 o'clock in the evenings and that traffic is on a slow down towards Glenwood and most of those people turn in anyway at BMC West go down the frontage road which would be right in front of our place and then continue on down to where we are currently. We would also have parking and we had a parking problem at where we are currently because it is a busy place and at our new location parking would be more accessible also.

Rick Neiley – in closing, we did compare the names on the petition in support of Valley Liquors application and in support of our and there were 3 names that appeared on both petitions initially. I would also note that the law is pretty clear that the objections of the competitor, while it's a matter than can be given weight, is certainly not the depostive of whether or not it's appropriate to maintain or grant a liquor license for any particular location. This location has had a liquor store in it for 25 years; we simply propose to continue that service to the community.
Commissioner McCown moved to close the Public Hearing; Commissioner Houpt seconded; motion carried.
Commissioner McCown made a motion we approve the liquor license for Rhino Liquors Inc. Commissioner Houpt seconded; motion carried.

Humanitarian Awards Dinner – February 2, 2004
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to letter from the Garfield County Humanitarian Awards $1200 and authorize the amount of $1200 as requested for the dinner February 2, 2004; motion carried.

PUBLIC HEARINGS

REQUEST TO CONSIDER A PRELIMINARY PLAN AND PUD AMENDMENT FOR THE STERLING RANCH PUD. APPLICANT IS STIRLING SUN-MESA, INC. – FRED JARMAN

Fred Jarman, and Sherry Caloia, Attorney for the applicant.
Commissioner Houpt recluse herself from this hearing as she and her husband are in the same law firm.
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. Fred Jarman submitted the following Exhibits: Exhibit A – Proof of Mail Receipts and Posting; 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 – Staff Memorandum; Exhibit G – Application Materials submitted by the Applicant; Exhibit H – Letter from the Colorado Geologic Survey to Building and Planning dated 9-19-03; Exhibit I – Letter from the County Vegetation Director to Building and Planning dated 9-30-03; Exhibit J – Survey prepared by the County Surveyor dated 7-10-03; Exhibit K – Letter from the Carbondale & Rural Fire Protection District to Building and Planning dated 9-30-03; Exhibit L – Survey prepared by the County Surveyor dated 7-10-03; Exhibit M – Email from the Building Department dated 10-03-03; Exhibit N – Letter from the Road and Bridge Department dated 10-07-03; Exhibit O – Confirmation of Consent of present lot owners within PUD; Exhibit P – Letter from the Division of Water Resources dated 10-07-03; and Exhibit Q – Letter from Caloia, Houpt and Hamilton, PC to County Attorney dated 10-28-03.
Chairman Martin entered Exhibits A – Q into the record.
Fred reviewed the Project Information and Staff comments saying this is the Preliminary Plan and PUD Amendment for Stirling Ranch PUD, location Lot 28 of the Ranch on approximately 10 acres that is zoned Commercial/Recreational facilities including health spa, lodge of up to 11 rooms with a maximum of 22 guests and or in-room dining and kitchen facilities and other accessory recreational facilities such as tennis courts, swimming pool, handball, racquetball courts, and other similar recreational facilities as well as single family residential. Sun Mesa was approved in 1975 via Resolution 85-207. In 1987 and 1988 the PUD was modified. What's before the Board today is 3 lots and 3 single family dwellings on this Lot 28. The applicant proposes to amend the approved PUD by rezoning Lot 28 from C/R to single-family residential and subsequently subdivide the 10 acre lot into three relatively equal sized lots to contain a single family dwelling on each lot.
Fred noted a problem where when the road was being constructed, it clips the corner of an adjacent property owners. A lot of discussion was held at the Planning and Zoning and the applicants was requested to recommend a way to resolve this issue and included in the recommendations to be discussed by the Board.
Recommendation:
The Planning and Zoning Commission unanimously recommended that the Board of County Commissioners approve the proposed Preliminary Plan and PUD amendment with the following conditions:

1. That all representations made by the Applicant in the application and as testimony in the public hearings before the Planning & Zoning Commission and Board of County Commissioners shall be

conditions of approval, unless specifically altered by the Board of County Commissioners.

2. The Applicant shall be required to pay the Traffic Impact Fee to Garfield County for newly created Lots 29 and 30 to be calculated at the time of final plat and paid appropriately prior to recordation of the final plat.
3. The Applicant shall pay the appropriate impact fee to the Carbondale and Rural Fire Protection District at the time of final plat and prior to recordation of the final plat.
4. The Applicant shall pay cash-in-lieu of the School Site Acquisition Fee payable to Garfield County for the RE-1 School District for Lots 29 and 30, to be calculated and paid prior to the recording of the final plat.
5. The Applicant shall provide the Garfield County Vegetation Director the following items for approval as part of the final plat submittal application:
    a) A map and inventory of noxious weeds for the property using the Garfield County noxious weeds list.
    b) A weed management plan for the inventoried noxious weeds (including provisions for the treatment of Russian olive if located on the property).
    c) Clarification of the entity responsible (such as the Homeowner's Association, the developer, or utility company) for the reclamation work to be done on new road cuts, utility line placements (water line and common trench), culverts, and various valves and hydrants.
    d) A reclamation plan to include a plant material list, a planting schedule, a map of the areas impacted by soil disturbances outside of the building envelopes quantified in terms of acres, to be disturbed and subsequently reseeded on road cut and utility disturbances.
    e) A revegetation security as a separate letter of credit to be submitted as part of final plat and as detailed in the Subdivision Improvements Agreement (SIA).
    f) A Soil Management Plan that includes the provision for salvaging on-site topsoil, a timetable for eliminating topsoil and/or aggregate piles, and a plan that provides for soil cover if any disturbances or stockpiles will sit exposed for a period of 90 days or more.
6. The Applicant shall include the following plat notes on the Final Plat:
    a) 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.
    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 & 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, downward, and 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 (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owner's property boundaries.
    e) No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. sew. 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.
    f) No further subdivision of a recorded subdivision shall be allowed, except where it is

provided for in an approved Preliminary Plan or when the zoning of the property allows for multi-family dwellings as a use by right and the application is for a multi-family dwelling. (99-096; modified 2002-30)

g) Each lot shall be required to submit a site specific soils test/geotechnical investigation with the building permit application to Garfield County to determine if engineered septic systems and foundations will be required.

7. All conditions of approval contained in Resolution No. 85-207 (which approved the original PUD) and Resolution No. 86-63 (which approved the original preliminary plan) shall be considered conditions of approval of this preliminary plan and PUD amendment unless amended by subsequent action of the Board of County Commissioners.
8. A condition of approval in Resolution 85-207 required that "all streets, including County Roads 102 and 162 from the east boundary of the Strang Ranch to the subdivision shall be upgraded to County standards including chip and seal surfacing, at the developer's expense and in accordance with the proposed phasing plan. In addition, plan and profile drawings shall be submitted to the Garfield County Road and Bridge Department for approval of all improvements to the county roads. Design improvements shall include a turnaround at the end of County Road 162A, on the PUD property, and maximum road grades of 8% in the vicinity of all intersections."
   The road constructed as CR 162A was incorrectly aligned so that a portion falls outside of the County right-of-way easement and onto a neighboring property. Based on the fact that this issue is directly related to the proposed access to Lot 28 and was an explicit condition of the original PUD approval, the Applicant shall present a solution to the incorrect alignment prior to the preliminary plan hearing before the Board of County Commissioners. The solution shall provide access to the Sterling Ranch PUD consistent with the County Road design requirements in effect at the time the misaligned access was constructed. Such solution may also require the Applicant to effect an amendment to the final plat for the area where the road will enter the Sterling Ranch PUD depending on the resolution of the issue.
9. The Applicant shall provide a modified PUD plan / map of the Sterling Ranch PUD to the Planning Department showing the reconfigured lots within the PUD to be presented to the Board of County Commissioners to be attached to the final resolution approving the amendments to the PUD as an exhibit.
10. The Applicant shall provide an engineering study, paid for by the Applicant and completed by an independent engineer licensed to practice in the state of Colorado, of the existing foundation / footers on Lot 28 to the Building and Planning Department at the time of building permits for Lot 28 indicating the structural integrity of the foundation and its ability to serve as the foundation for a single-family residence on Lot 28.
11. The Applicant shall provide an access easement for the benefit of Lot 28 which provides access to Lot 28 from Schooner Lane. The access easement shall be recorded in the Garfield County Clerk and Recorder's office at the time of final plat.

Sherry Caloia – the entrance way is the only unresolved issue. The proposal is to use the process of condemnation as it was the same solution used by the Board on CR 162 being condemnation and it will provide the applicant with a timely resolve. This property is less than 300' and has tried to purchase it from Mrs. Crouch and they are willing to pay for the property as this was approved. The stone gates are substantial and the cost to move those is quite costly. This was an honest mistake, Ms. Couch had the road put in where it is currently.

Adrian Crouch – passed out a letter and associated handouts and marked as Exhibit R. She's owned the property since 1982. Plat of 1992, September 8. SIA was only to be entered into

Fully acquired and upon resolution the final plat recorded. The right of way has never been obtained. She was not on the list for the property. Resolution 94-115 as a portion of the needed right of way. Photos, Exhibit F – the road is narrow and hazardous – not safe or to code.

Since 1985 – over 20 proceedings addressing the Sun Mesa, Adrian Crouch has never been notified of these hearings. As a separate letter – 10-28-03 – Exhibit Q. Trying to short cut.

$12,000 to have the road moved in front of home.

Sherry Caloia summarized that they are asking to clean up this last issue regarding the access at the applicant's expense and just getting on with it. If not we could be in litigation forever, going to condemnation is the simplest to way to acquire that access, then the only issue is how much is it worth and

we're willing to pay her what it's worth. She's asked for excess amounts of money for a very small piece of property that she herself fenced out.
Adrian submitted additional exhibits: Exhibit R – Photos and SIA; Exhibit S – more photos by Adrian Crouch; and Exhibit T – additional graphs showing the 40-acres east of her property where 162A was to be widened and that was by the Stirling Henderson Subdivision Plat, 441441 of which Don Scarrow designed it for John Stirling November of 1992.
Commissioner McCown – Don, there were several statements made regarding the SIA and the previous SIA and asked him if the SIA was complied with.
Don – not a specific recollection today of the SIA; there are some things he did recall. It was a difficulty in acquiring this right of way and part of Exhibit R, there was a point and time when he participated in on-site meetings with the County Commissioners and met with the first three property owners identified as Miller, Rissouri, and Garfinkel and there was some difficulty in acquiring the right-of-way but that responsibility was the developers; the County Commissioners were there to see if they could facilitate that. Don recalled that at the end of the day those issues were resolved and that right of way was acquired as necessary. There were some adjustments to the 60 foot literal right of way by a few feet to accommodate some of the property owners along the road of 162. He didn't believe they were resolved at the same time that the SIA came to the County Commissioners, it was anticipated that they would be, it didn't happen, that's why we had to go out on site to see if it could be resolved. Don didn't anticipate the right of way on 162 to be an issue and hasn't had a chance to research his old files to see what is available and felt it might be beneficial to have an opportunity to do this, also to ask Mildred to do the same for the County.
Commissioner McCown referenced Exhibit T – showing a road ending at the property line of R. Stirling to Owens.
Sherry Caloia stated this was not CR 162A. CR 162 runs along the left side of parcel A and parcel B on that map
The gate or alleged infraction as we're looking at it?
Sherry – down at the bottom on the lower left a squalled line, it's at the top of that. It's a County Road up until the gate, 162A. Ruth Stirling was involved and deeded 60 feet or a right of way to the County and that was I believe so 162A or 162 could be relocated for Ms. Crouch to move it away from her house.
Commissioner McCown noted 162 was above that.
Sherry described 162 as coming off 103 and this is in question whether it is in compliance or not.
Sherry – with regard to the acquisition of 162 – there were two issues involved. 1) was getting the prescriptive right of way confirmed by the Court, against Rosario, Finkelstein, and Miller or whoever their predecessor was, she filed those actions in court because they weren't able to get an acknowledgment from the landowners. That's different from a condemnation action and they can't be combined. She settled all of those for the prescriptive easement, then there was acquisition of additional easement and did not need to go to condemnation because we did an appraisal of the value of the property and we reached an agreement with Rissouri and Rosen and Miller and paid them for the additional right of way for the property. Finkelstein wanted an exhorbant amount for the very small piece of property that he had and it came down to either the County condemning forgoing the right to condemnation because it was a coupe of fee, as much as 10 feet. Corrected that was Garfinkel and it was down an embankment and thought a series of meetings, the County decided they were not going to require condemnation and acquisition of that piece because it was so thin and no necessary for the right of way. (This was done in a public meeting). Don confirmed it was .5 acres.
A motion was made by Commissioner McCown and seconded by Chairman Martin to close the public hearing; motion carried. Public hearing – closed McCown, Martin – carried.
Commissioner McCown noted that since a lot of documents were presented to the Board today, he would like to set this over until November 10 at 1:15 p.m. and asked that staff, legal and planning bring back documentation as to the compliance of the SIA that were in place revolving around Ms. Crouch's allegations on non-compliance and we will take action at that time. Chairman Martin seconded the motion; Motion carried.

CONTINUED - REQUEST FOR APPROVAL FOR A PRELIMINARY PLAN AND PLANNED UNIT DEVELOPMENT AMENDMENT FOR SPRING VALLEY RANCH PUD IN ORDER TO REALIGN A PORTION OF CR 114. THE APPLICANT IS SPRING VALLEY HOLDING USA, LTD. AND SPRING VALLEY DEVELOPMENT, INC. – FRED JARMAN

Chuck Perry for Spring Valley Ranch, Steve Gamba from Gamba and Associates, Jim Lockhead for the applicant, Fred Jarman, Don DeFord and Carolyn Dahlgren were present.

The applicants requested and the Board approved the request to continue this until today due to the absence of two very important members of the development – Steve Gamba and Bill Lorah.

Chairman Martin swore in the speakers.

Fred submitted Exhibit Z – a letter from Louis M. and Donnalyne LaGiglia with several attachments regarding an agreement concerning the replacement of a water line from the BR Hopkins Spring to their property and Spring Valley.

Chairman Martin entered exhibit Z into the record.

This is a request for approval of a Preliminary Plan and Planned Unit Development Amendment for Spring Valley Ranch PUD to realign a portion of CR 114. These are two separate actions. Staff consolidated the analysis of both requests in the staff memo which is entirely focused on the request to realign a portion of CR 114.

The Preliminary Plan approval for Spring Valley Ranch PUD included the approval of a preliminary design of CR 114 from State Highway 82 to the intersection of CR 115 (Red Canyon Road) This design basically mirrored the existing alignment on the ground today.

In September 2002, Lake Springs Ranch PUD which is a large adjacent property that borders Spring Valley Ranch to the south was working towards receiving approval for a preliminary plan from the BOCC. This was significant to the applicant due to the amount of CR 114 that also served as the primary county access to Lake Springs Ranch as well as Spring Valley Ranch.

The applicant conducted an engineering analysis of issues related to CR 114 during the preliminary plan review of the Lake Springs Ranch approval process identifying safety issues as a main concern. The safety issues related to the grade or steepness of CR 114 when combined with the proposed number of intersections (approximately 10) from Lake Springs Ranch development onto CR 114. Some intersections as proposed were as steep as 9%. The applicant suggests that accepted centerline grade of 4% and should never exceed a grade of 6% which could create significant safety hazards. Based on this discourse during the approval process, the preliminary plan for Lake Springs Ranch was approved on November 12, 2002 with conditions of approval that reflected a more appropriate set of roadway design standards for CR 114.

The representatives for Lake Springs Ranch approached Spring Valley Ranch and suggested an alternative road design/alignment that better met the conditions of approval for Lake Springs Ranch and achieved a higher level of safety on the roadway. Spring Valley Ranch has endorsed this new road alignment proposal.

The proposal before the P & Z and the BOCC is solely focused on the subject of the proposed realignment of CR 114 as it serves Lake Springs and Spring Valley Ranches.

The main realignment portion of the CR 114 would occur between the intersection of CR 119 and CR 115. The intersection of CR 115 is not proposed as a part of this realignment and would remain in the same location.

The phasing plan show the section of road to be realigned is scheduled to be completed in phase I to begin in April 2004 and completed by November 2005 with all related costs to be born by the developer.

Main Request Realignment of CR 114:

Recommendation:

Staff recommends the Board of County Commissioners approve the amendment to the PUD Development and the Preliminary Plan request with the conditions stated herein:

STAFF RECOMMENDATION FOR SPRING VALLEY RANCH PUD

Staff recommends the Board of County Commissioners approve the amendment to the Planned Unit Development and the Preliminary Plan request with conditions stated herein.

Original Planned Unit Development (PUD) Conditions: (Resolution 2000-95) (Staff has provided Resolution 2000-95 with this Staff memo as reference so that all conditions of approval as required in that Resolution which approved the PUD shall also be required as a condition of this approval.

Original Preliminary Plan Conditions: (Resolution 2002-07)

1. That all representations of the applicant, either within the application or stated at the meetings before the Planning Commission or in the public hearings before the Board of County Commissioners, shall be considered conditions of approval, including at a minimum, but no limited to the following:

    a. Owners of existing permitted domestic wells in use for a single-family residence as of October 29, 2001 that are located on the properties that are contiguous to the boundaries of the Districts and therefore within the service area of the Districts shall have the same right as those property owners within the Districts to connect to the central potable water supply system of the Districts in the following conditions:
        i. Each dwelling unit served by served by an existing permitted well shall be entitled to one tap for the provision of 1 EQR from the central potable water supply system;
        ii. Such owners shall be subject to the same rules, regulations, and policies as all other residential users on such systems;
        iii. Such owners shall be charged in-District fees, charges, and rates even though they are out of the Districts;
        iv. In the event that such an owner's well becomes unable to produce the quantities required for permitted domestic well, such well owner shall not be required to pay a tap fee at the time of connection to the water supply system;
        v. The main infrastructure and distribution systems for the water supply system have been installed and tested and operational;
        vi. Such owners may choose to connect to the water supply system at any time after the system is installed and operational and shall connect to such system on any appropriate primary distribution line and SVD shall use all reasonable efforts to locate such distribution lines in a manner that, to the extent feasible and practical, it will accommodate a connection by such owners;
        vii. Such owners shall be responsible for all costs associated with constructing and extending the necessary water lines to connect to the water supply system's primary distribution lines;
        viii. Such owners may keep their existing permitted well in operation, the water court decrees that will legally support such service must be issued in Case Nos. 98CW254 and in 255 in Water Division No. 5; and
        ix. Such owners will be responsible for securing any necessary rights-of-way from their property to the district boundary and SVD or the District will provide the appropriate rights-of-way, within the District boundary.

    b. The Applicant and Mrs. Veltus shall negotiate in good faith for the creation of a new road easement through the Applicant's property on reasonable terms and conditions. Such easement shall be identified on the final plat but shall not require a PUD amendment.

    c. Prior to the recordation of the final plat for Phase II of the project, the Applicant shall install piezometers along ht e hillside in the location of Lots G84 – 91 to monitor groundwater conditions. This information shall be submitted to the Colorado Geologic Survey for their review and comment. The design for the development of such lots shall take this information into consideratio0n, including the potential doe a comprehensive solution and / or individual lot drainage mitigation.

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 year is granted by the Board prior to the expiration of the period of approval.

3. Valid well permits for all proposed wells must be obtained for tall the wells included in the water supply plan and copies submitted to the Planning department prior to any Final Plat approval.

4. Prior to the approval of any final plat, a noxious weed inventory of the area of the property covered by the plat will be submitted to the Garfield County Vegetation Management office. A more specific planting schedule, along with the quantification of the acres or square footage of surface to be disturbed and revegetated needs to be developed. Include reclamation cost estimates for seeding, mulching and other factors that may aid in plant establishments as part of any final plat application and include revegetation security to hold until vegetation has been successfully reestablished according to the County's reclamation standards. Additionally, a Soil Management Plan needs to be developed for the project and submitted with any final plat application.

5. The developer shall include covenants or bylaws obligating the homeowners association to include as part of the obligations of the developer's private security company to enforce the at large dog and cat restrictio9ns included in the covenants and that the covenants be amended to include language recognizing the authority of the security personnel to enforce the regulations.

6. The following plat notes will be included on any final plat:

   "All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

7. School fees, in the amount to be determined for the number of lots depicted on any final plat submittal, as per the formula in Section 9:81 of the Garfield County Subdivision Regulations of 1984, as amended, must be paid.

8. As per Section 4:34 of the Garfield County Subdivision Regulations of 1984, as amended, with regard to phasing, all lots must e final platted within 15 years.

9. Per the comments from the Division of Water Resources: (1) the claimed water rights dedicated to the project, and (2)the plan for augmentation is operated according to its decreed terms and conditions.

10. The Applicant shall upgrade the electrical utilities consistent with a contract with Holy Cross Electric, at the developer's expense.

11. There will be an additional monitoring well developed or identified that is at least 2000 feet from the production wells. Either a new well or an off-site well meeting those criteria could meet the criteria. All of the monitoring reports will be available to the public.

12. All residential lots shall have controlled irrigation and that individual well development shall be prohibited completely for new residential development.

13. Well water usage shall be restricted on agricultural lands and that well water only be used as a supplemental source for golf course irrigation in the event of a shortage of surface water supplies.

14. Wastewater reuse shall be encouraged to minimize the quantity of groundwater withdrawals.

15. All lots that require booster pumps or pressure reducing valves shall be noted on any final plat and in the covenants.

16. Prior to the first final plat, the applicant's engineer shall confirm that all nodes with residual pressure of less than 20 psi (pounds per square inch) will not affect the fire hydrants or individual residences.

17. The Homeowners Association must hire at least a Class C operator to operate and maintain the proposed Ranch Lot ISDS systems prior to the issuance of the first ISDS system permit. If proof of the employment of such a person is not provided to the Planning Department prior to the issuance of said ISDS permit, the Building Department shall not issue the ISDS permit or any subsequently requested ISDS permits.

18. The design guidelines shall include Best Management Practices which minimize directly connected impervious areas for storm water runoff within individual lots as part of the first final plat and all subsequent plats.

19. The debris flow / detention structures detailed on Sheet D-15 shall be located on the drainage plan sheets, including the proposed size of structure.

20. The dam break failure analysis for an enlarged Hopkins Reservoir must be incorporated into the drainage plan in a manner adequate to prevent damage or potential loss of life or structures within the subdivision, prior to the approval of the first final plat.

21. Plat notes and covenants shall indicate that all lots require site specific geological and technological analysis prior to any construction.

22. As part of all final plats, construction plans shall delineate all wetland areas and all wetland areas shall be clearly marked and fenced prior to construction.

23. A maintenance and repair plan for the internal private road system must be included in the covenants for the master homeowners association.

24. Prior to the approval for any final plat, the applicant shall submit a proposed PUD amendment dealing with, at a minimum, condition of approval No. 12(D), contained in Resolution 2000-95.

25. The Applicant shall make an 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.

26. The Applicant shall make the improvements to County Roads 114 and 115 as proposed in the application, at their own expense, regardless of cost, and consistent with the phasing of the improvements proposed in the application.

PUD Amendment Conditions (Resolution 2003-19): (These conditions are those already required by the BOCC as a result of the PUD text amendment in March, 2003. Staff has simply reasserted them here.)

27. That the lighting condition be changed to read that all lighting be pointed downward and inward throughout the development.

28. The phasing plan proposed be modified to provide an emergency access road along the Landis Creek drainage from the end of the road in Ranch phase 2 to the proposed cul-de-sac at Lot R44.

29. That all of the proposed Development Phasing Schedule be modified to require the final platting of all phases within 15 years of the platting of the first phase and that the completion of construction periods need to recognize that the period of time for completion may be less as required by the applicable subdivision improvements agreement.

New Conditions of Approval

30. The alignment of CR 114 as shown on the extreme southern edge of the preliminary plan is contingent upon application by Lake Springs Ranch for realignment of CR 114 through the Lake Springs Ranch and approval of such application by the County. The following conditions of approval shall apply only if Lake Springs Ranch obtains approval for the realignment of CR 114. Otherwise, the current conditions of approval related to CR 114 in its existing alignment shall apply, the Applicant shall not show the realigned road on its final plat, and the preliminary plan shall be automatically and without further action amended to delete the realigned road and the following conditions of approval.

    a. Because the proposed realignment of CR 114 will travel through Lake Springs Ranch, the Applicant shall obtain a right-of-way for CR 114 from the owners of the affected property prior to any approval of a final plat which right-of –way shall be dedicated to Garfield County. This shall be shown on all final plat documents as appropriate.

    b. If the proposed realignment of CR 114 is approved for both Spring Valley Ranch and Lake Springs Ranch, prior to construction of the realigned CR 114, the owners of Spring Valley Ranch and Lake Springs Ranch (as co-applicants) shall submit a "Road Vacation" application under the county's new vacation policies prepared by the County Attorney and adopted by the BOCC.

    c. Because Spring Valley Sanitation District has made certain real improvements that are located within CR 114 as it is currently located, the Applicant shall enter into an agreement with Spring Valley Sanitation District regarding the improvements that have been installed within the existing CR 114 alignment so that there will be no disruptions to service as provided by the District and that costs for relocation of certain improvements, if necessary, shall be addressed in the agreement. This signed agreement shall be provided to Staff at the time of the final plat.

    d. Because the majority of the proposed realignment of CR 114 lies within the boundaries of the Lake Springs property, any approval for the realignment of CR 114 for Spring Valley Ranch shall not be considered approved unless a similar approval is obtained by Lake Springs Ranch.

    e. Spring Valley Ranch and Lake Springs Ranch shall comply with the standards and criteria required of Lake Springs Ranch for CR 114 as included in Resolution 2002-109

in conditions 16(j) that specifically relate to shoulder width (6 feet) and surface (asphalt) and ditch design (for a 100 year event).

31. The County Vegetation Management Department recommends that prior to approval of a new alignment for CR 114 that both Spring Valley Ranch and Lake Springs Ranch (as co-applicants) submit a plan for the intended use of the old road, with costs to be shared proportionately. If it is the intent of the property to leave the road "as-is" for a period of at least one year, the applicant shall provide a detailed weed management plan for the old road. If the proposed new use involves reclamation, the co-applicant's shall submit 1) a plant material list, 2) a planting schedule, 3) an estimate in terms of acres or square feet of the area to be reclaimed, and a revegetation bond or security before final BOCC approval.

32. The revegetation security provided to Garfield County shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan. The Board of County Commissioners will designate a member of their staff to evaluate the reclamation prior to the release of the security.

33. Regarding the proposed alignment, both Spring Valley Ranch and Lake Springs Ranch (as co-applicants) shall reclaim the road cuts and other disturbances created by the proposed alignment and submit 1) a plant material list (to conform with surrounding native vegetation), 2) a planting schedule, 3) a map of the areas impacted by soil disturbances (road cuts) and an estimate of surface area disturbed, and 4) a revegetation bond or security as part of the relevant subdivision improvements agreements.

34. The Applicant shall provide an easement to the parties who are legal owners of water rights associated with the B. R. Hopkins Spring. This easement shall allow access to the spring of an adequate width in order to perform improvements to and maintenance of the spring and shall be depicted on the final plat for review. Further, the Applicant shall be required to present the terms of the easement to the Planning Department for review at final plat and then subsequently recorded in the Office of the County Clerk and Recorder and cross referenced by reception #, book and page on the final plat.

Commissioner Houpt asked if the people at the sod farm have been involved in this discussion.
Fred – yes, the same folks own the sod farm as own Lake Springs Ranch, the Berkeley's.
In closing, the staff does agree with the applicant in the proposed alignment is safer and nicer that what is out there today. We do believe this will certainly benefit Spring Valley Ranch and Lake Springs Ranch but also the greater traveling public of the County. This is a very important issue particularly given the cost of roads. This corrects a design that staff should have been better originally with Lake Springs Ranch and that alignment for CR 114 and that approval. Finally, the P & Z Commission unanimously recommended approval.
Applicant:
Jim Lockheed for the applicant, Fred outlined the plan and approvals for this project. Those approvals include improvements that Spring Valley Development is required to make to County Roads 114 and 115. For background on this particular application, in 2002 Lake Springs Ranch filed an application for their Preliminary Plan approval and in reviewing that, Spring Valley identified engineering issues with the road design associated with that preliminary plat. As a result of the issues that we identified, Lake Springs Ranch and Spring Valley reached an agreement on revising those standards and the road improvement through Lake Spring Ranch and also agreed on cost sharing of those improvements between those two developments. Subsequently Lake Springs Ranch has discussed amending their PUD and realigning their road through that development along the alignment Fred showed earlier. That would require the road to be located into Spring Valley's development property, about a 1200 foot section. The purpose of this filing is to accommodate the filing by Lake Springs Ranch into what we believe is a far better, safer and aesthetically improved design. No other aspect of Chenoa plan is being changed, only this one piece of road at the very bottom of the property. Lake Springs Ranch and Spring Valley Development have entered into an agreement between them basically whereby either development could go forward with the development of the road in its existing location or in the new realigned location but really Lake Springs Ranch controls because they would have to come before you and have an amendment approved to realign the road within

Lake Springs before Spring Valley could realign within our development. It is something that both developments need to go forward with and really it's up to Lake Springs whether they want to proceed. Right now if this is approved, it could go either or. The conditions of approval as presented have been reviewed and all of the proposed conditions are acceptable to us in particular he mentioned the condition of approval related to LaGalias; they do have a spring they have not been on for several years and there's an old water line that's currently not in service. We would be agreeable to providing an easement to them to re-access that spring if that is what they would like to do. That's contemplated as part of the staff's recommended conditions and is agreeable to us.

Mike Gamba – spoke from an engineering perspective that this is a much improved version as the road currently exists. In the initial review of the Lake Springs proposal there were a number of accesses to be constructed to CR 114. In the initial review, we counted approximately ten (10) different points of access onto the portion of CR 114 where the existing grade was in excess of 10% and the approved grade design was in excess of 9%. Those types of grades are not a problem provided you don't have intersections there. Steeper grades do work but you have to have through traffic and not crossing traffic. We discussed this with the Lake Springs Ranch people during their preliminary plan permitting process, we reached an agreement whereby they would either amend or basically revise the vertical alignment of the existing CR 114 alignment, doing some very excessive grading, cuts and fills so that they could flatten off the grade of the road at those intersection points or they would provide they would provide an entirely in-vertical alignment. Their preliminary plan was approved in November 2002 sometime late last winter, early spring we received an alignment more or less exactly what we had submitted here that we've made a couple of revisions to it, but we received this from the Lake Springs Ranch consultants. We reviewed it from a horizontal and vertical standpoint and agreed that it was a safer alignment. The changes that this alignment would create in their project is better for their project as well in that it would reduce it to two (2) access points onto CR 114 so their entire subdivision is accessed by two (2) access points. This alignment works better for our project and is a much safer alignment for the general public who would be traveling this road. As the road goes by the pond there by the sod farm takes a bend to the right and more or less goes up the hill. Constructing that to the full entire width of the county road would require some significant cuts and fills and would be a fairly unsightly road going through the middle of Lake Springs Ranch. This alignment follows the contours much better, the cuts and fills will be substantially less and therefore it would it be in general a more atheistic alignment. There are quite a few accesses beyond this that serves public lands, to CR 115 east you can essentially go to Missouri Heights and west to the intersection of CR 119 there are quite a few residences. This alignment would be a safer alignment due to the grade, with or without the accesses.

Commissioner McCown clarified that this could be an either or scenario, should Lake Springs opt out of the this alternative, you guys can move forward using this alignment, yet there's no access easement included in the packet.

Jim Lockhead – we would move forward on the existing road alignment. We would only follow the new alignment if Lake Springs amended their plat to incorporate it. The majority of the new alignment is on their property with the exception of the 1200 feet. There is an agreement in the packet whereby the two developments have mutually agreed to this either or scenario. If they chose to amend their plat, then that's the alignment we would use; if they don't move forward, then we'll go under the existing approvals of the existing alignment.

Commissioner McCown – do you know of any future use of CR 119 that's on the horizon, now it's just a stub road but it does lead into the Lake Springs property.

Mike Gamba, the currently approved layout for Lake Springs Ranch does contemplate a group of residential lots that would access CR 119. If they decide to proceed with the amendment of their Preliminary Plan to incorporate this alignment, he didn't know if that subdivision layout would keep those lots.

Chairman Martin – there's also an easement that allows entrance to CR 119 already in place for utilities.

Mike Gamba – yes and CR 119 would connect into the new alignment as well.

Don DeFord – it doesn't show on this plat, but CR 119 does go through and it's not just a stub.

Louis LaGilia and Tom Kennedy, representing the LaGilias – water attorney and specifically gave comment to one item, that is the new proposed condition no. 34 having to do with an easement for access to the B. R. Hopkins Springs. There's been one conversation with Jim Lockhead and what he would like to see is Condition 34 be amended and read it into the record as follows starting at the second sentence: "This easement shall allow access to the spring of an adequate width in order to perform improvements to and

maintenance of the spring and shall be depicted on the final plat for review." I would like to suggest an amendment to that sentence as follows: "this easement shall allow access to the B.R. Hopkins Springs and to the water pipeline delivering water from the spring to the existing water tank located on property owned by Louis and Donnalynne LaGilias for the purposes of inspecting, operating, maintaining, preparing, and replacing the spring diversion structure and the water pipeline." In essence the amendment we are asking for is to expand the scope of the easement to include not only the spring but the water pipeline that historically served LaGilias property and another property at the top for pressured water from the pipeline through the existing water tank. In discussions with Jim Lockhead, we may be able to work with the applicant to relocate the existing alignment of that pipeline to follow the roadways and get it out of the middle of that developable piece of property. Regardless, we'd like to see an easement for that pipeline at the time of final plat and the easement to have a width of 20 feet on centerline so that the pipeline can be repaired, replaced and maintained with a backhoe. This pipeline has to be buried for frost purposes and you need to get equipment in there, it's more than a pick and shovel operation. The easement we're asking for is for the existing location of the pipeline when the applicants are ready to come to final plat. If we're successful in negotiating a realignment of that to benefit of LaGilias and the benefit of the applicant to get it out of the middle of the developable land, if not, we're follow the existing location of that pipeline and ask for an easement at that existing location which is essentially a straight line from the B.R. Hopkins Springs to the water tank located on LaGilias property.

Jim Lockhead – the line is currently not in service and between the location of the B. R. Hopkins Spring which is located on Spring Valley Development property and the LaGilias residence, is two pieces of property. One is owned by a third party and the second is owned by Spring Valley Development and the spring line historically went from the spring across the 3rd party property across Spring Valley Development property to the LaGilia residence. After the line was rendered out of service it was basically in disrepair, a house was built basically on top of the line by the 3rd party. So if a line was built on it's original location, it would go through this 3rd party's house. We don't necessarily have an objection to the alignment because it doesn't affect our property but it does affect a third and we are willing to work with the LaGilias and with the 3rd party to do a realignment of the line so it doesn't affect the 3rd party and create a new easement across Spring Valley property. We don't want to get into a process of denying LaGilias to their easement. What we would propose is that the alignment of the easement be at a location mutually agreed upon on which Spring Valley, the 3rd party and the LaGilias so that we can then work on the appropriate location of that line rather than define it now.

John Schenk, representing Lake Springs Ranch stated that he represented that project through the preliminary plan process which the Board considered last November 2002 and approved the plan for Lake Springs Ranch for 210 dwelling units in its present location under the present alignment with the road changes that Spring Valley Ranch had urged from a standpoint of safety. We have that sitting in place; we have an extension on the time for the time for us to file final plat on a portion of that, which will expire next November. After that point, looking at the whole situation, we and representatives of Spring Valley talked about a realignment design that would improve the road and make it smarter. This road is half again as long so it's not like it's cheaper in any sense and there'a a lot of issues to work out between the two but we reached the agreement included in your packet that says "you go ahead, they consented likewise to Lake Springs Ranch, you go ahead on the process of a road realignment along the idea that you see before us. So we're in general agreement but what Jim Lockhead is right, we both have to be agreed on the realignment, both of us have to agree to go one way or the other way. Lake Springs Ranch reserves its rights to pull a final plat on what it has now and that's important to us and we hope to show you a redesign that makes sense that would be better for everybody but we don't want to obviously lose any of the rights that we have right now under the current approval process. But there are some issues for Lake Springs Ranch that are being looked at as far we go forward, but Lake Springs Ranch obviously because of its letter and also publicly, does not object to this realignment of this portion of their road of County Road 115 provided we can get everything else done but we certainly support it in that context.

Jim Austin of 4726 CR 115 – asked if someone could speak to the Schedule on Page 6 that indicates that Phase I improvements to improve CR 114 from the existing asphalt ends at CMC to the main entrance start on April 2004 complete in November 2005. He doesn't believe that's still a valid schedule? And recommended that portion of that schedule that is possible to keep going from perhaps the college to the pond, be left in place for starting in April 2004.

Fred Jarman - Exhibit L - Fred has discussed the basic plan with the applicants and is represented on page 6.

Mike Gamba – in the most recent approved amendments approved in April of this year, that amendment dealt entirely with amending the phasing and construction schedule for the project, essentially is contained an asterisk that said, if final plat is not received by April 2004 then the entire schedule would be modified to the subsequent year April 2005. He referenced page 5 of the construction schedule.
Jim Lockhead – Note 1 on page 5 of Exhibit L states that in the event the final plat for Phase I is approved after April 2004, then the start date for Phase I will be the April following the final plat approval, so in other words the phasing would be pushed off a year.
Chairman Martin pointed out that he shows March of 2003 when the amendment was made.
Commissioner McCown – what's going to happen if Lake Springs doesn't come in prior to November 2004? Are you guys going to come back with another amended plat? Because this road will no longer be valid.
Jim Lockhead – that's correct, we would have to come in with an amended.
Commissioner McCown – this is almost looking like a kind of statement.
Jim Lockheed – well if we move forward prior tot hat time we would move forward based on the existing roadway location.
Commissioner McCown – on the old one.
Jim Lockhead – yes
Commissioner McCown – so you're plat would not be a current plat? What are you going to file on, this amended that we approve today if it's approved, or the current one that you've already got in place? You can't move on both of them.
Jim Lockhead – what we have asked is to file for either one, in other words when, again it depends on Lake Springs, Lake Springs controls which way we would go.
Commissioner McCown – and they don't have to do anything until November 2004.
Jim Lockhead – that's correct.
Commissioner McCown – so they're in the cat bird seat.
Jim Lockhead – if they decide to go forward, and they want to realign the road, then we'll all work on the realigned road. If we go forward first before they come forward or if they do not come forward with realignment, then we fall back on the existing alignment and our existing approvals.
Commissioner McCown – you have to come back and re-file, because if this one should be approved, if we move forward today to approve your amended plat, you're going to have a road to nowhere on your PUD, aren't you?
Jim Lockhead – I think that the conditions of approval that were recommended by staff address that issue, Condition No. 30 on page 13, it states, "the following conditions of approval shall apply only if Lake Springs Ranch obtains approval for their realignment of County Road 114 otherwise the current conditions of approval related to County Road 114 in its existing alignment shall apply. The applicant shall not show the realigned road on its final plat and the preliminary plan shall be automatically and without further action amended to delete the realigned road in the following conditions of approval."
Commissioner McCown – so they are in the cat box.
Jim Lockhead – I'm not sure they're in the cat bird seat but they control which alignment is relevant and we'll live with it either way. We would prefer to see it realigned as shown but…
Commissioner McCown – but you had to come in and start the process because you were out of time.
Jim Lockhead – that's correct.
Commissioner McCown – we'd be approving 1200 feet of a better alignment that doesn't go anywhere.
Commissioner Houpt – it won't be built if it doesn't go anywhere.
Jim Lockhead– virtually, we'll just revert to what it is now.
Mike Gamba - This 1200 feet portion of road as it goes across Spring Valley property is entirely within the open space parcels, it doesn't affect the residential lots or any other aspects of the development. If it doesn't happen, we'll just delete it and if it does happen, we'll have a road there.
Chairman Martin – in reference to the abandonment of the present CR 114, if it is abandoned, how does that benefit Spring Valley Ranch?
Jim Lockhead – the present CR 114 would be abandoned only after the construction of the new realignment. The benefit is that it's a better road, a safety and aesthetics issue.
<u>Preliminary Plan</u>
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.

Commissioner McCown made a motion to approve the Preliminary Plan for Spring Valley Ranch with conditions 1 – 34 amending 34 to allow for the conveyance of the water from the spring to the point of an access that would allow for a pipe to go from point A to spring to point B where the water for the Hopkins Spring is used on the LaGilia property, it does not have to be the existing line that was there that was made inoperable and it can be relocated at wherever all the three parties agree as you suggested, Mr. Lockhead, I would agree wholeheartedly, it makes no sense to run it through a house so whatever can be agreed upon, but I would like to see that easement in place by the time of final plat. Commissioner Houpt seconded.
Motion carried.

PUD Amendment

A motion was made by Commissioner McCown we approve the amendment for the Spring Valley PUD and the same conditions of approval be applied. Commissioner Houpt seconded.
Motion carried.

PUBLIC HEARING

REQUEST TO CONSIDER THE APPROVAL OF A TEXT AMENDMENT TO SECTION 5.06.07, EXEMPT SIGNS OF THE GARFIELD COUNTY ZONING RESOLUTION FOR CHURCH SIGNS – MARK BEAN

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 – Garfield County Zoning Regulations of 1978 as amended; and Exhibit C – Project Information and Staff comments.
Chairman Martin entered Exhibit A – C into the record.
Mark reviewed the staff report stating that this was a Zone District Text Amendment to Section 5.06.07, exempt signs. The applicant is the Garfield County Board of County Commissioners.
Page 3 – the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 was referenced.
The Board of County Commissioners is proposing to amend Section 5.06.07 of the Garfield County Zoning Resolution of 1978, as amended. This section defines signs that are exempt from the sign code regulations. The proposed zone district text amendment would add Section 5.07.06 (16) stating, "Signs identifying a building as a place of religious assembly or as a religious institution, provided the sign is not more than 90 sq. ft. in a residential or agricultural zone or more than 150 sq. ft. in a commercial zone. Further the sign shall comply with Section 5.07.07 (6)."
MAJOR ISSUES AND CONCERNS
Zoning: The Garfield County Sign Code, contained in Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended, controls the placement of signs in the County. All signs are required to get a permit, unless they are exempted under the following criteria:

5.07.06 Exemptions: The following shall be exempt from the permitting provisions of this code:
(1) Government signs for local, state and federal agencies (includes "Neighborhood Watch" signs, etc.
(2) Official government notices posted by government officers in the performance of their duties.
(3) Temporary decorations or displays which are clearly incidental to and are customarily associated with any national, local or religious holiday or celebration.
(4) Temporary or permanent signs erected by a public utility company or construction company to warn of dangerous or hazardous conditions.
(5) Names of building, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and made an integral part of the structure.
(6) Painting, repairing or cleaning of an advertising structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
(7) Real estate signs which do not exceed the maximum sign area per face, and meet other requirements for the appropriate zone district, shall not be required to have a permit. Other temporary signs meeting the requirements of these regulations shall not be required to have a permit.
(8) Personal identification signs for places of residence, provided that there is a maximum of one (1) per residence and the sign does not exceed a maximum of two (2) square feet.
(9) Political campaign signs, provided that they meet the provisions detailed under "Temporary Signs," Section 5.07.08.

(10) Warning signs such as "No Trespassing," "Danger," "Do Not Enter," etc.
(11) Any signs permanently affixed to a vehicle (i.e., advertisements painted on trucks, cars, etc.), except where vehicles are parked specifically for the purposes of advertising.
(12) Signs over gas pumps which indicate gas prices, provided that such signs shall be limited to one (1) per pump island and shall be no larger than four (4) square feet per face, with a maximum of two (2) sign faces per pump island.
(13) Works of fine art which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.
(14) Ideological signs or signs of political or religious expression expressing the
philosophical views of the owner shall be allowed without requiring a permit. These signs are subject to the requirements of Section 5.07.08(3) (A), (C) and (E).
(15) Directional traffic signs which do not exceed four (4) square feet per face, which do not exceed six (6) feet in height above ground level and which do not carry any commercial messages or advertisements. (A. 82-66; 87-131)
The addition of an exemption for religious institutions would eliminate the requirement for a church or other religious institution to get a sign permit, provided the sign is no larger than the maximum allowed for a non-commercially zoned area. In a commercial zone, the sign can be up to 150 sq. ft., which is the maximum allowed in a commercial zone district. Section 5.07.07 prohibits signs with flashing or moving lights, but does not prohibit internally or externally lit signs. The intent here is to allow a sign that can be seen at night, but not one that is meant to attract attention to a location.
Other issues: As a result of the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000, local governments are severely limited in the amount of control we have over religious uses. (See attached article) Religious freedom has been a hotly debated issue in a number different arenas, but since 1993, there have been two separate pieces of legislation that affect local governments ability to permit churches and similar religious institutions. RLUIPA has caused the greatest impact in that it has generated litigation that is still relatively new and there is no clear precedent being set by the courts. In some of the cases, the local government regulation of an activity has been upheld, but it is not always tied to zoning issues. It appears that the cases that are being lost are those cases that are tied to a zoning requirement.
RECOMMENDATION
The Planning Commission recommended **APPROVAL** of the application for a zone district test amendment to add) to the Garfield County Zoning Resolution of 1978, as amended the following and Mark read into the record:
5.07.06 (16) Signs identifying a building as a place of religious assembly or as a religious institution, provided the sign is not more than 90 sq. ft. in a residential or agricultural zone or more than 150 sq. ft. in a commercial zone. Further the sign shall comply with Section 5.07.07
Don suggested the specific statute could be referenced in the Resolution.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to read
The amendment to the Sign Code 5.07.06. (16) to read as presented in the previous statement by our planning director. " Signs identifying a building as a place of religious assembly or as a religious institution provided the sign is not more than 90 sq. ft. in a residential or agricultural zone or more than 150 sq. ft. in a commercial zone."
Commissioner Houpt stated for the record that this recommendation came as a result of our need to be aware of compliance with RLUIPA.
Chairman Martin which is a federal act of 2000.
Mark noted for the record that we'll certainly be aware of this in the rewrite of the overall land use code; it is an issue that our consultants are aware of and sensitive to. Motion carried.

PUBLIC MEETINGS

REQUEST TO CONSIDER A SITE APPLICATION FOR CONSTRUCTION OR EXPANSION OF A LIFT STATION AND FORCE MAIN FOR THE CERISE RANCH SUBDIVISION.
APPLICANT: WINTERGREEN HOMES, LLC. – FRED JARMAN

Fred Jarman, Jim Neu and Jeff Spanel for Wintergreen Homes were present.
Cerise Ranch Subdivision was approved by the Board in 2000 and memorialized in Resolution 2000-73.

The request before the Board is from Wintergreen Homes, LLC to approve the construction of a lift station and force main in order to extend wastewater service provided by Mid-Valley Metropolitan District to the Cerise Ranch Subdivision.
The applicant is required to obtain a recommendation of approval, denial or no comment from the Garfield County Board of Health and the County Board of Commissioners and various other local and regional agencies.
Recommendation:
Staff recommends that the Garfield County Board of County Commissioners recommend approval of the site application of the Mid-Valley Metropolitan District to serve the Cerise Ranch Subdivision.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to recommend approval of the site application of the Mid-Valley Metropolitan District to serve the Cerise Ranch Subdivision. Motion
Staff recommends that the Garfield County Board of Health recommend approval of the site application of the Mid-Valley Metropolitan District to serve the Cerise Ranch Subdivision.
A motion to approve the site for Mid-Valley by Commissioner McCown and seconded by Commissioner Houpt to recommend approval of the site application of the Mid-Valley Metropolitan District to serve the Cerise Ranch Subdivision; motion carried.
Board of Health
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Health; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to recommend approval of the site application of the Mid-Valley Metropolitan District to serve the Cerise Ranch Subdivision. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.

REQUEST TO CONSIDER A REQUEST FROM DAVID MCCONAUGHTY IN BEHALF OF THE VALLEY VIEW VILLAGE DEVELOPERS TO CONSIDER AN ALTERNATE FORM OF SECURITY TO GUARANTEE THE SUBDIVISION IMPROVEMENTS – MARK BEAN
Mark Bean submitted a letter from David McConaughy of Leavenworth & Karp, P.C. and Bob Fuller representing the applicant developing the homes, including the cost estimates prepared by High County Engineering for Phase A of the Valley View Village as Exhibit A to the Subdivision Improvements Agreement.
This was approved a few months ago for the Battlement Mesa development. They are not proposing any changes but other options beside the letter of credit.

Proposed a disbursement agreement making the County a beneficiary of the construction loan and instead of releasing the letter of credit, a letter would be necessary in order to pay the contractor for things that are completed and accepted. The letter of credit is for $1.3 million and the disbursement agreement makes in a one time amount versus two.
This would be administered by a certification project releasing funds to the contract or setting up a 3rd party and not increase the county's administrative staff.
Bob Fuller – the main concern is the doubled of the amount of money and have consisted dealt with community banks in Grand Junction and for them to continue developing projecting they would have to seek additional funds outside the area for this project. As an Affordable Housing developer the increased costs weighs hard. The disbursement plan sets in place on how funds are transferred and how each is approved.
David McConaughy - New Castle has used this form of credit for both Castle Valley and
Commissioner Houpt – what if the developer goes into default.
David explained funds would be dispersed only at the County's direction. There is no way the developer can take off with the money.
Direct liability to the County of the subcontractors.
Chairman Martin referenced the document that David did for the Town of New Castle and had some issues.
Don commented that the Letter of Credit is a great advantage and is recognized. He would prefer to stay with this form.
Two other occasions – Uke Acres with a cash deposit with the Treasurer and with Four Mile Subdivision.

Bob Fuller – a 1.5% fee is attached and at the present time it hinders the borrowing aspect for other projects.
Commissioner McCown and Commissioner Houpt preferred to go with the Letter of Credit.
Chairman Martin agreed to look into it and will do some research.

REQUEST TO REFER A PROPOSED TEXT AMENDMENT OF THE ZONING RESOLUTION TO THE PLANNING AND ZONING COMMISSION REGARDING FENCE HEIGHT RESTRICTS IN THE AGRICULTURAL/INDUSTRIAL (A/I) AND AGRICULTURAL/RURAL/RESIDENTIAL DENSITY (A/R/RD) ZONE DISTRICTS AND TO REQUEST ADDITIONAL DIRECTION FOR OTHER APPLICABLE ZONE DISTRICTS – FRED JARMAN

Fred Jarman and Mark Bean were present.
The Building and Planning Department has received a request to amend a section of the Zoning Resolution that specifically pertains to fence heights in the A/I and A/R/RD zone district.
The regulations within the Zoning Resolution require that the Board of County Commissioners refer the request to the Planning and Zoning Commission for a recommendation prior to considering the request in a public hearing. Therefore, staff suggests the Board refer the request to the Planning and Zoning Commission to be considered during the regular December P & Z meeting on December 12, 2003.
Staff requests direction on the issue of fence heights as they may also pertain to other zone districts in addition to the A/I and A/R/RD zone districts. If the Board wishes to contemplate the issue of fence heights in other applicable districts, the Board may initiate a text amendment and instruct staff to process the request concurrently with the first request.
There is a formal application to amend the section of the zoning code that speaks directly to how high certain fences can be within the front yard setback. In particular this is the A/I zone and the A/R/RD zone districts. This was brought to a head due to the Okanela Ranch issue. The application is before us to look at it. The regulations as they are today requires the Board to refer this down to the Planning Commission and the second request is staff raises the question if there are other zone districts that this also and should apply to. Fred has a list of potential zone districts to look into. Most of the zone districts have the same set backs in general. The resource lands, general slopes and valley floors certainly one and contemplate an ag use as a primary use, this is not for a welding shop but primarily ag, drinking water constraint there are other zone districts that we have set backs that these would apply to but are general, commercial general, light industrial, residential/mobile home general, urban density and left out the ones that were more suburban in nature.
Don asks about light industrial if it was a zone district we would potentially get requests for screen fencing that would be on the property line?
Fred – all of these could. Site obscuring fencing is an issue in all the zone districts. The questions is whether the Board feels the heights and their location are at issue.
The second question to the Board is, would you like staff to process an amendment also to look at those other zone districts this would also apply to and not just A/I or A/R/RD.
Commissioner McCown – if we are going to process a zone text amendment it has to be County-side. That's where we are getting into part of our problem, the lack of consistency. We have a lot of tree farms, orchards that have 8' fences and we need to make some type of common sense exclusion for agricultural purposes. As long as these are not encroaching some type of right of way that's been there by prescriptive use or whatever, we need to let them build these fences and didn't think they needed to get a building permit or a special use permit.
Commissioner Houpt – there are safety issues and wildlife migration issues and to have a blanket exemption like that would create some problems.
Fred – in some senses we are talking about two sets of regulations: one is the zoning regulation and the building code is anything over 6'. We're not going to deal with the UBC.
Don said the zoning, the UBC and the county road right of way permitting all are creating the issues that in front of us.
Mark added that staff is actually hoping to have a proposal for dealing with an international building code to deal with this same issue or amend the existing code. When we bring forward and get to a public hearing on these other issues, we'll also bring forward to you some building codes issues be it an individual dealing with our existing codes in 1997 or hopefully we'll have the international building code with all the issues associated with it and deal with it. Hopefully time will be very close.

Commissioner McCown – in the meantime from this Board, does the Building and Planning need direction to non-conforming uses that are known agricultural, DOW approved fences.
Don – also regarding enforcement to our right of ways. The staff including Road and Bridge based on the issue up Canyon Creek apparently is confused as to whether they should be actively seeking removal of fences from what they perceive to be County right of ways or removal to the current setback requirements. If the Board doesn't want the staff to do so, you need to tell them so.
Commissioner Houpt – that came before us and the Board followed the regulation in place.
Chairman Martin – we don't want the staff to go out and actively seek violations. If it's a compliant driven issue then we'll deal with it but at the present time it's from one extreme to the other. You've got to make sure it's a true right of way.
Tom Stuver – his concern is that it presents an issue if there's a 25 foot setback for a 3 foot fence. Anything that is used to enclose livestock or to protect agricultural products whether it's existing or non-conforming or someone wants to build their fence next week, he urged the Board to find a way to make this lawful. He appreciates the efforts not to enforce but what do we do if law enforcement or asked by a rancher client that heard about this issue and want to build a new fence on a field that's been hayed until now and they want to enclose it for pasture and they're fronting a county road. So we're to say it's not legal today but the law's not going to be enforced? And if you meet the 25 foot setback and you own a 40' you're talking about ¾ of an acres that you should be entitled to pasture and can't or it's hay ground and should be able to protect it and can't. Tom can't imagine this was put on the books intending a fence to mean a legal barbed wire fence as defined by statute to enclose stock. My imagination tells me the purpose of it was to not have opaque or solid fences that would affect site distances. We're a right to farm county and we're saying we would deliberate make a barbed wire fence on a property owner's line illegal so they can't fence it. While the board is examining this, the word fence within that statute be resolved that it was never intended to be barbed wire or pole type fences that enclose livestock that are not opaque. The regulations say fences, retaining wall, etc. and instinct tells him that no one thought that through other than in the context something being solid that would prevent site distance or law enforcement.
Commissioner McCown – it's pretty inconsistence in its interpretation right now.
Mark suggested that an amendment to the building code is 14 days with public notice so an alternative would be to make a building code amendment to exempt certain agricultural fences from the definition of those requiring building permits. The fastest would be to get this to the Board in late December or January 04 with a public hearing to amend the zoning.
P & Z would meet December 10 and the next meeting is December 15.
The Commissioners recommended fast tracking and publishing it for a public hearing.
Don – right of way issues where the Road and Bridge believes there is a case that is serious and needs to be brought to the Board to schedule it that way.

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

Attest: Chairman of the Board

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NOVEMBER 10, 2003
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 10, 2003 with Chairman John Martin and Commissioner 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. Commissioner Houpt was absent.

CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Roan Plateau
Jerry Vandervee, Glenwood Springs, Colorado Mountain Club, John Hoffman, Johnnie Weise, young boy doing a Civic project for school, Aden Schaller, and Claire Vandervee were present. The group represented the Colorado Mountain Club who has a mutual interest in Roan Plateau. They personally thanked the Board, as a diverse citizen group, for being so involved with Roan Plateau. They urged the Board to seek balance with regard to the Roan Plateau; they recognize the need for oil and gas but we need balance; and they know of the tax revenues and benefits from the industry to the County but also want to protect the interest of those living in Garfield County and especially those citizens most affected.
Claire Vastibilt – thanked the Board in asking the Bureau of Land Management to work closely with the County. On Thursday, the group is planning on making a presentation to the Resource Advisory Council and encouraged the Board not to go at the Resolution until this has been reviewed and input from the citizens of the County.
Chairman Martin noted the draft would be available for the public comment
John Hoffman - encouraged the Board to stay the course and suggested land to be set aside for tithing and call it God's country.
Johnny Weiss – this is a special opportunity and encouraged the Commissioners to keep balance in mind in addressing the Roan Plateau.
Chairman Martin – noted this was formerly the Naval Oil Shale reserve.
Commissioner McCown – there is an equal amount of oil shale running through to Grand Junction to the same amount in Saudi Arabia.
Aden Schaller, by being efficient with natural gas, we can drill less. The attitude needs to change. Not opposed to gas drilling but feels there is opportunity to protect the resources.
Chairman Martin noted that the draft plan will be out sometime in the next month. Public comments will be taken for 30 days.
COUNTY MANAGER UPDATE – ED GREEN
a. Discuss providing and installing HVAC units for Valley Senior Center
Tim Arnett and Dale Hancock were present to discuss the award for replacing three HVAVC Units at the Valley Senior Center. The lowest responsive bid of $15,988.00 with bonds was from D'Agostino Mechanical (Avon).
Dale obtained some grants for the Valley Senior Center and in looking on the roof, Richard Alary noted some problems. There is a lack of adequate flow of heat and air through the building.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to award the bid to D'Agostino Mechanical for $15,988.00; motion carried.
b. ***Dave Merritt – Blue Stone Water Conservancy*** – pump station – some of the members of that Board believe that Garfield County had committed $200,000.
Discussion: This is located in the Roaring Fork area. Research has been completed and there is no documentation regarding this special district within the County. The Board suggested Ed contact the City thinking this might be where this is located. It isn't in Garfield County and in researching the records; there was nothing about it ever mentioned.
COUNTY ATTORNEY UPDATE – DON DEFORD
a. ***Executive Session: Litigation Update*** – DDA, EnCana, Mayo with some direction, contract negotiations and comments on Land Use Issues for the afternoon hearing.
Fred Jarman from Building and Planning, the Board, Jesse, Ed, Mildred and Don were asked to be present.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to go into an Executive Session; motion carried.
A motion was made by Commissioner and seconded by Chairman Martin who stepped down as Chair to second the motion to come out of Executive Session; motion carried.

COMMISSIONER REPORT
Commissioner Houpt - absent
Commissioner McCown – 1-1560 – Mayors Meeting tomorrow at 7 a.m. in Rifle; Tuesday, 4:00 P.M. Deerfield Veterans; Thursday and Friday – RAC in Grand Junction; and Saturday – Rifle High School – 4H.
Chairman Martin - 9:00 a.m. Detox meeting at Community Center in Glenwood Springs; Wednesday, Senator Allard 9:00 a.m.; Road and Bridge with the Forest Service 1:00 in Glenwood Springs to schedule Roadway Maintenance. Roundtable with oil and gas November 14th – 2:00 p.m. in Denver at CCI headquarter discussing Series 1200 and new legislation on pipelines. 4H at Rifle High School on Saturday. City of Glenwood Springs – Joint Meeting. City Council Meeting November 11 was cancelled due to the Veteran's Day holiday.
Tuesday December 16

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers - none
c. Inter-fund Transfers - none
d. Changes to Prior Warrant Lists

e. Authorize the Chairman to sign the Resolution and Final Plat for the Parrington Exemption from the Definition of Subdivision. Applicants: John and Nila Parrington – Fred Jarman
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to approve the Consent Agenda Items a, d and e; carried.

Liquor Licenses
Resolution on Findings for Valley Liquor Store and Rhino Liquor Store
Don informed the Board that this was routine but because these were hotly contested licenses, the Board needs to state findings for a Resolution.

PUBLIC HEARINGS
PUBLIC COMMENT ON PROPOSED 2004 BUDGET
Don DeFord reviewed the noticing posted in the Newspaper for the 2004 Budget and requested the Board go forward based upon receiving the official notification from the Glenwood Post/Independent.
Jesse submitted the revised budget based on the October presentation and the input given by the
Ed stated that revenues are down by about $3 million; property taxes and sales tax are both down from last year. When 9-11 occurred, a discussion was held over building up the fund balance so when this day occurred, we would be ready. The County is prepared. There is a fund balance of $22,430,000 and after we take out for major projects we still have $19,483,000 left in fund balance.
Voter Registration System – Update Optic Scanner
Mildred gave the update on Election and stated since the Secretary of State has asked to postpone compliance until 2005, she may lease a Voter Registration System and Update Optic Scanner to count pencils and pens as well as correct software at a cost between $28,000 - $30,000.
Jesse stated this will be a capital expense and it will be included in the final budget.
Mildred reiterated that the State System must be implemented by 2005. If the Secretary of State obtains the money from the federal government, she is supposed to put in a system in all county offices.
Chairman Martin suggested another budget meeting.
Dave Sturgis – 1310 Riverview Drive, Glenwood – commented on the recommendation of $30,000 to RFTA for trails and $25,000 for transportation and $30,000 for LoVa – it is perceived transit is a valid concern of the upper valley. In New Castle in the mid-90's with the able assistance of Russell George, then Speaker of the House in Colorado, we got past the rural transportation authority legislation. Dave has monitored this for a long time and transportation needs to be treated regionally versus the individual municipalities. He complimented the Board on the $30,000 but encouraged them to consider more funds

toward RFTA. This has to do with the quality of life in the County. Progress has been slow and thinks we need to look more into linking the trail system.
Chairman Martin – met with RFTA and on the inclusion in the RFTA area and they are considering the feasibility of the funds and possibly go with an election next November. The County also has given $30,000 to Carbondale Trails.
Commissioner McCown stated they have encouraged the elected officials and department heads to look at how they can cut costs in case the economy does not pick up.
Jesse – 2003 was an assessment year and totally offset due to the tax rate set under Gallagher and the downfall to America Soda making this year flat. 2005 may also be flat due to 2004 not being an assessment year. There is the potential increase of property taxes from the oil and gas industry. Sales tax is a wild card.
Commissioner McCown – from production to collection is a two-year lag time and those revenues will not be seen until 2005.
Chairman Martin suggested watching for new legislation.
Ed mentioned that Jesse was near the process of projecting the 2005 bund balance. A new agreement on medical coverage will keep the rates stable for the new 2.5 years.
Jesse – the 2004 budget has no new positions included.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to close the public hearing; motion carried.

DISCUSSION OF 7TH SUPPLEMENTAL 2003 BUDGET AMENDMENT

Don submitted the notification for this hearing.
Exhibit A and B were submitted. Exhibit A represents the changes since the 6th Amendment. Exhibit B represents the request for reallocation or new funds.
Chairman Martin accepted Exhibits A and B into the record.
Jesse explained the supplemental and exhibits.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to approve the 7th Supplement 2003 budget amendment and appropriation of funds; motion carried.

CONSIDER A PRELIMINARY PLAN AND PLANNED UNIT DEVELOPMENT AMENDMENT FOR THE STIRLING RANCH PUD (CONTINUED FORM 11/3/2003). APPLICANT IS STIRLING SUN MESA, INC. – FRED JARMAN

Fred Jarman, Don DeFord, Adrian Crouch and Sherry Caloia were present.
A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to open the public hearing; motion carried.
Chairman Martin swore in the speakers.
Fred submitted Exhibit U – Letter from Caloia Houpt and Hamilton PC to the County Attorney dated 11-5-2003, Exhibit V – Board of County Commissioners Minutes held on 9-14-1998; 3-15-1999, 11-13-2000, 11-19-2000, and 1-14-2002; Exhibit W – a memo from staff dated 11-10-2003; and Exhibit X - Memorandum submitted by Don DeFord dated 11-05-2003.
Chairman Martin entered Exhibits U – X into the record.
Fred submitted the memorandum stating that the public hearing was held over until to day due to additional information submitted by Adrian Crouch regarding the issue of whether or not the original obligations in the Subdivision Improvements Agreement (SIA) were met by the developer (John Stirling) of Stirling Ranch PUD.
Don DeFord reviewed this information and provided a response to the Board indicating that the approved design for County Roads 162 and 162A did not require property to be acquired from Adrian Crouch; however, "contrary to representations of the developer and the developer's engineer, the road had been constructed, in part, on property owned by Adrian Crouch. Therefore, the Board may still require compliance with the original SIA. Based on the property transfers to the county in 1992, there exists sufficient right-of-way within which to place CR 162A on property that belongs to her. To the extent CR 162A was not construed in compliance with the original SIA, there is a violation of that Agreement. In all other respects, specifically concerning acquisition of property, the developer achieved compliance with the requirements of the original SIA."
Based on the foregoing, it appears there are two issues before the Board:

1. How to treat the pending land use request presently before the Board regarding the proposed amendment to the zoning of Lot 28 from Commercial/Recreational to Single-Family Residential and subsequently subdivide Lot 28 into 3 lots within the Stirling Ranch PUD; and
2. How to treat the know violation of the Subdivision Improvements Agreement.

Staff attached a letter from Caloia, Houpt, and Hamilton to Don DeFord dated 11/05/03 indicating the applicant's intentions if the Board does not condemn the property in question.

"If the County decides not to pursue this course of action, however, we would like to have the option of obtaining title to this piece of property by filing suit against Ms. Crouch on the basis of adverse possession, quiet title, and/or the claim of an easement by prescription, or by foregoing the acquisition of land and moving the gates (and the road) whichever we choose."

Sherry Caloia - apologized for the fact that the road was not constructed on a very small part of the right of way, this was a mistake. There is a number of ways to correct this mistake: we've asked that the Board undertake its condemnation powers for which they will pay for it, acquire this little triangle piece and fix it. If the Board doesn't chose to do it this way, then they requested time to file an adverse possession suit or the last preference of the applicant would be to move the gate. Sherry felt if they had some flexibility to work within these three methods, she felt they could be successful in accomplishing getting the road in the right of way the County thought it had at the time that the improvements were certified to the County.

Adrian Crouch – One statement - the Stirling property description has never included property in Section 20, the Section lines are well defined and they are asking the County to go into a Section where they do not own the property; they have not done what they said they were going to do and promised the Commissioners in 1992. Adrian disagrees that the problem is just the corner; the problem is 162 and 162 A and would respect the Commissioners to look again at the legal documents of easements that were required by the Book and Pages because she didn't believe that those easements were produced. Now for the Board's information since she sent the pictures to them, what was Marty Garfinkel's property which is north of Adrian and along a portion of CR 162 which he did not give his easement for. The present owner, because we put a pipeline in this last summer because they put a fence next to the road whereas the fence used to be down on the other side of the ditch, so now on 162 since they didn't take the curves out of the diagram, we've got a situation where the curves and the fence are catawampus and also she talked to the wildlife people this week because the McDonald's fence, that was Marty Garfinkel's property is high but they can't do anything about it so she is now seeing deer hitting the fence because they can't jump over it so with the curves as they are, and the fence the way it is, we're going to have some accidents on 162 she feels sure as well as162A. She requested to see the legal documents of tenure for the easements from CR 102, 162 and 162A.

Sherry – what Adrian Crouch complains of was taken up by the Board on the 15th day of March when it amended the Subdivision Improvements Agreement so there are no issues with respect to CR 162, and Don has provided the Board with that amendment which states acquisition of right of way for the improvement of County Road 162 has been completed to the satisfaction of the County. She asked again that they be allowed to adversely posses if the County doesn't chose to go ahead and condemn. This is only Preliminary Plat and we do have sufficient time before they complete all the improvement, go to final plat and complete all the improvements to do this.

Adrian – she stated she hasn't seen a lot of the documents since last week, but did say that the County Road and Bridge people in one of the exhibits from A to X say that the road needed to be fixed. So she requested that the Road and Bridge people go back up and review, also in addition, she has drainage problems now on her property because of the addition and also because the 162 A in some cases, the road part is less then 4 feet f of her property line she has a great big ditch thing going on so she would request some engineering from the County or someone to come and look at the issues at least from her perspective on the drainage.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to close the public hearing; motion carried.

Motion

The recommendations of Planning & Zoning, Number 8 that gives all the options that Ms. Caloia mentioned earlier and he feels that Ms. Crouch is going to adversely affected as an innocent third party by a couple of these options so he wants to strike No. 8 in its entirely and in it's place basically insert the statement that "the road constructed shall be correctly aligned so that no portion falls outside of the County right of way easement and onto a neighboring property as Condition 8 and with that I would include conditions 1-11 by the Planning and Zoning Commission and move for approval of the Preliminary Plan and PUD amendment.

Chairman Martin seconded the motion for discussion.
Chairman Martin – the part we haven't talked about much is Lot No. 28 in reference to the changing of that, those are addressed in the conditions.
Commissioner McCown is comfortable with that and the fact that there were some soil conditions that are going to require engineer footers, I think that's all covered. This does need to be in two separate motions.
Don – no.
Commissioner McCown – the conditions posed by the Planning and Zoning Commission were sufficient.
Chairman Martin – the County does not enter into the condemning of a piece of property owned by a third party.
Don clarified – that the Board's intent that this be incorporated as part of the Preliminary Plan approval and then incorporated into final SIA.
Commissioner McCown – yes and I would assume that it would need to be completed by Final Plat.
Don – yes and that's specifically why he asked so we know that this is part of the Subdivision Improvements Agreement to secure that relocation.
Commissioner McCown – yes as a point of clarity it would be and it would again be completed by final plat.
Chairman Martin - therefore not vacating the entire development.
Motion carried.

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

Attest: Chairman of the Board

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NOVEMBER 17, 2003
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 17, 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

Consideration of a Request of Shane Eagan – Vendor – Food Court in Plaza Complex

A letter was received from the City of Glenwood Springs with a request for consideration of the City allowing Shane Eagan, a vendor, to place a food court in the Plaza Complex on the City's pad.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign a letter to Shane Eagan that the Commissioners didn't have any problem with the vendor; motion carried.

COUNTY MANAGER UPDATE – ED GREEN

a) Library Board Appointment

A memorandum from Jaci Sphuler was submitted stating that Tom Kinn, a regular member has resigned from the Library Board pending his move to Iowa. Michael Youngs, alternate members will not become a regular Library Board member. This leaves a vacancy in the Alternate member position.

A written request for consideration to be the alternate member for the Garfield County Public Library Board of Trustees was submitted from L. E. O'Kane.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint L. E. O'Kane as the alternate to the Library Board; motion carried.

b) CCOERA – Review and Execution of Participation Agreement

Judy Osman presented. Carolyn Dahlgren has looked over the agreement and it is a standard form. The changes are all within Federal law.

This was postponed until later this afternoon.

Judy Osman confirmed that this was the 2003 contract and it is the same contract every year.

Carolyn Dahlgren reviewed the contract and the changes are insignificant. The way this is structured, the Board makes the Association your agent; you don't get to have any direct say on what amendments there are to this underlying trust document. This is how it has been since the Board first became a member of this organization in 1968 for the purposes of the retirement plan. That language appears in both the contract and also in the trust documents itself. The date stated this was for January 1, 2003.

This will be on the agenda for December 8, 2003.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the participation agreement with CCOERA; motion carried.

c) Airport MOU and Letter Agreement with BLM – Brian Condie

Brian submitted the letter agreement concerning the use of the Garfield County Airport for Single Engine Air Tanker (SEAT) Operations in Support of Wildland Firefighting Efforts for review by the Board. This will provide a base of operations for single engine air tankers to conduct aerial firefighting efforts to enhance Federal, State and local wildland suppression capabilities in the greater Rifle, Colorado area.

Ed said there were some key provisions that were not included in the BLM Agreement that we believe are necessary to protect the interest of the County and the letter agreement in front of the MOU enumerates those key provisions. Additionally, Ed said he asked Brian to slightly modify that agreement to identify remedies in the event the ramp is not kept clear of retardant.

Brian added in number 4 of the letter agreement, the BLM will maintain their operation on a daily basis cleaning up all retardant and other debris, added *"upon written notice from the Airport Manager, the County may clean and or restore any uncleaned or damaged area and bill BLM for the cost."* This is a verbal agreement that they will keep their area clean but we wanted to put in written form mainly due to the operations Brian has seen at the Grand Junction airport where they had BLM build their own ramp because it was stained with retardant.

Carolyn explained the need for the document saying the MOU specifically excludes any financial participation by the BLM, yet we have these oral agreements regarding purchase of water. She could not recommend the Board sign the MOU, which does not reflect the oral agreement. The problem is, if the water is not paid for it ends up being "taxation without representation" of our tenant who end up paying for the water that's used by BLM and the only other option, if the BOCC wants to instruct Brian that the Board wants BLM's water to come out of his budget, fine, but it seems highly inappropriate that our tenants should have to pay for BLM's water. Direction was requested if the Board wanted this oral agreement to be put down in writing or if BLM not paying for the water is the Board instructing your administration to pay for the water out of the Airport's budget.

Brian stated the cost is $2.00 per thousand gallons. Last year it was zero and the year before was a million gallons, $2000.00. Another concern is, Butch is our contact person and he's planning on retiring in the next 3 to 4 years. After he leaves all oral agreements will be gone. Garfield County is an ideal location for BLM and they are welcome there as long as the Airport is taken care of.

If BLM refuses to sign the letter agreement, Brian is to come back before the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt upon signature from the BLM, to authorize the Chair to sign the letter agreement with the BLM; motion carried.

Once this one is signed, then Brian will submit the MOU and it may be on the Consent Agenda.

d) Airport Rates, Charges, and Changes – Recommendations – Brian Condie

Brian Condie, Airport Manager, Andrew Doremus and Mike Brown – Rifle Jet Center were present.

Brian submitted proposed rates, charges and changes that are currently in force at the Airport and explained in detail the method he used to derive at these rates and changes.

The major change is the proposed landing fee for aircraft 12,500 pounds or more. He consulted with the Denver Airports District Office Compliance Officer and stated we have met the necessary procedures to implement a landing fee policy.

Verbal and written notice of this proposal was given to each Fixed Base Operator and airport users for their input.

Brian submitted a letter of support from Todd Chilton, General Manager of Corporate Aircraft Services and proposals for what those fees might be.

The change in fees for Self-Fueling Flowage AVGAS to $.13/gal for the first 50,000 gallons and then $.15/gal after.

Landing Fees: a rate of $1.00 per thousand pounds of maximum aircraft landing weight on all aircraft 12,500 pounds and over. Tenants' aircraft, including hangar tenants, with annual hangar contracts at Garfield County Airport of $6,000 or more per aircraft are deemed to have their landing fees while the contract is in force. The aircraft operators shall pay the BOCC through the appropriate FBO who will collect the fee. The FBO that services the aircraft shall collect the landing fee. If no services are rendered, the FBO whose ramp area the aircraft utilize shall collect the landing fee. After hours aircraft with no service requested shall be the responsibility of the Airport Manager to direct bill, given the economic feasibility. Each FBO shall be able to identify each aircraft that has paid the landing fee and provide this information to the airport manager monthly. Each FBO shall include a detailed list of all landing fees collected and include it in the monthly fee schedule given to the airport manager. Each FBO shall pay the OBCC a rate of 60% of all landing fees collected. No waiver of any kind is allowed by an FBO in collection this fee.

Ramp Parking Fee:

Aircraft Operators shall the BOCC through the appropriate FBO for the parking of aircraft on the ramp as follows:

Aircraft Type	Monthly Rate	Nightly Summer	Nightly Winter
Large Jet	N/A	$26.00	$52.00
Jet	N/A	20.00	40.00
T-Prop	$40/space	16.00	32.00
M/E	$40	8.00	8.00
Helicopter	$30	5.50	5.50
S/E	$30	5.50	5.50

The FBOs shall pay the BOCC a rate of 50% of the above rates.

FBO's may waive the nightly ramp parking fee for volume fuel purchased as defined:

Aircraft Type	Gallons per day
Large Jet	50

Jet	40
T-Prop	30
M/E	20
Helicopter	20
S/E	10

Large jet is defined for ramp parking as an aircraft with a span x length - 6900 ft. for example: GV, 737,727
Monthly fees are available for aircraft that stay for 30 days or longer and are currently on their tie-down fees.
These new fees will begin January 1, 2004.
Commissioner McCown noted a flaw in the billing and collection of the fees. 40% of the collected fees seemed high.
Brian explained that it was more than just billing; this includes a monthly audit process and supported the 40% he recommended. The procedure will include the FBO writing down the plane tail number and billing these aircraft when they simply land and not access services.
Brian explained how he derived at the fees and projected the first year the revenue would be between $40,000 and $70,000.
Rifle Jet Center – Andrew Doremus submitted a letter with concerns with the landing fees. The rightful benefit of having the FBO collect these fees is appropriate.
Corporate Aircraft controls 70% of the ramp and will receive more revenue.
Brian noted that the billing is not done off the log-in sheet. He assured the Board on how the billing will work and that it is his ultimate responsibility to oversee the operation.
Carolyn noted the policy change as well as the accounting change in the document on page 4.
Brian stated this was in the Minimum Standards packets presented to the Board and approved in August, 2003. This was primarily due to the Gordon contract that required so much of Carolyn's time.
The Commissioners noted this entire process may need to be revamped.
A motion was made by Commissioner McCown seconded by Commissioner Houpt to proposed rates, charges and changes as presented by Brian today; motion carried.

e) Roan Cliffs BLM Meeting Schedule – Randy Russell

News is that apparently the BLM has delayed this process and the plan may not be out until late December or early January.
Randy presented a memorandum on the hearings and arrangements for Roan Cliffs BLM EIS saying it is now projected to be released late the month of November. There will be an official release and then a 90-day public comment period will commence.
The County is a formal "Participating Partner" on the project along with the City of Rifle, the Town of Parachute and the Colorado Department of Natural Resources. As such we have agreed to cooperate in the development process for the EIS. As a participating partner this means a serious commitment to review of materials and input and engaging in dialog with the BLM at key points in the development of the Management Plan.
The BLM has taken the initiative to verbally brief elected officials and key staff recently on the progress of the EIS process and likely aspects of a Preferred Alternative which they are required to have in the document and the next steps in the review process.
The BLM is not mandated, obligated nor is it well defined in the BLM process. They would most likely conduct one or more on their own if necessary as informational sessions, but they would not construct or hold these events for formal recorded testimony. They would much rather collaborate on the public meeting/ hearing process with the Participating Partners and would cost share in appropriate related expenses, including having those meetings recorded.
Randy stated that staff has declined desiring to be in receipt of any advance information or summary prior to the release of the full public document. However, *each Commissioner should indicate whether or not they desire the Executive Summary offered by the BLM, and how far in advance they would like to receive a copy.*
The Board opted to review the Executive Summary and the Complete Document once it is available.
Staff Recommendation:

Does the BOCC desire to enter into a collaborative partnership with the BLM and other participating partners on a series of public meetings/hearings to explain, review, and receive input on the EIS within the public comment period?

Three official and jointly sponsored formal Public Hearings should be held, in Parachute, Rifle and Glenwood Springs. Each public hearing should be recorded, so that verbal comments are made a part of an official record to be submitted to the BLM. Garfield County would host the hearing in Glenwood Springs, be responsible for the recording of it and any arrangements for video taping and television interaction with a wider audience.

The City of Rifle would host that meeting with equivalent responsibilities and the Town of Parachute likewise.

Suggestions were made to host the meeting in Glenwood Springs on some date between January 7th and 15th.

Each entity would be responsible for preparing a written transcript and submitting that transcript to the BLM along with any video tapes and submitted exhibits generated or received at the meeting.

The BLM and the Colorado Department of Natural Resources would commit to having their staff present at each of the three Hearings, and elected officials and key staff from Garfield County, Rifle and Parachute would commit to attending the Hearings sponsored by each other where possible. If any entity feels the cost of such a hearing is a burden on their budget, they should negotiate agreement with the BLM on cost sharing. Staff suggests that only hosting one such hearing is not an undo burden on the County budget.

The staff view is this spreads cost and obligations out widely, provides the opportunities for input necessary, allows for degrees or interaction appropriate to each location, provides a formal written record of public comment to the BLM, and represents a completion of our obligations as Participating Partners in this part of the process. The culmination of three such hearings should provide adequate information and materials for each entity to craft a formal response to the EIS in reaction to specific elements of it.

Commissioner McCown stated that BLM will be having the same type of public meetings and they are not in favor of having multiple meetings for the audience to say the same thing. The North RAC will hold one meeting for testimony and it was not discussed if it was going to be recorded.

Some miscommunication has occurred because this was not as Randy was led to believe.

Commissioner Houpt favored a public hearing process and felt it was the County's responsibility to have this available for the public. She did not want to limit input and supported Randy's comments.

Chairman Martin requested clarification so the Board has correct information before we spin off and do our own thing.

Randy, if the RAC is going to be holding this that would be one and then we could partnership on the other two hearings.

Does the BOCC desire to explore crafting a unified, local response to the "Preferred Alternative" as it is advanced by the BLM in the EIS? (Time and Money)

Staff Recommendation:

The level of proposed allowable drilling on the top of the Roan Plateau likely to be proposed by the BLM as a "preferred alternative" will be in excess of the levels of intrusion that exceeds comfort levels that have been expressed by all three Commissioners to date. It will certainly exceed comfort levels of a variety of other local constituent communities.

Staff suggests that a series of individual reactions to that preferred alternative, even by jurisdictions, will carry much less weight in the BLM's decision making process than a unified response built as a consensus between jurisdictions and parties of interest.

Randy said that the likely 'preferred alternative' will address to some degree "ecological concerns" based on specific places (native trout, specific plant communities, etc.) and view shed issues on the cliffs, from the highways, etc. It may or may not address larger area issues of outfitters and guides, cattle lease allotment holders, management proscriptions and direction and recreational users. It is pretty clear that it won't address the 'human values' inventoried in all the work on wilderness characteristics, and there will certainly be a fight about how far you draw the lines around preserving a variety of values in general up there.

Other questions Randy posed to the Board were: several thousands of dollars invested to sponsor an exploration of building the alternative to being in a totally neutral outside facilitator in conjunction with other sponsors to convene working sessions in late January or early February for day-long sessions. This is credibility for the local process.

Staff predicts a strong national interest and some coverage on the Roan Plateau and intensive coverage at least from regional media.
Direction was given to Randy to revisit the process with BLM and obtain clear indications on the method by which these public forums are proposed.
Commissioner Houpt supports an outside facilitator. This would be a strong support of the process. She strongly support being involved and determine what that final alternative will be.
Chairman Martin was unsure just how much impact this would have. Information will be flowing back and as individuals we need to give the staff direction, but it is up to the process and have faith in the process.
Commissioner McCown didn't favor an outside facilitator; all information would be complied at the end of the day.
Randy suggested that Commissioner McCown is right and could informally work with the other jurisdictions to see if we are in agreement so that we can present a consensus; but this will be a series of iterations back and forth and it will be at a staff level. This would not be another hearing; the input is in by then. This is a sit down and see if there's a consensus letter
Don – regardless of what a session is called, it will be public.
Randy – it's who has the official seats at the table to determine the letter of recommendation.
Chairman Martin suggested that we need to make a stand.
Commissioner Houpt – would really like the Board to think about this as there is a great deal of strength that the participating partners have and BLM is actively supporting and then you have one opinion and whether the final decision is made in Washington, D.C. or not, it would be a stand.
Chairman Martin wanted to allow Randy to find out exactly the process and then decide. Direction was given for Randy to bring this back.

f) Discussion of the DOLA Grant – Lou Vallario

Lou Vallario, Doug Dennison and EnCana representative Sherry Long were present.
Lou submitted a memo to the Board requesting time to discuss the possibility of applying for a DOLA grant to fund additional Deputy Positions.
EnCana representatives approached Lou with a serious concern regarding traffic safety in the areas where most of their work is being done – Divide Creek, Dry Hollow, Mamm Creek, etc. Their attempt at addressing this with private security has not been successful. After informing them that the same treatment county wide was available and could not assign a deputy solely to address their needs, a three point approach to address the problem was developed:

1. Proactive Awareness by providing visual awareness by deploying our speed awareness trailer randomly in those areas of concern.
2. Traffic Enforcement Grant: EnCana has agreed to provide a $15,000 grant to the Sheriff's office for the purpose of enforcing traffic laws in those areas as described.
3. Additional Deputies: EnCana was interested in the cost associated with hiring and supporting additional deputies. This would add to our patrol shifts more manpower and enable the department to address the concern. This is modeled after our COPS Grants; fund would be provided to the Sheriff's Office to support new hires and then within a period of 3 years the governing entity would absorb and maintain those positions. As a result of this plan, the idea of applying for a DOLA Grant to support new positions was introduced.

After checking with DOLA it seems possible that funding could be obtained based on increased traffic safety issues associated with increased gas industry production. The residents in these areas are complaining more because of their concern for traffic safety.
The next step, if the Board doesn't have objections would be to identify any matching funding sources in order to apply for the grant. That will include the discussion here today with the Board, EnCana, and Doug Dennison.
Doug provided some feedback after discussing this with Tim Sarmo and operating expenses are allowed and stated it was a feasible proposal. It would need to have some County match.
Discussion
Commissioner Houpt commented this was a creative method of using the Energy Impact funds.
Commissioner McCown – a $260,000 grant application spread over a 3-year and will be looking at an equal amount of $130,000 coming from the County and sees a void in case the Board could not fund this in the other years. It would put Lou in a position that he may not want to be in.

Lou felt that EnCana may possibly fund this in the future.
The first year the County would be looking at $50,000 for equipment vehicle and gas and the on-going $20,000 per year would leave a void and asked if EnCana would be willing to step up and pay this.
Sherry Long, EnCana representative will take this back to EnCana and see what they think.
Commissioner Houpt favored supporting this to address the need and impact of the gas drilling.
Commissioner McCown reiterated the County's contribution for the vehicle and on-going motor pool.
Commissioner Houpt asked since this was a grant proposal that deals with personnel issue, an employee that will be hired through this grant, can we even accept private funding to participate in that type of function.
Don – this is similar to the road projects, you make a commitment to DOLA entirely and then whatever commitment you have from EnCana; there would be a separate agreement with EnCana and rely on that to fund your obligation to DOLA.
Doug – this is not only EnCana that will be approached with this because they aren't the only source of the problem; it's every operator that's in the county. Williams, Calpine and everyone else will be approached to see what they're willing to commit.
Lou – philosophically, he is opposed to buying government services for a specific need but the method to strengthen the funds to spread this out equally amongst the area to make improvements overall, is an acceptable way of doing this.
Direction from the Board was for Lou to proceed with framing the grant and the County will step up for the capital expenses, the equipment, and DOLA will come up with the rest including contributions from the industry. Realizing he can't make a commitment for future years, he did say that there would be some commitment to absorb the position after the grant cycle runs out whether it's attrition or something else.

g) Consideration of Resolution concerned with Completion of Construction and Transfer of Funds – Garfield County Detention Facility – Jesse Smith

Jesse recommended proceeding with this close out. Randy Withee has validated the bill and noted that they had failed to send us a final bill by Reiley Johnson. Don DeFord hasn't reviewed this and stated this was achieved of July 2002 and needs to check the contract and determine if it is a different issue.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Resolution; motion carried.

h) Consideration of Resolution concerned with Completion of Construction and Transfer of Funds – Garfield County Administration Building and Maintenance Facility – Jesse Smith

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Resolution; motion carried.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Executive Session – Litigation Update – Legal Advice – BAA – American Soda – Contract Negotiations – Pipelines and Status – Use of County Property – Upcoming on Road and Bridge Permitting – Encumbrances on County Property

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss Legal Advice on America Soda; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner Martin to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Wednesday 2:00 p.m. meeting with BLM; Stakeholders Meeting with Shell Oil in Denver last week on how to move forward with all types on energy – a large sense of distrust for the industry and they can remedy that with best management practices, communication with local governments and the industry is willing to take leadership on it; Friday – pipeline regulations and a draft to share and put on the agenda in December about the rule change with flow lines, etc.
Commissioner McCown – 8:30 a.m. meeting in Rifle at the Henry Building with Gil from Shell Oil and Jim Spehar; 10 a.m. is the Trails and Access Committee at the Forest Service; Wed. 1:30 p.m. is the Communication Board.
Chairman Martin – Community Corrections meeting last Thursday. Mayor's Meeting last Tuesday; Senator Allard and Senator Campbell as well as their staff was in town and made a request to look into Airport Issues and unfunded mandates; they are also scheduling meeting with CML and the County Manager's Association in February. Talked about Homeland Security and problems in reference in implementing the statewide mandates to the Counties. Met with Forest Service to discuss the Schedule A roads, what

involvement we would have, what new rule changes under Pilt that we could and could not do and Road and Bridge on both sides, road maintenance crews are getting together and bringing back Schedule A reports to us to see what we can commit to. There was also a commitment to the Buford Road to haul more gravel. The gravel pit that's up there and there's still 3 piles of gravel on top by Meadow Lake that's under control of the US Forest Service that we share with Rio Blanco County. 4H gifts were given to Commissioner McCown and Commissioner Houpt – a great ceremony in Rifle on Saturday evening and the County received a standing ovation on the commitment to 4H. The I-70 PEIS vision answering from the Federal Highway Commission as well as the CDOT staff in the Fairgrounds in Jefferson County on Tuesday the 18th. Also a CDOT training and input session on sound barriers on the 19th in Denver; Meeting with EnCana is also on that date at 2:00 p.m.; and the Sweetwater Community Gathering on Sunday, November 23 at 6:30 p.m. to discuss everything from turkey to the Fire Station being proposed in Sweetwater – a pot luck dinner.

CONSENT AGENDA

A. Approve Bills
B. Wire Transfers
C. Inter-Fund Transfers
D. Changes to Prior Warrant List
E. Authorize the Chairman to Sign the Final Plat for the Park Subdivision. Applicants: Greg and Diane Park – Fred Jarman

A motion was made by Commissioner Houpt and seconded by Commissioner Houpt to approve the Consent Agenda Items A – D and E; carried.

Executive Session-Encumbrances on Public Dedications

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss Legal Advice on Encumbrances on Public Dedications; motion carried. Mark, Commissioners, Don, Carolyn and Mildred were requested to be present.

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

PRESENTATION OF CDOT NOISE BARRIER – RANCH AT ROARING FORK – TOM NEEL

Mike Fordyce, Bill Swagger from Schmueser Gordon and Myers and Tom Neel, President of the Ranch at Roaring Fork Homeowners presented a letter to the Board on the CDOT Draft Policy Directive #9-30-03. A verbal presentation including photos depicting the sound mitigation on Highway 82 to compensate for the now 20,000 vehicles per day traveling to and from the valley was given. The EIS performed indicated that this would be funded by state and federal entities. The Homeowners have spent over $100,000 for the engineering study, consultants and legal fees and sold a piece of property for $ x million to proceed with the mitigation.

In order to secure the local governmental funding the Ranch needs to secure a sponsor such as Garfield County to apply on its behalf.

Tom stated that the Ranch at Roaring Fork Homeowners Association believe that sound abatement barriers are clearly justified along Highway 82 in front of the residential portion of the subdivision. However, the Ranch homeowners have decided to fund the project itself if permitted. The project is economically and aesthetically feasible only if the west half is placed on state right of way. The draft policy directive developed by CDOT can be acceptable to the Ranch, but only if Garfield County supports the project and agree to be the local governmental entity that applies to the state on their behalf.

The request today is to have Garfield County be the sponsor and make application however the Ranch at Roaring Fork will be paying the complete cost of the barrier. The request will include being able to use the C-DOT right of way.

There is a Public Worksession in Denver scheduled for November 19th.

Discussion was held.

Commissioner McCown – Who's sound wall would this be?

Tom stated C-DOT would own the wall and the maintenance would be Ranch at Roaring Fork.

Don informed the Board that the timing is a problem. There would be two contracts one with homeowners and one with CDOT. The liability and respolnsibility will be fixed and to make us whole would be a contract with the Homeowners Association and their funding capabilities. Soverign immunity was a

concern; on-going funding and maintenance would exceed TABOR; general liability will be there for the life of the structure and we need to have these contracts under legal review.
Commissioner McCown – No. 2 asking the Board that the only way it would work to have it on state right of way. To say the only way will perjure the County.
Commissioner Houpt – a lot of legal questions and encouraged the Homeowners to voice the burden and state they should be able to make the application.
Chairman Martin – clarified and said if it is private funds and the County will sponsor you, then it will be considered. He would favor only being a sponsor.
Don suggested there would need to be building code regulations, etc.
Chairman Martin noted the cost of $.5 billion has been spent on Highway 82 and that it may be listed as a Federal Highway.
Tom Neel reiterated that in some way they need to be able to voice some sense of support from the County at the meeting on the 19th of November.
Commissioner Houpt stated in theory the County would support this but they should proceed on their own behalf. Both Commissioner McCown and Chairman Martin agreed.
Tom Neel stated this has been discussed with Tom Norton and basically without the support of the Commissioners this will be dead in the water. This would be a major disappointment considering the efforts of the Ranch.
Commissioner McCown – history tells you that they have allowed these to be constructed on their right of ways because you can see this in Vail.
Tom Neel – if the Ranch had thought about it and negotiated at the time of condemnation they could probably have forced CDOT to put the barrier in at that time.
Commissioner McCown – in theory Tom could go to CDOT with the County's support but not go to them with a guarantee.
Chairman Martin – hopefully the items needed can be worked out.
Commissioner McCown – we all know the problem, just finding the mechanism to cure it, the County doesn't want to create more problems for the County.

HUMAN SERVICES COMMISSION

EDUCATIONAL SERVICES – CAROLYN HARDIN

Carolyn Hardin for Lindsay Neal, and Maureen Richardson were present.
Kay Vasilakis submitted a packet of information on the Power School containing enrollment of each school, broken down into gender and ethnicity and the Learning Opportunities Center usage for RE-2 School District.
Maureen is the Coordinator for Literacy Outreach. She gave the statistics contained in the report.
Carolyn gave the RE-1 update on the 5-year Strategies Plan for Basalt, Carbondale, and Glenwood Springs schools. The total amount of funds is $87,000,000. 245 increase in students.
The funding mechanism will be a bond election in November 2004 plus a mill levy override.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into the Board of Health; motion carried.

BOARD OF HEALTH

Mary Meisner and Wanda Berryman were present.
Mary gave the information on the Flu Vaccines effort saying they had given 2300 this season; that there are 4 cases of flu in the County. The vaccine is not covering all types of the flu.
2003 Kids Safety Fair Evaluation report was presented and verbally reported.
Healthy Beginnings
Wanda presented the 2004 Calendars to the Board and staff. 360 women enrolled to date and she predicts 400 total for the year. OB's will start coming two days a month to see the clients.
Low birth weight is much lower that the States at 5.4%. The merger is going forward
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Board of Health; motion carried.

BOARD OF SOCIAL SERVICES

Lynn Renick, Carrie Podl and Michelle McMullen were present.

a) ***Approval of October 2003 Disbursements***

The EBT Disbursement payments made for the month of October r2003 totaled $83,332.27.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the EBT disbursements for $83,332.27; motion carried.

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

b) ***Caregiver Appreciation***
Carrie Podl-Haberern
Nancy McStay, RN, Coordinator of the Caregiver Support Program has sent letters out to the Boards of County Commissioners in Garfield, Moffat, Rio Blanco and Routt announcing a special acknowledgement of the 64 area Caregivers who provide in-home services to homebound disabled individuals. Of the 64 Caregivers, 33 are from Garfield County, 17 from Moffat County, 9 from Rio Blanco County and 5 from Routt County.
Each of the caregivers will receive $100 in Chamber Bucks to allow them some indulgence for themselves. The Chamber Bucks are for the areas in which they each live.

c) ***Audit/Review Updates***

1) The Department has received the draft report of the Social Services financial audit however the date and time of the formal exit interview has not been finalized.
2) The correction action plan following the Food Stamp Management Review was submitted November 3, 2004 for review.
3) Work is continuing on our Child Welfare Program Improvement Plan that is due into the State on November 25, 2003.

d) ***Quarterly State Allocation/Contract Financial Projections – Lynn Renick and Michelle McMullen***
A financial update was provided and reviewed by Michelle. The child care assistance program is low income assistance program and it is well over the allocation of $225,008.56 over allocation. We can bail out that with the TANF child care transfer. County administration is over allocation at $70,122.52 and covers all administrative time. This covers family Medicaid staff as well. The other allocations budget versus actual were reviewed per the handout.
Youthzone had been a Homeless and Runaway Grant and it was not refunded this year. Lynn stated they are absorbing that with intake cases because 75% of the youth they were involved within other areas of the program.
Jesse mentioned the Accounting administration is being taken out of the cost allocation.

e) ***Child Care Program Presentation – Carrie Haberern, Dana Damm, Joni Goodwin and Kim Hildebrand***
This was given as a Power Point outlining the goals, how they enhanced the quality of care with workshops and conferences, nurse consultant trainings, professional association meetings, infant toddler college course and pre-licensing trainings. They have taken on mentoring that has led to a decrease in licensing violations of over 50% and Home and Center Assessments have shown a 24% improvement in safety. They operate a Resource Van (a toy lending effort) with quality education materials for loan (example – sand and water table) and the involvement with Rural Resort Regional Pilot has let to supports for our County of $35,000 in goods and services.
Dana addressed increase of capacity and retention of licensed family childcare homes in Garfield County. She reviews the childcare homes periodically and feels this makes the provider make sure they are in compliance.
The pie chart was explained and Rifle and Carbondale were the highest percentage of kids under 5 years of age taken from the 2000 Census.
System Support ways they work is collaboration with other agencies, resource and referral contract, communication and networking, provider appreciation functions and start up assistance for infant care out of the TANF resource funds.
Financial/Program Assistance to tap funding for Garfield County in excess of $1 million dollars since 1999 through local dollars under community and medical foundations; regional support with Rural Resort Region Pilot, State Grants, as Colorado Tax Check-off Grants; and Federal Monies under TANF.
Summary – there's still a lot of challenges for our community: cost of care is primary.
The next steps are: work on a community –based Early Childhood Program; Continue the Successful and Proven Efforts; and Support Expansion of Quality Infant Slots.

f) ***Program Reports***

Lynn submitted the standard reports on Placement Type, Types of Licensed Family Childcare Homes, Recap of Child Support Collections, Food Stamp report, Refund Report, Colorado Works/Gateway and the Commissioner's Report showing families and children of cases reported, investigated and type of abuse. Additionally, the Options for Long Term Care County of Assessments
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of the Board of Social Services; motion carried.

PUBLIC MEETINGS:
DISCUSSION AND APPROVAL OF RESOLUTION – JULIE WERNSMAN VALLEY LIQUORS, INC. AND RHINO LIQUORS, INC. – RICHARD NEILEY, JR.
Don DeFord and Mildred Alsdorf reported that this will be heard on December 1, 2003.

PUBLIC HEARINGS:
CONSIDERATION OF RESOLUTION ADOPTING GARFIELD COUNTY ROAD AND RIGHT-OF-WAY USE REGULATION
Mark Bean, Don DeFord and members of the Road and Bridge were present.
Don stated his office was in charge of notification. The following Exhibits were submitted:
Exhibit A – Proof of Public Notification;
Exhibit B – July 28, 2003 letter from CDOT – comments on the draft of the regulations;
Exhibit C – a copy of the 4th draft; and Exhibit D – a copy of Don's Memorandum making comments on the last draft dated; and Exhibit E – email asking for two changes to the current draft in front of the Board.
Chairman Martin entered Exhibits A – E into the record.
Don DeFord stated that copies of the proposed Resolution were available for the public review at the County Clerk's Office both in the Courthouse and at the Rifle Annex. The Resolution addresses temporary closures of County Roads to prevent damage and destruction, prohibit or limit the use on roads by trucks and other overweight vehicles and during the time of civic functions and special celebrations and for the purposes of construction and it addresses the authorization of the County to adopt oversized/overweight permits.
The current resolution addresses current uses of County Roads, in the past we have had parades and bike races and this addresses all uses including utilities, etc. This is a current re-write and it is to address the changes in the State requirements.
At Section 6, regulations on temporary closures of County Roads and in the past there have been some misunderstandings especially with frost closures and this is an attempt to make that clear so folks know what they are dealing with particularly in the spring. Section 7 Don set forth some procedural issues and Section 9 Don put in provisions on permit fees, again these deal with overweight and oversized permitting but not entirely the other areas are covered as well but at Section 9.4 at the suggestions on the State Don attempted to follow it at least in part the State regulations. We cannot exceed their permitting requirements on oversized/overweight permitting. The document will replace and repeal all your current Road Use Regulations with the exception of the Access Code or your driveway permitting. Intentionally Don left Section 4 blank in this provision so that he can come back in the first part of next year with new regulations in that area. Those will take some special time that hasn't been available to devote to this yet. The intent is to follow State regulations whenever possible, the State Access Code provides a good model but it covers a lot of areas that we don't have to deal with. He will redraft this. This has been around for a while, has been reviewed by the Road and Bridge department and was available for the public as noted previously.
Exhibit E in front of the Board, they asked for more extensive warranty in terms of one year to two years and this is specifically in regard to putting facilities, utilities, and other structures in the County right of way. The last part of the permitting fee, pointed out in Section 9 – the annual permit fee is set at $250; the State law sets a permit fee under State law at $250 for the annual permit and then talks about a $400 annual permit fee for vehicles that are extra legal. When Don drafted this regulation, the way this is set up, you have vehicles that are clearly within legal limits and require no permit; there are standard permits in our regulations for vehicles out of the 80,000 limit. More than 100,000 pounds in your R Code you're required to get extraordinary use permit under Section 9.40.4 Special Fee Requirements. Under State law there is a separate section of permitting between 100,000 and 200,000 pounds and Don did not include that in this regulation. Most of our roads you exceed the 100,000 pound limit it really should be something the Road and Bridge Department looks at on an individual basis just because of the quality of our roads. There may be one or two that would be all right but for the most part they're not so a $400 fee under state law is really

applicable for that area of permitting that is not included for the between 100,000 and 200,000 pounds. Mike Vanderpol had commented about this being and the way he worded it for extraordinary use that does include both terms, current annual permitting covers both overweight and oversized but it is set at $250 because we didn't have that intermediate weight limit that the State has.
Mike Vanderpol – Road and Bridge – the way the State is structured on that is the fact that you can buy an annual oversized permit or annual overweight permit and that's what the State charges is $250 for. If you buy an annual overweight/oversized permit through the State, it's $400. That covers anything over the 80,000 pound limit that's legal on the Interstate up to 200,000 pounds. Where as with the County we're only wanting to go up to 100,000 pounds but being able to issue an annual permit to cover up to that 100,000 pound limit. Some of our roads are 70,000 and some are 80,000 pounds. But we are trying to eliminate the need for every trip they have to get a permit.
Don explained the way the State Statue is written it says "for over length, over width and over height, vehicle permits or vehicles which do not exceed legal weight limits and legal weight limits for them are ones that are under their 100,000 pounds, annual permit fee $250.00 however, Mike is correct, while this is tied together and the way they've worded it they probably require a permit for each category; that is not the way Don wrote the code and Mike is suggesting we should and so that's a call for the Board to make. If you want to require a vehicle that's too wide and too heavy, you can require two permits.
Mike – well it would be one permit, an annual overweight/oversized permit but charge them $400 for the permit because you're covering two permitting categories.
Don – this is not how it is currently set up and if the Board does this it means revisions.
Commissioner McCown prefers this one permit to cover both categories.
Don explained that the way Mike proposes it could raise the permit fee from $250 to $400 for that permit – it is still one permit but for each category you would raise the $250 to $400; it's still one permit.
Commissioner McCown stated you can also haul overweight with one permit and you can come back and get a permit if you happen to be over width for one load. You would be way ahead to pay $250 and cover it all. Which we're losing out another $250.00.
That is what Mike was talking about.
Commissioner McCown would support that staying concurrent with the way the State does it. There's a level of consistency here.
Don - Before this regulation can become effective, the Board needs to adopt separate map that are integrating part of this regulation. There is haul route map, an extra restriction map which is intended to deal with roads that have special height or width restriction, the bridge weight limit map, which specifically covers every bridge and the weight limits applicable and you need to adopt a County primary and secondary road system map. This will require some very extensive requirements on the Road and Bridge component. Don drafted this Resolution so it cannot become effective until those maps are included.
Marvin Stephens – The department has a partial map and feels all primary and secondary roads need to be included and hopes to be able to free up staff next month. If there are not a lot of storms between now and then Marvin projected this would be 30-day project working with Rob Hykys the GIS.
Commissioner McCown suggested having the oil and gas industry on this review because there may be some things that are going in some of the areas that may change the status of these roads from a secondary to a primary.
Marvin stated that pretty much all the drilling activity is between New Castle and Silt west to Una on the south side of the river and some on the north; Williams is starting to do more on the north side of the river.
Direction was given to Marvin to draft the maps and then hold a staff meeting, adopt them before a public session.
On the classification of the roads, Don informed the Board with County primary and secondary roads it's at the discretion of the Board anytime. You can add or subtract and follow the Statutes. This is not HUTF roads.
Marvin – as roads become built up and where they're capable of handling more weight limits, we need to address it or deteriorate whichever the case may be.
Part of that will affect GASBY as well as far as classification and these needs to be done by the end of this year. Part of that will also have to be reviewing your road construction and maintenance standards that are currently in place because of that requirement that roads at least conform generally to state standards according to Statute.
Bob Mayo – The concerns is the County securing title to the road right of ways and you're regulating in an area that's fought with legal technicalities where you don't have a right by usage, in fact you're actually a

guest on private property and I think that if you could include in the Resolutions something to set up a program maybe of obtaining adequate right of ways for these roads so they can be maintained will go a long way in easing it in order to maintain these roads. Bob said the Holy Cross Cattlemen Association has indicated that they probably make me their spokesperson for the road issue since we transport trucks of cattle and we aren't currently affected by anything. But they have another concern which will come up under your fencing that I'm to address too. For right now we're only interested in seeing that the road right of way is being secured by the County and taken care of appropriately.

Chairman Martin there are some County Roads that are owned by deed, some that only prescriptive use and some others that are registered or dedicated to the public and also easements through plats and agreements. It's a huge issue and we understand that Bob.

Bob Mayo – we just want it made know that we favor you going ahead with some sort of program to get them where the County owns title to all of them.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue the Public Hearing until January 12th at 1:15 P.M. Don asked, did the Board indicate that we move ahead with the draft that incorporates changes on warranty and also permitting fees for more than one permit.

The Board concurred in line with the discussion and it was included in the motion. Motion carried.

PUBLIC MEETINGS:

REQUEST FOR CONSIDERATION OF A REQUEST FOR A CORRECTED PLAT FOR THE MAYFLY BEND RANCH SUBDIVISION. APPLICANTS: GORGE AND FARLEY KIRBY AND TIMOTHY AND KATHYRN STAINTON – FRED JARMAN

Fred Jarman, Yancy Nichol from Sopris Engineering and Timothy Stainton were present.

Plat Note No. 10: The Board approved the Preliminary Plan for the Mayfly Bend Subdivision in June 2002 and memorialized in Resolution 2002-51. The subdivision consists of a 40-acre property subdivided into 5 residential lots just outside Carbondale on CR 100.

The applicant requests the Board approve a modification to plat note No. 10 on the final plat, specifically the first sentence of the plat note #10 reads "Building finished floors shall be designed a minimum of 18" above natural grade." Sopris Engineering added this language to note in order to improve drainage of the building site. None of the lots in the subdivision are within the FEMA 100-year-flood plain. Therefore the applicant is requesting this sentence be stricken since the remaining language of that plat note requires that a site-specific drainage plan be developed by a registered professional engineer in the State of Colorado. The new plat Note #10 would thus read: "External grading around the building shall have positive drainage away from building, a minimum of one-foot in ten-feet in landscape areas, or three inches in ten feet for concrete or asphalt areas. No basements will be allowed due to the presence of high ground water. At building permit, a site specific study shall be conducted for individual lot development, foundation design, grading, drainage and any sour mitigation from a registered professional engineer in the State of Colorado.

Staff Recommendation:

The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment in that no new roads are created and no new lots are created as a result of the request. Further, this is a correction to a plat note that was not required by staff or the Board and does not violate the approvals or regulations of Garfield County. Therefore, staff recommends the Board, pursuant to Section 6:10 of the Subdivision Regulations of 1984, as amended, approve this corrected plat request with the following conditions:

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for a corrected plat for the Mayfly Bend Ranch Subdivision with the corrections to read in bold print as in the packet – "building finished floors shall be designed a minimum of 18' above natural grade." Motion carried.

REQUEST FOR CONSIDERATION OF THE LAFRENZ/JAFFREY AMENDED PLAT. APPLICANTS: THOMAS AND CECILLA LAFRENZ AND MARC READ JAFFREY. LOCATION: TRACTS 29 AND 37, 2ND AMENDED PLAT OF THE ANTHLERS ORCHARD DEVELOPMENT – FRED JARMAN

Fred Jarman, Thomas and Cecilia LaFrenz and Mark Read Jaffrey were present.

The applicant is requesting a modification to the southern boundary of Lot 29 and the northern boundary of Lot 37 for the purpose of reflecting the actual location of the 40' roadway which has been constructed and is in place.

As reflected on the 2nd Amended Plat submitted with the application, the current boundary lines of Lots 29 and 37 were located within the originally platted 40' roadway and utility easement. The proposed location of the boundary lines for these lots will also lie within the centerline of the new 40 foot roadway easement location. Staff is of the opinion that this new 40 foot roadway easement shall also reflect that this easement is for utilities as originally platted.

Fred explained the history of the 1st amended plat and said it was to provide a better overall lot configuration.

Recommendation:

Staff recommends that the Board approve the Antlers Orchard Development 2nd Amended Plat for Lots 29 and 37 subject to the following conditions of approval:

1. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval;
2. The easement for the existing roadway shall be identified as "40' Roadway and Utility Easement".
3. 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 and seconded by Commissioner to approve the amended pat for Antlers Orchard Development to include the lots lines and utility easement within the recommendations 1 - 3 by staff; motion carried.

CONSIDER A REQUEST FOR AN AMENDED PLAT FOR THE LOT WP20 WITHIN FILING NO. 6 OF ASPEN GLEN. APPLICANT: CORYELL RANCH COMPANY, LLC REPRESENTED BY BALCOMB AND GREEN, PC – FRED JARMAN

Fred Jarman and Larry Green were present.

The applicant is requesting approval from the Board to amend a lot line for Lot WP20 within Filing No. 6 of Aspen Glen. Specifically, the applicant requests approval from the Board to modify two exterior boundary lines so that the exterior boundary lines of the Lot conform to the as-built locations of Midland Loop and Bald Eagle Way, which are the streets bordering the Lot. The application will also make the exterior boundary lines of the Lot conform to adjacent filings of Aspen Glen.

Staff Recommendation

The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Further, the minor adjustment to the lot will continue to be consistent with all of the other lots within Filing No. 6 of Aspen Glen regarding lot size and setbacks/building envelopes. Therefore, staff recommends the Board, pursuant to Section 6:10 of the Subdivision Regulations of 1984, as amended, approve this amended plat request with the following conditions:

1) That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval.

Larry Green added that we are going to be in front of the Board with some other lots with the same scenario.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the plat amendment request for Lot WP20, Aspen Glen, Filing No. 6; motion carried.

FINAL PLAT VALLEY VIEW VILLAGE SUBDIVISION, BATTLEMENT MESA PUD – APPLICANT: DARTER, LLC/EDWARD AND IDA LEE HOAGLUND REPRESENTED BY DAVID MCCONAUGHY, ESQ.

Mark Bean, David McConaughy, Rob Wilder from High County Engineering and Carolyn Dahlgren were present.

Mark stated that David and Carolyn have had numerous discussions about certain legal language that she will elaborate on and we do have presently a plat that has been reviewed by the County Surveyor and accepted in terms of content, etc. It has also been reviewed by staff and all plat notes required are there, there is one issue that Carolyn will elaborate on regarding the attorneys' certificate and we have a proposed letter of credit that will cover security to guarantee all improvements are going to be put in.

The final deeds for exchange of the gas line easements, including the blank deeds to the Hoaglunds and the County were submitted. Additionally, two letters have been obtained from Xcel acknowledging that the plans proposed for Valley View Village are not in conflict with the new easements.

The documents now specify that the easements are only for "underground" pipelines.
Road Impact Fee – this was calculated by Tamara Pregl and asked if the Board approves this to allow Mark to put in the correct dollar amount.
Carolyn explained that David McConaughy has a strong ethical feeling that he cannot file our standard attorney certificate and he cannot say there are no encumbrances on the land to be dedicated to the public. She asked the Board to listen to what David had to say regarding the easements. She has concerns with the electric utility folks that the County may wind up with public dedicated land that the utility folks they can tear up and we have no indication of the face of the documents. What actually one of these easements does say the grantee of the easement is responsible for any damage; the other document doesn't speak to that at all. Neither document says, "there shall be no roadways under our easements" but the documents also do not in any way say "it's okay to have a public road under our easement." The terms, agreements, and obligations of the Battlement Mesa Water and Sanitation Agreement, we have a disagreement as to what it means to be an encumbrance because from the County's perspective although this land is within the Water and Sanitation Agreement we are assuming there are no monies due to the district and therefore there are no liens or encumbrances on the public dedication from the Water and Sanitation District. And to your own the Resolution, he said the public dedications are free and clear provided however that the Resolution that create the public documents do indeed cover these easements.
David submitted copies of the plat for the Board to review. The attorney certificate on page 1 and the drawing on page 2 were discussed. The certificate, the form in the County code states that an attorney is required to certify that there are no liens and encumbrance's period and it doesn't deal with exceptions to title. And the way I've gone about determining this was by reviewing the title commitment issue by a title policy for the property comparing the exceptions listed on that to the actual dedication eliminates ones that didn't apply and ultimately came up with these seven listed here. My understanding is that the first one is 1889 US Land Patton, which I understand there's no problem with. Basically the Land Patten is how the original homesteader acquired title to the property and it reserves certain rights to the United States of America and I have yet to see any property in the State of Colorado that doesn't have this exception. Because when the United States grants the homesteader the land back in the 1800's they reserved the right for example for someone who's following a vein or ore from somewhere else that goes underneath to follow that. So we're not aware of that being an issue here but it's out there and it's a recorded document and short of talking with our Congressman, he has no idea how to get rid of that. That's the first one. The next two are two electrical rights of way and they're both shown on page two of the plat. One is in favor of Holy Cross Energy along Battlement Mesa Parkway it's depicted. David said he received a letter this morning which states that the 20 foot easement is adjacent to the County road now known as Battlement Mesa Parkway, it's non-exclusive, parallel, separate from the County road and does not preclude use of the County road; we will work with the developers of Valley View Village to adjust this line as needed to assist in their access to the property at their cost. This was submitted as Exhibit A.
The other one is the Public Service easement which is the diagonal easement shown in the upper left of the plat which already extends across Battlement Mesa and on the map it ends at the property line. The easement keeps going diagonally in that direction and the actual language of that deed to Public Service Company states, excepting right of way for County road. The language of the deed itself acknowledges that there's no conflict with the County road. The reason David listed it, it still an encumbrance of record. The way David said he views this attorneys' certificate is not to tell you that this is a perfect piece of property but to certify to the Board that there's nothing that interfere with the intended purpose of the dedications, which he will certify in this case. But he will not certify that there's nothing recorded against the property because there is. Another handout was given to the Board consisting of 5 plats with attorney certificates and basically shows that the board has approved in the past plats that include references to County resolutions, the second one shows a United States Land Patten as an exception, the third for Native Springs shows about ten or fifteen exceptions including utility easement for Colorado Electric Association and another from U. S. West; the one for the Rapids shows virtually every exception that was on the title commitment for that; the last one which is an amended plat for Lot D1 doesn't list any exceptions but includes some alternate language which says that it's free and clear from anything which would adversely affect the intended use of the property and that's something David said he could certainly certify. David said he had no problem in altering the attorneys' certificate consistent with the one the Board just approved from the Mr. Green with respect to these resolutions but Carolyn, the County Attorney and he disagree in terms of what the word encumbrance means. My view is that since they were recorded against the property they would theoretically be encumbrances. But Carolyn and David agree that none of them make any

difference as to how the County would be able to use these public dedications. David requested to be humored since we all agree they don't matter, what's the harm in leaving them on there. He's trying to disclose what he views as the actual title exceptions since he is being asked to sign something certifying the state of the property, he's trying to be honest and say there are out there and recorded against the property but they have no impact on these dedications and won't limit the use of the dedications and that seems to him to be acceptable.
Commissioner McCown noted that in looking at the plat any of these easements are going to adversely affect this particular development because they're all in the area of Battlement Mesa Parkway at this time which is an existing road.
Ron Widler from High County Engineering was introduced, he helped prepare the plat. They are looking at adding a deceleration lane into the development which would be ten or twelve feet wide, ten foot asphalt and two and a half foot curb and gutter.
Carolyn – the original grant from the Hoaglunds to Holy Cross had no language in it saying that the holder of the acknowledgement is dead. That being the grantee of the easement would be responsible for any damage so you'd be left with a common law argument about who would repair the road should they have to get into the road.
Commissioner McCown – other than that gas line that crosses there, that we've already had the paper work on, would be there any other activity intersect with Valley View Drive.
David – all roads within the boundaries of this plat are privately owned privately maintained so that would be our burden and it wouldn't be the County's even if it were an issue it wouldn't be the County's problem.
Commissioner Houpt – unless you started talking about reconstruction and one could argue that's not maintenance or not be around when that happens.
David McConaughy stated the SIA and the Covenants state that any road repair, road replacement is the obligation of the Homeowner's Association. David the preliminary plan documents have not been recorded.
Carolyn noted some missing dates on the plat.
David stated their proposal is to take all the various approval documents, the covenants, the plat, the Resolution on the Preliminary Plan, prepare an instruction letter for the order of recording to the title company and get that approved by the County Attorney and then that blank would be filed in.
Mark stated this is contingent upon certain other statements being resolved as well as other signing of the actual plat is subject to submittal of the actual Mylar which Mildred is holding.
Mark stated that certain fees need to be held prior to recording, and suggested being held by Mildred prior to recording and then the dates and Resolution numbers can be filled in.
Carolyn verified that the fees had been paid.
David –on the time for completion is a year from the date they signed it; this would be roughly a year from now. No change on that is being requested. When we were back in for Preliminary Plan there was an easement exchange for the gas line easement and the Hoaglunds have signed the deed granting a new easement to public service company and public service company has provided a letter saying the will sign the deed quit claiming the old easement, we need the Board to approve this exchange. We do have a letter stating they will sign their deed when we sign ours.
Carolyn stated she was more comfortable with the letter on the easements. She did point out there is a theoretical possibility that there won't be a problem in the future on the easement with the encumbrance.
Motion
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the final plat for Valley View Village Subdivision with the testimony of the applicant today on the submission of the empty blanks, the filing in of the empty blanks on the SIA Agreement, the filing of the exemption, the Preliminary Plat, the order in which all of those are to be filed will be submitted by the applicant and the final plat will not be signed until all of those said documents have been filed property and all fees paid.
Carolyn asked if he included the quit claim deed. Commissioner McCown stated this was the testimony of the applicant's attorney that is going to be a part of this letter that's going to include the order of filing and all of the documents that have to be present to make this work. Mildred noted that the Chairman needs to sign in several places. David suggested a separate motion to cover this easement exchange. Mildred stated it was not signed by Public Service. Carolyn – that's the whole point, Public Service does not want to sign it until after they know that the Commissioners are granting them a new easement so assuming that's approved that will still be part of the instruction letter.
Commissioner McCown – didn't understand how this exemption plat never got filed, preliminary plat and nothing has been done to this point and we're already back to final plat.

Carolyn – the exemption plat is very old and it was done at a time at which the County didn't even require exemption plats, there was just an exemption resolution. So part of the Preliminary Plan approval was that the developer cleans that up and they have done that, it just says it has to be signed first.
Mark thought Tamara had all of this complete before she left in terms of the actual Resolution drawn up. Carolyn stated that the letter of instruction will take care of all of that.
Commissioner Houpt seconded the motion for discussion. Her concern and preference would be to take the item out that would make us concerned about ultimately having a problem with Holy Cross or Public Service, she wasn't referring to the Metro District and we have a letter from Holy Cross.
Commissioner McCown didn't have a problem with either.
Don – the way Larry stated the motion is that the Chair should not sign the final plat until a number of events occur; in the past you've authorized the Chair to sign the final plat but then directed the Clerk to hold it and not record the final plat until a number of events occur.
Commissioner McCown acknowledged that either one of those would give him the level of comfort he's looking for and if it's normal to have the Clerk hold it until everything is completed that's fine.
Commissioner McCown amended his motion to allow the Chair to sign but to have the Clerk hold the final plat and not file it until all of the items are completed. Commissioner Houpt amended her second.
Vote on the motion: Martin – aye; McCown aye; Houpt nay

Quit Claim Deed – Granting the Easement to Xcel

A motion was made by Commissioner McCown that the Chair be authorized to sign the quit claim deed transferring granting the easement to Excel Energy for actually the transfer of easements back to us to make the paperwork fit everything that's on the ground. Commissioner Houpt seconded the motion; motion carried.
Don clarified that Larry's motion included the SIA and the filling in the blanks before it's signed.

Executive Session – Litigation with American Soda; Advice from Legal on Oil and Gas Permitting Regulation; Contract Negotiations Discussions with Don and Ed; and the County Manager issue.

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

Consideration of Contract Renewal – County Attorney & County Manager

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the Chair be authorized to sign the renewal contract of employment for Don DeFord reflecting his requested conditions of approval and also to sign Ed Green's contract of employment reflecting a 4% increase and keeping his severance at 5 months. Motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to give Ed Green a 4% increase and to keep his compensation at 5%. Motion carried.

Thank you letter – Animal Control

Bea Underwood Elementary School from Principal Larry Bradley thanking the County for the decision to provide the community with animal control. This should actually go to the Sheriff but the Commissioners also supported it. Mr. Bradley stated it was a much better life in that area. Commissioner McCown didn't think the County should take all the credit. Battlement Mesa has their own tagging and licensing program in place that has been a great help in identifying where some of those dogs belong, especially in the rental property.

CCI – Select Someone who could serve on a Sub-Committee – Public Lands Commission for RS 2477 Stance for the State of Colorado; Ambulance Related Rules and Regulations and Task Force – Colorado Recycling Project

Public Lands Commission

Commissioner Houpt and Chairman Martin are interested and would need to be on the Public Lands Steering Committee.

Task Force – Minimum Requirements for Ambulances

The Task Force to represent Garfield County to help with the rules and regulations on ground ambulance licensing. The RETAC has Carl Smith from Carbondale serving on this and actively pursuing some other issues regarding ambulance and communications. The Board felt Carl might be very helpful in assisting the Board with the rules and regulations. Silt Ambulance is the biggest player in the Valley and has taken over Savages and doing all the transports in the valley and recently enjoined with New Castle so Susan Taylor was a possibility as well.

This needs to be a recommendation on a Task Force and to work on minimum requirements which would be for the County developing their rules.

Colorado Recycling Project

This consisting of a solid waste management planning project that will be taken to the legislature this year for the purpose of using funds that are already collected for solid waste management purposes and this would created grant opportunities to Counties to receive money to create those type of plans. This comes from the State and they are collecting from landfills and is sitting in a pot. The intent was reclamation making sure that any landfill that failed would have enough funds.

ADJOURN

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

Attest: Chairman of the Board

_____ _____

DECEMBER 8, 2003
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 8**,** 2003 with Chairman John Martin and Commissioners Tresi Houpt 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

a. Review Request to Store RETAC Trailers – Guy Meyer

Guy submitted a report on the hospital surge planning in connection with the Regional Emergency Medical and Trauma Advisory Councils (RETACs) and the State's Hospital Preparedness Advisory Committee (HAPC) to develop plans that work for each of the RETAC regions in the State.

This hospital surge planning is separate and independent from mass casualty planning and public health mass immunization and triage planning. This is only dealing with the overflow of patients that need to be admitted to a hospital. The HPAC approved a model where hospital caches will be created. The hospital cache will be a stock of non-perishable, non-pharmaceutical supplies to create a hospital (without an emergency room) separate from main hospital facilities. The supplies include: cots, cribs, biohazard containers, IV poles, patient charts, patient gowns, etc.) Any emergency manager can activate the cache during times of a declared emergency when patient admissions exceed the capability of the region.

Discussion: The issue is to provide space for these trailers. In the planning summary, the emergency managers are described to be an active participant. The hospital is renting space for storage for their items while under construction. Mesa County is accepting two trailers and they would be accessible. Commissioner McCown wasn't in favor of having a climate control trailer with all the storage requirements, etc. Trish Cerise commented that supplies available at the hospital for a mass emergency are not there. The hospital has to have supplies for 72 hours. This should be directly between the health and hospital and not with the emergency coordinator. Ed said there is space in the Road and Bridge facility to store the supplies and then park the trailer outside. Commissioner McCown suggested that we could title these trailers and the County would be responsible to haul the trailer. Commissioner Houpt suggested that the hospital needs to be looking at storage as well. This is a resource that the County should accept. Guy recommended that the RETAC Council should look at this again.

A decision was to accept the trailers and after Don reviews the MOU, it will come back before the Board.

b. Update on Housing Trust – Colin Laird

Geneva Powell and Colin Laird were present. Colin submitted the current proposal summary – Carbondale and Silt have included funds in their budget and are willing to sign the IGA once other governments are in the same position. The other issues are around how the fund works. This is a local issue on what makes sense for affordable housing in the individual areas. The same amount requested of the County before remains consistent. Colin said that

Basalt allocated $7,000 for 2004 with the caveat they would like the fund to come back to them in 2004 for an additional request. They are in a tight spot in terms of their budget.

Carbondale allocated $23,000 for the 2004 budget and they are very supportive of moving forward on the IGA. Commissioner Houpt complimented Colin for the comprehensive package he put together in this packet. He answered all the questions the Board had at his last presentation. To invest $27,000 into a program that will generate a great deal of money is well worth it and favors supporting this endeavor. Colin presented an IGA for legal review.

Commissioner Houpt made a motion and seconded by Commissioner McCown for Garfield County to commit to the housing $27,391.00 for the 2004 fiscal year and enter into the IGA as the formalization of this partnership. Don asked clarifications of Colin and said in looking at an earlier draft IGA dated 11-09-03, noted that the in paragraph 8a where we talk about sources of funding for the revenue, so the Board is aware of this agreement, they are approving the first year of funding. In subsequent years it appears to say that funding will be in pursuant to the approved budget. Don requested that one addition be added to this and that is that "each member obligation under that budget will be subject to approval by that member." The purpose of that is so that your budgetary authority is not delegated to this Board. Also, in paragraph, a comment in "10b in terms of withdrawal of members once a tax or fee has been imposed in that

jurisdiction, you're practically at liberty to withdraw. The obvious practical purpose is the authority maybe relying on that tax for funding purposes so you can't back out of it.
Commissioner McCown understood 8b; any of those possibilities would take a vote of the people in that district. Colin added it would also require this Board to sign off to allow the funding to happen on the election. The IGA will be finalized in January 2004. Motion carried.

c. Zancanella Waterline Connection Utility Permit – County Road 109 – Randy Withee

Michael Wieczorek, Louis Meyer and Randy Withee were present.
The Roaring Fork Water & Sanitation District is planning to install a 10 inch waterline from the northern end of Coryell Ranch subdivision to the southern end of Aspen Glen along the County Road 109 corridor. The new waterline will serve mostly as an emergency line if the original line falls or need to be taken out of service for repairs. Schmueser Gordon Meyer is providing the engineering for the project. SGM is looking at two alignment options:
Option 1 – would start from Aspen Glen, travel along the river bottom to a point south of the existing MSE wall, travel back up to north bound shoulder of CR 109 and proceed to Coryell Ranch. Approximately 2,400 lineal feet of the waterline would be placed in County right of way.
Option 2 – alignment would start from Aspen Glen, immediately cross over CR 109 and travel the southbound lane of CR 109 for approximately 4,500 lineal feet and then cross over at Mr. Hobby's driveway.
Recommendation: Grant a utility permit upon completion and submittal of the chosen alignment and the parameters as set forth by the Road and Bridge department.
Louis said they would like to go out for bid on the two options and it would mean cutting in the asphalt and some issues about the County right of way.
Michael submitted a memorandum further describing the Zancanella Waterline Loop saying the project is scheduled to begin spring 2004.
The profile shown in the drawings in for Option 1, and pending approval from both the County and the Army Corps of Engineers they will most likely take this proposed alignment to full construction drawings.
Commissioner McCown, Louis and Randy stated they preferred Option 1.
Louis explained that the Board has discussed both Options – there are benefits with both and the District would like to see the cost for the Option 2 as well. In case there is any problem with the Corp of Engineers then they would have a second option as well.
Commissioner McCown suggested that option 2 would be looked seriously at prior to agreeing breaking up the asphalt on CR 109 and they would be looking at a serious extended warranty on the section of road that is involved – possibly 5 years.
Chairman Martin preferred the Option 1 as well.
Louis proposed that they obtain some bids, bring it back to the Board and if the district board goes to Option 2 they will be bring it back for additional discussion.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update – Contract Negotiation Update – Mountain Family Health Center – Negotiation with Lift-up and a new lease arrangement – The Proyer Litigation and Legal Issues around the Election 2003

and

Consideration of Purchase of Services Contract – Mountain Family Health

Lease of space and grant of dollars for the remainder of this year and next year.
Commissioner Houpt explained these are agreements on behalf of Healthy Beginnings they are working on incorporating into their services. This is a contract to make sure the transition is smooth and the resources are available in order to ensure that benefits would not be interrupted. This includes space and mid-wives services.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Two motions:
Don – we need action on purchase of contracts that is listed under his time.
Carolyn requested board approval from the Board on the lease of space and the grant of dollars to the Mountain Family Health Center for the remaining year and for 2004 understanding these contracts may require some additional regions and will come back to the Board.

Also

Approval from the Board on the purchase of services agreement for CMC certified nurse mid-wives between this Board and Valley View Hospital Association again for the rest of this year and in concept for next year we will bring you back a new document for 2004.

Commissioner Houpt explained the status of this. These are agreements with Mountain Family Health Center on behalf of Healthy Beginnings that they are working on incorporating into their services and we are currently in the process of putting contracts that the transition is smooth and that everybody has the resources it needs during that period of time so that the services to clients do not lag. In concept we are talking about supporting contracts that would carry them over on office space, clinic space and an agreement with mid-wife services so that we have continued mid-wife services for Healthy Beginnings.

Commissioner Houpt made a motion that in concept the Board accept the provisions of the contracts with Mountain Family Health Center for the remaining year and going into 2004 understanding that these contracts may require some additional revisions and will come back to this Board for final approval. Commissioner McCown seconded. Motion carried.

Commissioner Houpt made a motion that in concept the Board support the agreement between Valley View Hospital and the County on behalf of the mid-wife services as presented for the remaining year and into 2004 again understanding that there may be provisions in this contract that will need to be adjusted and it will come back to us for final approval. Commissioner McCown seconded. Motion carried.

COMMISSIONER REPORT

Commissioner Houpt - last week CCI Conference covering a multiple of issues including Energy and State Political Divisions and interesting. RS477 Sub Committee. Met with R & B to discuss Landfill. This week – GBCA meeting on Tuesday evening and a Human Services Meeting – RFTA on and Ruedi Power Authority

Commissioner McCown – Tuesday met with Jo Ann Savage on royalty issues and will be returning for a follow-up on Thursday, met with Road & Bridge helping them classify weight restriction on CR's. Envoy from France; 8:30 a.m. with the President of EnCana with Rippy and Taylor in Denver;

Chairman Martin – missed the Library party on December 7 because he was at CCI; Northwest COG in reference to Terrorism on Thursday in Eagle 9 a.m. – 12:00 noon at the Town Hall and will be there with Guy Meyers; representation with CDOT in Grand Junction on Saturday at 9:30 a.m. and Doug Aden, our representative will be there and lining out some problems they have. Town meeting at Sweetwater – Sunday the 14th at 6 pm – discussing the Fire Station and the inclusion vote for the fire district of Gypsum. Letter from Town of Silt to be reviewed by both the administration and legal in reference to our IGA the Town of Silt concerning road maintenance on CR 311 next to Stillwater. Letter from Sheriff Vallario and it has concern with a grant; Lou to come over and discuss this issue. Thank you from Garfield County Sheriff's Aux on maintenance and working relations with Road and Bridge with the communities of Battlement Mesa and Parachute. An IGA to be reviewed for the CISCA, Fixed Guideway Authority which sunsets this week on the 14th – this is an attempt to keep that concept alive. The new rules and regulations on the flow line regulations series 1100 which we have roundtables with the potential of our pipeline regulations which COGO is presenting and we are countering with.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-fund Transfers
d. Changes to Prior Warrant Lists
e. Authorize the Chairman to sign the Declaration of Master (and Supplement to) Deed Restriction and Agreement concerning the Sale, Occupancy, and Resale of Property in Blue Creek Ranch Subdivision, Garfield County, Colorado. Applicant: Blue Creek Land Holdings, LLC – Fred Jarman
f. Authorize the Chairman to sign the Amended Final Plat for the May Fly Bend Ranch Subdivision. Applicant: Tim Stainton and George & Farley Kilby – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f with b and c being eliminated. Motion carried.

PUBLIC MEETINGS

CONSIDERATION/APPROVAL OF RESOLUTION AMENDING GARFIELD COUNTY INVESTMENT POLICY

Georgia Chamberlain submitted the Resolution amending the Garfield County Investment Policy and explained that this was an update and amendment to the existing Investment Policy.
The changes made are minor updating language but nothing of substance that would have any impact.
Commissioner Houpt clarified that this was the best investment.
Georgia stated these were made by the investment committee. Don reviewed the agreement and didn't have any problems.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution amending the Garfield County Investment Policy; motion carried.

CONSIDERATION/APPROVAL OF RENEWAL OF BANKING AGREEMENT FOR 2004

Georgia Chamberlain presented the renewal for fiscal year 2004. Exhibit A 1 – A 5 and neglected to include the public trustee and those were added. Exhibit F-1 is a new exhibit and this includes the addition to include the Fairboard so they will have the ability to sign checks.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the renewal of the Banking Agreement for 2004; motion carried.

CONSIDERATION/APPROVAL OF RENEWAL OF INVESTMENT ADVISORY AGREEMENT FOR 2004

The renewal was submitted in the Board's packet. Georgia stated this is the last year and we will have to go out for bids. Don has reviewed the document.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the renewal of investment advisory agreement for 2004 and authorize the Chair to sign; motion carried.

COLORADO ANIMAL RESCUE, INC. – JIM CALAWAY

Cindy Crandall, Jim Callaway, Leslie, Director for the Shelter and Lou Vallario were present. Cindy submitted the CARE Budget for 2003. Jim encouraged the Commissioners to donate more in 2004 than they did in 2003. The shelter has been open about 2 ½ and have taken in over 1700 dogs and cats. They are as close as possible to being a "no kill shelter". A dog, Abby, staving to death was present as an example of one of the dogs brought in by the County. The dog had a severely broken back hip leg and took up a collection of funds to provide care $1100 and stated the dog has been adopted. CMC donated the land and built the building with 10% from Garfield County and 10% from Glenwood Springs. The building is paid off and Cindy and Jim have been doing the past 3 weeks is studying Summit and Eagle County. The Commissioners in Eagle County decided to build a no kill shelter, over $1 million and their budget is $500,000 and they pay $400,000. The town contributed all but $90,000. They give an office for the Animal Care. In Garfield County we raised 80% and paid off the debt. $290,000 is their budget and Garfield County gave us $40,000 and $10,000 from Glenwood and $240,000 private donations.
A meeting was held with Lou and Ed and requested $75,000 for 2004. The recommendation is to give $18,000 and $75 per dog and if this is done, the total would be $24,000 and this is unacceptable. They are under pressure to pay staff a decent salary for the 6 employees. If the Board gives them $75,000 then we would be very happy in the relationship to take in all the County dogs with a no-kill basis. Taking in cats is a nice social thing to do for the County. They are reducing the amount of dogs and cats in this community through they spay and
Cindy and Jim submitted the report stating in 2003 the number of dogs brought in from Garfield County was 75; dogs that became CARE were 58 or (77%); and dogs picked up by owners was 17 in number. Dogs spayed or neutered – 48.
Compared to Glenwood Springs, their numbers were: picked up – 72; CARE – 15 (20%) and picked up by owners 55. Dogs spayed or neutered – 10. This shows the difference with country dogs and city dogs.
Jim said they were also going to the City of Glenwood to request additional funds as well.
CARE is proposing to Lou, the Sheriff that qualified tenants from the jail to come to the shelter and help them with cleaning stalls and walking dogs.
This is a unique situation where the citizens built the building and the county has the opportunity to use the shelter but they need more money from the County. This CARE program is a work of love and part of the answer as part of a good life for the County.
The request is for $75,000.
Ellen Ross – Aspen Glen resident. She spoke in support of CARE. She personally has Scotties. She has obtained two of her three dogs from the rescue center. The hat and boot she was wearing were made of dog fur and if known this she would never have purchased them.
Our society is measured by how we treat our prisoners and our dogs.

ChiChi Jacobson – loves animals and CARE is fortunate to have Jim Callaway. She was instrumental in introducing the shelter to CMC and complimented Jim on all his work in getting this shelter built. The Commissioners need to show compassion for other living things and support the request for additional funds from the County.
ChiChi noted that Garfield County doesn't have a homeless shelter for humans and should have to show compassion.
Nancy Genova, President of the CARE Board. The host of public support speaks for itself. The dogs and cats taken into the shelter and are looking for good homes and supports the BOCC to give this generous donation.

COLORADO ANIMAL RESCUE, INC. - CONTRACT DISCUSSION

Lou submitted the original copy of a Purchase of Services Agreement for the Animal Shelter and included Exhibit A – Scope of Services indicating the Contractor will pay each month the sum of $1,500 and $15.00 per day/per dog confined or sheltered under the Contract with a guarantee they will be held for 5 days.
The budget for the Sheriff's department was $50,000. We have 6 kennels available and the budget included $50,000. With respect to some of the issues brought up the animal control officer is new and limit the resources and will be presenting a Resolution to be presented to the Board. Inmate labor is agreeable if all can be worked out.
Commissioner Houpt clarified if the limit of 6 dogs per day is all there is available.
Lou said the budget was based on the 6 dogs.
Commissioner Houpt – from the business and practical measure, started the animal control component and in so doing, by virtue of the fact that we have a program in place, there is a responsibility of the number of dogs at large. In the past we have used CARE but no formal program. This now requires the County to have a shelter in place. There are two proposals: keep with CARE or spent $1 million to have our own shelter. The concern over the equation creates an unknown in terms of the budget and she would rather look at the needs of the animal control center in place to contract with the services now provided by CARE. In looking at the cost of Eagle County's care is $300,000 more than CARE's budget. Many counties carry the full burden for this service. Did Lou look at the long term effort?
Lou stated that CARE has assured them they will be there in the future. There has been talk to have a west-end shelter and to contract with CARE for services.
Jim Callaway stated the idea of having a County shelter is ridiculous and to compete with CARE is silly. All the animals picked up have been kept as much as 60 days and don't try to nickel and dime us to death. The $24,000 being proposed is unfair.
Chairman Martin noted that we have to watch out that they are fair to everyone. They are looking at $50,000 and can't go above that.
Jim noted the maximum capability would be 20 kennels.
Commissioner McCown noted that New Castle, Silt, and Parachute – if they were to give up their shelters, can CARE support them. No one is denying the need. Rifle, Silt, New Castle has their own government shelters. All the dogs are town dogs that they don't have a place to put them and are facing a problem.
Commissioner Houpt – favored keeping CARE strong.
Consideration of the additional funds and to pay quarterly versus monthly.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown that we enter into a contract for 2004 in the amount of $75,000 to be paid the first 3 quarters allowing our Sheriff's animal control person to bring in the amount of dogs without limit.
Don clarified that cats were included and that the motion did not include any additional daily charge.
Sheep and goats and horses were put into the scenario and asked if they would they be included.
Definition - allow all animals that CARE is available to care for, at least give direction.
Motion carried.

PUBLIC HEARINGS:

DISCUSSION OF THE 8TH SUPPLEMENT TO THE 2004 APPROVED BUDGET – JESSE SMITH

Jesse Smith presented the eighth amendment to the budget including Exhibit A and Exhibit B. The notification was verified.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 8th supplement to the 2004 approved budget and that the Chair be authorized to sign; motion carried.

MORTGAGE CREDIT CERTIFICATES RESOLUTION AND IGA – GARFIELD COUNTY HOUSING AUTHORITY – GENEVA POWELL

Don noted that this is a public meeting as it didn't require any public notice.

Geneva Powell, Director of the Garfield County Housing Authority, Clayton Caulder of US Bank, Susan Shirley from the Mountain Regional Housing Corporation (MRHC) and Tom Beard were present.

Don explained in a Memo to the Board that on December 2, 2003 Geneva Powell contracted his office to inform him that money for affordable or attainable housing in a five-county regions may be available. The State requires that a fully executed copy of the IGA be executed and returned to the State no later than December 9, 2003.

The source of funds for this Agreement is outside of and in addition to the funds normally received by the County from the State and we that we have been carrying forward on an annual basis in anticipation of constructing a substantial project.

Geneva explained that they are working together with Eagle, Routt, Summit and Grand Counties to provide mortgage credit certificates to first time homebuyers in our area.

Susan Shirley further explained that MRHC has just recently secured $400,000 to initiate a revolving down payment assistance loan fund. Sources of these funds are two-fold: $200,000 from HUD and $200,000 from the Department of Local Affairs/Colorado Division of Housing. An additional revolving fund from other sources are pending and an additional $90,000 is anticipated to be added to the pool in early 2004. These funds are primarily targeted to families who are purchasing their first home and meet certain income criteria. The loans are for 10-years and are low interest (currently 3%) with a minimum investment by the home owner.

Additional, they submitted the time table and stated if DOLA can tighten up the turnaround time before December 16, then that would give us more time for the last steps.

Tom Beard, the funds being rolled over are $3.6 million and if not used they would roll back over to the State. This is what happened to the State and why this money is available. If next year we can't find a project, we could use the balance for Garfield County 2-2700 – for allocation of private activity bonds to be leveraged. Our $2.2 million is allocated differently that the $3.6 million. We are rolling it over hoping to be able to use it for a project. This $2.2 million is a separate budget and would not be mixed with the $3.6 million rolled over.

A Resolution was submitted authorizing participation in a Regional Mortgage Credit Certificate Program and Delegating authority to issue such certificates to Eagle County.

Don – in terms of the IGA there has been some accumulated cost with bond counsel and has a pro-rated share (11% of it). And Geneva should be designated in the Resolution to indicate that she will be acting as Garfield County representative.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution authorizing participating in the regional and delegating the authority issue in delegating the certificates to Eagle County to administer the entire program. 2-3000

Discussion – were the funds will go is uncertain.

Don's understanding is that the actual money does not come to Garfield County and we are issuing authority for Eagle County to be the authority and they administer the program.

If the funds are not spent, it will go to one of the other counties and\or back to the State.

Motion carried.

Tom will track the entire project and funds and will report to the Commissioners.

IGA's

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the IGA for the $2.2 with the purchase price - $205,000 motion carried.

Susan noted that the record should show that on the Commissioners behalf, a total of 10 loans amounting to $360,000.

Jesse – the $3.6 million can be rolled over one more time. Tom will verify this before the roll over and he will lobby to maximize the roll over and to include the $2.2 million into the project.

Tom envisioned this project to be an equity fund for developers for larger apartment complexes. The ideal place is in the free market place possibly Glenwood Meadows and Rifle might lean toward this process. We need to look at a targeted project and funnel the monies. This will be on the agendas for next year to utilize these tax credits. We need a developer to step forward. This is a bond and very complex financing funding entity. You need bond counsel and another attorney. When you look at these projects the County has some responsibility, especially after 10 years.

Victim's Bill of Rights – Lou Vallario

Lou gave a review of what things are required for law enforcement to do for victims; prosecutors are required to do other things, etc. even to Correction Facilities. In the past, Lou said they have relied on the DA victim coordinator assistance to make sure that everything was covered for both law enforcement and the DA piece. There's a minimum amount of things that have to be required such as basic information, case numbers, and where victims can get compensation for things. Lou wants to have within the law enforcement organization a victim advocate who can reach out to those victims, go to the scene if necessary and being working with the victim. Law enforcement officers tend to deal with the crimes, the suspects, and the evidence and we seem to overlook the victims who are the most important part of any case. There are other Sheriff's Offices that do this and Douglas County has an entire team of victim advocates that respond to a crime. There is help for victims under this Victims Bill of Rights. This is a service that we are quinsy required to provide through statutory obligation but this is something Lou wants to do for the citizens so they are getting the best possible services. This is not competing or duplicating efforts with the District Attorney or Advocate Safehouse and they the DA even agreed to provide some VALE money to help support this project. The project idea is to hire a full time person to fill the position of Victim's advocate within the Sheriff's Department. Funds were received from VOCA and VALE to support this and then build a team of volunteers to be able to respond to these people. The other piece of this with victims is to do some follow up. The project originally was figured to be $79,000 is the amount of the grant and they put the VOCA grant in for that, they reduced the number. Lou went to the 9th Judicial VALE Fund and they provided $5,000 and some of the cost will be absorbed in the 2004 budget and came up with a project cost of about $59,000. When they put the VOCA grant in more or less did a commitment that we had to have for the grant of about $19,000. They were able to reduce this down to a figure of $15,722. To do this program through a variety of funds, they were asking to follow through with this commitment and provide the $15,000 plus in funds. The VOCA grant is a two-year grant and is more or less a two-year commitment they would provide the same or perhaps additional funds. This will be an existing grant next year and are basically refunded versus new grants. The VALE grant provided $30,000 and is over 18 months due to they are switching to a state fiscal year and Lou said they can apply for that again in 1 ½ years to maintain the fund to that system. Lou will be building this into his budget for next year.

This would be an increase in the general fund budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the expenditure for the match of $15,722 to the Sheriff's budget for 2004 budget for the matching funds for the Victim Advocate position; motion carried.

CONSIDER A REQUEST FROM AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR A PROPERTY LOCATED AT 1600 CR 306, PARACHUTE. APPLICANT: MICHAEL KNOX – FRED JARMAN

Catalina Cruz, Fred Jarman and Michael Know were present.

Catalina reviewed the noticing requirements with Mr. Knox and determined they were in order and advised the Board they could proceed with the public hearing.

Chairman Martin swore in the speakers.

Fred submitted the following exhibits: Exhibit A – Mail receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations on 1978, as amended; Exhibit C-1 – Garfield County Subdivision Regulations of 1984, as amended; Exhibit D – Garfield County Subdivision Comprehensive Plan of 2000; Exhibit E – Application materials; Exhibit F – Staff Memorandum; Exhibit G – Letter from the Board of County Commissioners to the Division of Water Resources dated 11/5/02; Exhibit H – Two quit claim deeds dedicating ownership of CR 306; Exhibit I – email from the County Road and Bridge Department dated December 2, 2003; Exhibit J - Letter from Grand Valley Fire Protection District dated 112503; and Exhibit K – Well Permit from the Division of Waster Resources.

This is a request for an exemption from the definition of subdivision for a tract of land 35 acres split by CR 306 (Wallace Creek Road). This split leaves approximately 8.13 acres on the west side of the road and 26.29 acres on the east side of the road.

Michael Knox – the County road does prohibit him from combining the two parcels. He uses the two parcels for cattle and needs this for his cattle to have access to water. He responded to the community water tank stating his regard for liability since this would be if someone's house burned and the water wasn't maintained properly.

Fred clarified that this would be a water tank just for Lot 2. The owner of that will accept responsibility of the water tank.

Michael said the liability if on him to maintain the tank. The largest tank he can get is 1700 gallons and would cost around $1,000.
The Board felt that sprinkling would benefit with his insurance.
Michael stated that he had cleared adequate defensible space and didn't feel that a fire would destroy his structures. Also, in the conditions he noticed that an engineered septic system was required.
Fred confirmed that due to the soils identified on his property, the County has a concern with the septic system. Michael wondered why this was required before he did a perk test to determine if he needed an engineered foundation.
Recommendation:
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 be required to provide a 1) water well / line easement to be defined and depicted on the plat and 2) a well sharing agreement that governs the use and maintenance responsibilities of the well for both lots. The Applicant shall be required to provide and record these documents as part of the final plat process.
3. That the applicant shall have 120 days from the date of this approval, to present a plat to the Commissioners for signature from the date of conditional approval of the exemption;
4. Prior to the signing of a plat, the Applicant shall provide proof to the Building and Planning Department that a well test has been completed for the newly created Lot 2 which demonstrates an adequate pump rate and water quality pursuant to subset ***a*** – ***f*** below. If the aforementioned proof is not submitted, the Applicant shall be required to conduct a well pump test that demonstrate the following points:
    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 drawdown 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. The water quality is tested by an independent testing laboratory and meets State guidelines concerning bacteria and nitrates.
5. That the following plat notes shall appear on the Final Plat:

a. No further divisions by Exemption from the rules of Subdivision will be allowed.
b. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. sew. and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
c. All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
d. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
e. 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.
f. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

g. One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owner's property boundaries.

6. The Applicant shall comply with the recommendations of the Grand Valley Fire Protection District which includes, but is not limited to, the following:
    a) A water supply shall be located within 150 feet of a residence and have a 4 1/2" hydrant connection capable of providing 500 gallons per minute. The water supply capacity shall be determined by the square footage of the residence, however, a minimum size of 1,700 gallon tank shall be required for Lot 2 per residence under 3,500 square feet.
    b) For residences over 3,500 square feet in size a fire sprinkler system shall be installed. For residences up to 3,500 square feet a fire sprinkler system shall be optional. Fire sprinklers systems shall be meet the requirements of NFPA 13D.
    c) NFPA 299 standards shall be adhered to for access / egress requirements and defensible space.
    d) Access to the subject lots shall be adequate to meet the requirements of the Fire District and shall meet all turning requirements of the Fire Districts equipment.
    e) An agreement shall be in place, prior to finalization of the Exemption Plat via a plat note or agreement, between the Fire District and the property owners that the use of water stored in a fire water cistern, in the event of emergency, is not limited to a specific residence where the cistern is located and that its use and need shall be at the discretion of the Fire District.

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

A motion was made by Commissioner and seconded by Commissioner to approve the request for an exemption from the definition of subdivision for a property located at 100 CR 306 for Michael Knox with the conditions as stated changing the maximum/minimum in 6a to 1700 gallon storage for Lot 2.

Commissioner Houpt noted her concern with changing the recommendation with the fire district. Chairman Martin noted that the fire district does just make recommendations and this Board has the final decision.

Vote – Martin aye; McCown – aye; Houpt – nay

CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR A PROPERTY LOCATED AT THE INTERSECTION OF CR 229 AND CR 216 ON SILT MESA NORTHWEST OF THE TOWN OF SILT. APPLICANT: WAYNE POLLARD AND VICTOR GANZI – FRED JARMAN

Fred Jarman, Catalina Cruz, Wayne Pollard and Nick Goluba, Attorney were present.

Catalina 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.

Fred submitted the following exhibits: Exhibit A – Mail receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations on 1978, as amended; Exhibit D – Garfield County Subdivision Regulations of 1984, as amended; Exhibit E – Garfield County Subdivision Comprehensive Plan of 2000; Exhibit F – Application; and Exhibit G – Staff Memorandum

Chairman Martin entered Exhibits A – G into the record.

This is a request from the definition of subdivision for property located at the intersection of CR 229 and CR 206 on Silt Mesa northwest of the Town of Silt on 121.7 acres.

The applicants requests approval from the Board to subdivide their 121 acre property into a total of 4 lots; two lots would contain 3.2 acre lots; one lot would contain 3.5 areas, and the fourth lo would contain 111.7 acres.

Recommendation:

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

3. The Applicant shall submit a well sharing agreement that determines what entity (such as an HOA) owns, maintains, and governs the use of the well including the supporting infrastructure such as the pump house, pump, waterlines, etc. In addition, the agreement shall also determine who owns and administers the water rights (1.32 acre feet) provided for in the West Divide Water Conservancy District contract (#030821LC(a)). Lastly, the agreement shall include a reference to the easement depicted on the final exemption plat. This easement shall be recorded in the County Clerk and Recorder's Office and its book and page shall be noted on the final plat.
4. The applicant shall depict the location of the ditch that runs along the east property lines of the proposed three small lots. This shall be clearly and correctly delineated on the final plat.
5. The Applicant shall record a separate deed at the time of final plat conveying the well easement and ownership of the water associated with the well to the Homeowner's Association.
6. Prior to the signing of a plat, the Applicant shall provide proof to the Building and Planning Department that a well test has been completed which demonstrates an adequate pump rate and water quality pursuant to subset **a – g** below. If the aforementioned proof is not submitted, the Applicant shall be required to conduct a well pump test that demonstrate the following points:
    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 drawdown 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;
    g. The water quality 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.
7. That the following plat notes shall appear on the Final Plat:
    I. No further divisions by exemption from the rules of Subdivision will be allowed.
    II. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et. sew., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
    III. All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
    IV. Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer within the State of Colorado.
    V. 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.
    VI. 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 & Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

VII. One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owner's property boundaries.

8. The Applicant shall include a plat note on the final plat stating the following: "The mineral rights associated with this property (also known as Parcels 1, 2, 3, and 4 of the Pollard Exemption) have been partially severed and are not fully intact or transferred with the surface estate therefore allowing the potential for natural resource extraction on the property by the mineral estate owner(s) or lessee(s)."

Fred made corrections on page 6, No. 4 – it indicates that the applicant shall depict the location of a ditch that runs along the east property lines of the proposed three small lots; this shall be clearly and correctly delineated on the final plat. It's Fred's understanding in talking with the applicant that this is not a named ditch and in that it is really a lateral and asked the applicant to further explore this in their presentation. As long as that line of that ditch is on there isn't an easement that goes along with that ditch.

Fred Jarman added the sentence in Condition No. 5 **"**so the applicant shall record a separate deed at the time of final plat conveying the well easement and ownership of water associated with the well to the HOA particularly from Parcels 1, 2, and 3.

Applicant: Wayne – this is a lateral off of the Silt pump canal and it has been there for years, actually it's on the boundary line and designed the exemption to fulfill that so it will not be an issue, they will fence on the east side of as well and there shouldn't be any problems. It goes down to an existing subdivision that was part of the Antonetti property that Ray Gilbert. This will show up on the plat; there is no recorded easement. This ditch shows up on the three exemption lots.

Commissioner McCown was concerned now that we are severing this particular parcel into 3 lots, the owner of lot 1 may need to get across lot 2 to do some work or whatever on that ditch; without something recorded, can they do that?

Nick stated the ditch runs along the back side of the lots and they will each have their own access; that's why it was designed this way. They can each pull their own head gate or they can construct one that will be up to them.

Wayne, the order the water into the ditch which will be on the main pump canal and then they will come down; how it gets to each individual property will be up to each property owner. Because it is all strictly Silt project water, they will be getting all the water that was allocated to this ground in the first place.

Nick Goluba – the remained will be 111 acres.

Don asked if the amount of water has been allocated.

Wayne said the water will be equally split on the three lots. The water stays with the land and is Silt project water.

Dale McPherson – former owner of the property and no objections but requested that the minerals be noted that they have been severed and this needs to be on the plat.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the exemption from the definition of subdivision with the staff's recommendations and noted Number 5 corrections and include No. 8 a plat note that the minerals have been severed. Motion carried.

CONSIDER A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLINIG UNIT (ADU) ON A PROPERTY LOCATED AT 6107 CR 309, PARACHUTE. APPLICANT: JAYCEE JOHNSON – FRED JARMAN

Fred Jarman, Don DeFord, and Jaycee Johnson were present.

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

Fred submitted the following exhibits: Exhibit A – Mail receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations on 1978, as amended; Exhibit D – Garfield County Subdivision Comprehensive Plan of 2000; Exhibit E – Staff Report dated December 8, 2003; Exhibit F – Application; and Exhibit G – Comments from Road and Bridge dated November 3, 2003; Exhibit H – Email from Steve Anthony to Building and Planning dated 11/2503; Exhibit I – Building Permit No. 00236; Exhibit J – Letter to BOCC from Michelle and Michael Scheele dated 11/15/2003; and Exhibit K – Letter to BOCC from Michelle Scheele dated 11/25/03 and Exhibit L – 3- 1700

Chairman Martin entered Exhibits A – L into the record.

This is a request for a Special Use Permit for an Accessory Dwelling Unit to convert the existing residence (modular home) to an ADU for the purpose of construction of a new residence on the subject property on property addressed as 6107 County Road 309, Parachute on a 7.33 acre tract of land.
Recommendations:

A. 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.
B. Only leasehold interests in the ADU shall be allowed. The unit may not be sold separately.
C. 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.
D. Prior to the issuance of the actual Special Use Permit, a written letter from Water Resources shall be provided regarding the water rights.

(As added in the motion to approve)

E. The Applicant shall comply with the terms of the Judgment and Decree (case No. 94CV074) #4 signed and dated on June 23, 1998 which states "the Plaintiffs shall install a measuring device and restrictive flow device at the domestic pipeline which will restrict the flow of water to no more than 8 gallons per minute." The Applicant shall provide proof that this has been accomplished prior to issuance of any Building or Special Use Permit on the subject property.

Fred said this is a request for a Special Use Permit by the applicant and owner of the property Jaycee Johnson who wishes to convert an existing modular on the property which is 6107 County Road 309, southwest of Parachute, to an accessory dwelling so that she may then construct an additional larger unit on that same piece of property. The zoning is A/R/RD and is the same for the surrounding properties. She has an existing access from County Road 309 to her current property and she also has a new driveway permit from the Road and Bridge Department to access what would be her new residence. The existing modular unit you can see from the County Road is 980 square feet so it would be consistent with the 1500 maximum limitation for an accessory dwelling unit. The property is 7.3 acres in size and meets the minimum lot size of 4 acres for an accessory dwelling unit. With respect to water, the existing modular to be converted to an ADU is off of a well. Exhibit L shows this is a legitimate well in good standing with the Division of Water Resources. The proposed water for the new unit would be off the Canary Bird Ditch and in the staff report a court decree that describes the ditch, the 0.2cfs and how it's allocated. There are also two legal descriptions of the water that is legally adjudicated to her in this decree allowing for two single family dwellings. This was articulated under No. 1 on page 3 so she has the water to do this. One single family house is already being served; this would be a total of 8 gallons a minute dedicated to those two properties. Exhibit L goes on to talk about the water, saying the subject water for the Canary Bird Ditch should provide a legally adequate water supply for two single family dwellings. Ms. Johnson is proposing to have the waste water from her new residence from an ISDS system.
Fred drew attention to No. 7 that we need to disclose to her that the unit that she has is a legal but non-conforming structure that she would have to upgrade that later in terms of doing modifications due to the fact that it is an older unit. The modifications would have to meet County Code at that point. No. 7 is also indicated as a condition for approval in Condition No. 3. Staff finds that this has met the standards for an Accessory Dwelling Unit for this piece of property and recommended approval.
Applicant:
Jaycee – the Scheele addressed a concern in their letter regarding a septic tank being too close to their water supply but it will not be. She visited with them and tried to assure them that the engineers would design he sewer system or the septic system so that it would not be a problem to them; 400 foot away or so. And they were concerned about a new well bothering their existing well and we're not putting in a new well so neither one of those concerns are valid. They were concerned about the access of the DJ Road and we're not using an access off of DJ Road.
Fred asked Jaycee to clarify one of the points raised in one of the Scheele letters was an additional residence; it's been explained to staff that this is not a residence but asked for clarification.
Jaycee described the only residence is the trailer house that's on the property but there is an old house that she grew up in that's 107 years old. It has a toilet in there but there's no septic tank and there are no faucets on the old sinks and it is not being used as a residence and that was one of their concerns that it. At this

point it is only being used for storage. It is deemed a historical structure and is being used strictly for storage.
Gloria Martin – 6006 County Road 309 – in Rulison. With reference to the District Count, County of Garfield judgment and decree, the plaintiff was Elaine Allen, also known as Jaycee Johnson against Ova Gibbs Evelyn Scott, Eugene Scott and Connie Erhard as defendants. We have bought the property that Mr. Erhard so we are her successors and in 1998 there was a stipulation and agreement from that a judgment and decree whereby on No. 4 it says the plaintiffs shall install a measuring device and restrictive flow device at the domestic pipeline which will restrict the flow of water to no more than 8 gallons per minutes. That is the water that we share and there has not been since this was dated the 23rd of June 1998 by Judge Ossola and this has not been done, there is no restrictive flow device or measuring device. My husband and I would like that to be a condition since this is going to be her residence and since we need to make sure she gets her up to 8 gallons per minute legally and not less or more than and that we get our water that we're entitled to legally. We've been talking and the steps are in motion but we feel that it's been five years and hasn't been done. We'll like to see it done so it would be legal.
Evelyn Scott – 6373 309 Road, Parachute – when she received this public notice it said to take notice that Jaycee Johnson had applied. She didn't know a Jaycee Johnson; she has known her as Elaine Allen as she is known in our neighborhood. The old house that she talked about, I lived in it for 9 years and it was very adequate to live in; her folks lived in it after I moved out. She said she goes along with Gloria Martin on the restriction for the 8 gallons of water because we are also on that pipeline and would like to see that done before any permits are issued.
Mike Scheele – 6017 County Road 309 – we sent the letters included in the packet of information. The biggest concern with the property is that it appears there are two residences on the property already; one may be called storage but it has historically been a residence. Apparently no variation has been done or variance been done in the past on that; now we're adding another residence to it or attempting to. There are multiple buildings on the property anyway and we have concerns about what's going on with the property. Big concerns.
Commissioner Houpt – asked Fred if there had been some response to the letters or concerns on his part about the number of residences on that piece of property.
Fred – that's why he wanted to confirm what residential units were on the property and it's our understanding that the old house that Jaycee is referring to is an old residence but number one it doesn't have plumbing and in our minds has been taken off line; also staff understands that there really isn't a kitchen in it.
Jaycee – the floor are sinking and there are cabinets still there. Evelyn lived in there way back in 1974 and the thing was cold, there was actually no heat in it and Jaycee bought the existing trailer and put it on the property to get my mother out of that cold house. So it really isn't inhabitable and you're welcome to check it if you'd like.
Commissioner Houpt inquired as to what it would take to bring it up to residence status if she decided to.
Jaycee said the floors are rotting and falling in – it would take a whole new building; the roof is falling in – the intent is to destroy the house.
Fred stated as a matter of zoning, staff would consider that as storage and not as a single family house; and that's a key piece and why he wanted Jaycee to disclose that on the record before a decision was made by the Board. At a later point if all of the sudden we go back and then there were three units on the property, well that's in violation of what's being purported to us. It didn't appear to us from her description that this would be a likely option.
Evelyn Scott testified that in living in the house for 9 years, we were not cold; she's a cold person and does not a cold house and she was not uncomfortable. Sometimes when it got way below zero, like 20 below then yes maybe we were uncomfortable, but not normally. The house was very comfortable.
Chairman Martin asked what kind of heat was in the house.
Evelyn Scott – we had a floor gas stove and in the kitchen was a cook stove and they had a little electric heater they put in the kitchen.
Commissioner McCown inquired as to the last time Ms. Scott was in the house.
Evelyn Scott – 1974.
Wayne Hackler – out of Grand Junction, Colorado – a building contractor. The house is storage only. It is a log frame structure, it is chinking which is the grout that goes in-between the log and half or most of it is gone or leaking. You could probably restore it historically if you wanted to spend the money to do so, practically not a chance - it's inhabitable

Commissioner McCown – just to answer Mr. Scheele's questions and concerns, the property cannot be severed once the Special Use Permit if it is approved, there will never be a severance of that property and that particularly dwelling unit, it still has to stay as one parcel with that dwelling unit on it.
Wayne also addressed the individual disposal systems are regulated by the State Health Department and cannot be altered in any way, shape, form, or variation by County, City, Municipality or otherwise. They have a standard guideline that must be followed and the primary reason for these guidelines is to protect water.
Recommendation:
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; motion carried.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Special Use Permit for an Accessory Dwelling Unit with the conditions as noted by staff adding Number 5 requiring the applicant to have in place a measuring device to adequate measure and monitor the amount of water allocated, which I believe was 8-gallons a minute and a method to monitor and pull that water out of the ditch. Chairman Martin – that includes all the testimony that we heard also as part of the terms and conditions. Motion carried.

CONSIDER A SPECIAL USE PERMIT APPLICATION FOR "MATERIAL HANDLING" AND "STORAGE" FOR WASTE TRANSFER STATION AND RECYCLING FACILITY TO BE LOCATED AT THE WEST RIFLE INTERCHANGE ON LOTS 4 AND 5 OF THE LACY PARK SUBDIVISION AND TO CONSIDER A PLAT AMENDMENT FOR THE SAME. APPLICANTS: DAVE JOHNSON (LACY PARK, LLC) AND WESTERN SLOPE RECYCLING, LLC. – MARK BEAN

PROJECT INFORMATION AND STAFF COMMENTS

Mark Bean, Don DeFord David Johnson, Lacy Park LLC Allen Green with Balcomb and Green and Debbie Dulley with SGM and Tom Beard were present.
Don 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.
Mark submitted the following exhibits: Exhibit A – Mail receipts; Exhibit B – Proof of Publication; Exhibit C – Garfield County Zoning Regulations on 1978, as amended; Exhibit D – Garfield County Subdivision Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments: Exhibit F – Western Slope Special Use Application; Exhibit G - Letter from Michael Erion, P.E. Resource Engineering, Inc. dated November 2, 2003; Exhibit H – Letter from Jeff Giard, Chair, City of Rifle Planning and Zoning Commission dated October 28, 2003; Exhibit I – Memo from Steve Anthony, Garfield County Weed Management, dated November 24, 2003, and Exhibit J – email from Glen Mallory, Colorado Department of Public Health and Environment specifically Hazard Waste and Hazard Materials Division – for the record since this was an issue as part of Mark's staff report, wanted to note that this particular email indicates that Western Slope Recycling should be classified as a transfer station for review purposes. A transfer station is exempt from a Certificate of Designation per CRS 30-20-102.7 Section 7 of the Regulations as he refers to it establishes the review standards for a transfer station the regulations are the regulations developed by the State Health Department for solid waste disposal/transfer stations/recycling type facility, etc.
Mark said he noted in the staff report a concern about the need for the certificate of designation because we have received two different comments from the State during the review process. Initially we were reviewing this as no certificate of designation being needed. Just before the staff report came out, he had a call from the State Department saying we may have miss-informed you there and believes a certificate will be required. Now we have the final document here which actually came from the head of the division down in Denver, Mr. Mallory indicating that a certificate of designation is not required. Based on that, staff would recommend that we proceed forward with the public hearing.
Chairman Martin entered Exhibits A – J into the record.
This is a request for a Special Use Permit for material handling and storage area for solid waste and construction and demolition waste recycling facility. A tract of land located on lots 4 and 5 of the Lacy Park Subdivision; more practically described as a tract of land located approximately two miles west of Rifle, at the West Rifle I-70 Interchange.11.31 acres.
The 11.31 acre site is located on the southeast side of West Rifle I-70 Interchange. Access to the railroad is located along the entire southern boundary of the property. The property is relatively flat, with a small

swale on the east end and a deeper gully along the west side. Portions of the site have been graded to flatten it out and in some areas fill material has been placed on it. At this time the property is covered by native vegetation and has no improvements on it. The adjacent lot to the west has a heavy equipment storage yard and then a church on the next lot to the west.

Project Description: The applicant is requesting a special use permit to operate a Municipal Solid Waste (MSW) and Construction & Demolition Waste (CDW). Additionally to amend the plat for the Lacy Park Subdivision Lots 4 and 5, to merge them into one lot.

Recycling facilities would provide temporary storage to of waste material, to allow for the subsequent sorting and distribution of the waste to be recycled or transported to a disposal site. The facility will be available to local haulers to bring in trash, which will be sorted to separate the recyclable material from the other material. All of the non-recyclable material will be hauled to landfills outside of Garfield County either by truck or train.

Trash will be delivered to a 40.000 sq. ft. tipping building and sorted for recycling or disposal. The material to be recycled will be sorted further in an adjoining 6,800 sq. ft. building. Offices and restrooms will be located in a 2,800 sq. ft. building. Water to these facilities will be provided by the City of Rifle and sewer will be an individual sewage disposal system. The facilities will operate Monday thru Friday 6 a.m. to 7 p.m. and 7 a.m. to 5 p.m. on Saturdays.

Access to the site is off south I-70 frontage road, just south of the West Rifle I-70 interchange.

Anticipated traffic is 15 one-way trips by the employees, 50 garbage trucks and 35 roll-off trucks incoming and 30 outgoing semi-trucks. Once the applicants build the railroad siding, the 30 outgoing trips will be reduced substantially.

The proposed transfer station is subject to the Colorado Department of Health and Environment (CDPHE) Solid Waste Disposal Regulations. (See attached regulations) Originally, staff was advised that the State of Colorado Solid Waste Disposal Regulations, Section 7, regulates transfer stations and Section 8 is reserved for recycling facility regulations and that a Certificate of Designation from the County was not required. Section 7 only requires a transfer station operator to file an operations plan for review, but there is no approval of the operating plan required by the regulations. Section 8 of the regulations is reserved for recycling facilities, but the regulations have not been developed to date. Donna Stoner, CDPHE, Solid Waste and Hazardous Materials Division initially reviewed the plan and stated that the plan meets the requirements of the regulations and will be filed. Subsequently, the afternoon before the staff report was due to administration, Ms. Stoner informed staff that the original advice given to staff was incorrect and that the County will need to issue a Certificate of Designation. Staff was not familiar enough with the CRS and Solid Waste Regulations to be able to properly advise the Board of the procedure and criteria necessary for considering a Certificate of Designation in the short time that staff was aware of this requirement. Normally, staff would have advised the applicants that it would be necessary to get the CD approved, prior to submittal of the application. Given the present circumstances, staff would suggest that there are two options: (1) Review the Special Use Permit with a requirement that the CD be issued prior to issuance of the SUP or (2).continue the public hearing on the SUP to date certain, at which or after which the CD can be reviewed.

RECOMMENDATION

Staff recommends the approval of the natural resource extraction operation on the property described, with the following conditions:

1. That all representations of the applicant, within the application, including the forestry plan, and stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval, unless specifically changed by this resolution.
2. Prior to the issuance of the Special Use Permit, the applicant shall: submit the following for approval by Steve Anthony, Weed Management Department:

a. If there is tamarisk on the property the applicant shall provide a plan to remove the tamarisk from the property

b. A written annual weed management plan for the site.

c.A plant material list for reseeding the disturbed areas.

d. A larvicide program to manage mosquitoes in shallow areas of the pond. and a plan for implementing it.

3. Prior to the issuance of the Special Use Permit, the applicant shall:

(a) The applicant apply a veneer (i.e. stucco, stone, brick) to the lower 4.5 feet of the main building , including the rail shed and recycling area.

(b) The same veneer material or another complementing, non-metal material shall be applied to the entirety of each exterior wall projecting from the north side of the main building, which appears to be area functioning as office space.
(c) The roof plane along the north elevation have a break where the roofline exceeds 150 ft. in length.
(d) The building be finished in a light to medium earth tone color.
(e) The roof has a low profile, visually blending and be a non-reflective earth tone color.
(f) All exterior lighting shall be provided by using downcast, cut-off fixtures.
(g) Security fencing shall be constructed of a solid, opaque material or, if chain link, landscaping shall be planted outside the fence. The landscaping be planned by a professional landscape architect and include 2" caliper deciduous trees and/or 6' evergreens spaced and grouped with the purpose of enhancing the site and screening the chain link fence from I-70 and Highway 6.
(h) The parking lot and signage shall conform to the standards for the Rifle Municipal Code.

4. A drainage easement be defined on the east end of the property and that the applicable State Storm water permits be obtained prior to issuance of the Special Use permit.
5. Prior to issuance of the Special Use Permit, a copy of the approved pre-annexation agreement with the City of Rifle, be submitted to the County.
6. If an ET system is used, the system must include adequate effluent storage for the October through March period when the ET rate is inadequate for the design flow. An automated alarm system which provides a warning when the ET bed and storage facilities are full. An operation and maintenance plan must also be prepared for the system which includes a contingency plan for pumping and off site disposal of effluent if necessary due to inadequate function of the system and included in the SUP file in the Planning Department offices.
7. Prior to issuance of the Special Use Permit, a revised site plan for the buildings and outside storage areas will be submitted to the County.
8. Prior to the issuance of the Special Use Permit, an amended plat shall be approved by the Board for lots 4 and 5 of the Lacy Park subdivision.

Commissioner Houpt wanted some questions posed to the Landfill staff on the record such as the Board is always charged with looking at what is in the best interest of the citizens of Garfield County, so some of the questions were geared toward that. This is a very unique request because of some assets that we put a lot of taxpayer money into and so I need to ask questions about what the staff has looked at in terms of fiscal impact this particular business will have on our landfill and the other landfill in the County.

Mark said I do not have any criteria by which to judge it; there isn't a criterion as part of the zoning review.

Commissioner Houpt – so when we find ourselves in this position, there's got to be an avenue for reviewing that because we're looking at protecting the best interests of Garfield County when we make these decisions and that's an all encompassing question and we're talking about impacts of the number of private loads that would go to the landfill on a daily basis, the number of commercial loads, where the waste is taken, (Counties can have flow control regulations) and as stated in this application, everything's going to be taken out of the County. So when you put all of that together, there's going to be a huge fiscal impact on the County and think I need these questions answered before moving forward with this. Should we take the time to explore this because we're all three very concerned about the County budget, we've put hundreds of thousands of dollars in the landfill – this is a national trend and asked if they had any information on how this has impacted other landfills around the Country.

Commissioner McCown stated about our landfill, and the public tax funding, it is an enterprise fund, it is self-funded and self-sustaining. It is unlike other entities within our County Government that on a regular basis we do fund it with tax money – it truly is an enterprise.

Commissioner Houpt – it also belongs to the citizens of Garfield County and we don't have any information in front of us that would indicate to me that at some point taxpayers wouldn't have to subsidize that landfill because of diverting revenue out of the landfill. This could potentially happen or we'd be looking into early closure – I know this has happened in other regions and it doesn't take a lot to make that happen. All I'm asking for is that kind of information to be put before us.

Chairman Martin – staff is not regulating free enterprise.

Mark added that he had no criteria to use or judge that or ask for that type of information.

Craig Kuberry, Garfield County Landfill Manager – we ran some quick figures last Friday and didn't have time to comply any information. As far as revenue for construction waste, he would say we will probably around $300,000 a year. They did a 3-year average to arrive at this amount.

Commissioner McCown – is that the assumption that every cubic yard or cubic ton on waste will go to this facility.
Craig – for construction waste, yes, that's what the staff used.
Commissioner McCown – under your calculations, everything you've done over the past will go away.
Craig – right.
Chairman Martin – assuming.
Commissioner Houpt that's the worse case scenario but they're also collecting municipal waste and so it goes beyond construction and demolition waste. We can talk about this more after we've obtained more information from the applicant, but she wanted this to be noted that this is a huge piece of information when you come in front of the County to make a change like this because it's not only going to impact our landfill but it will impact Glenwood Springs as well and didn't know if Glenwood Springs received the information.
Mark – I had no reason to send it to them because there are no criteria for this type of review.
Chairman Martin wanted to proceed to review the application and if there are questions after the presentation, then we can ask them.
Commissioner Houpt wanted to get these questions on the record and we'll come back to them.
Applicant: Tom Beard – the Mission Statement for Western Slope Recycling was read into the record: "We believe that the future growth of Garfield County particularly the westerns parts of the County will generate significant amounts of construction and residential debris in coming years that can be more effectively handled by a transfer and recycling facility rather than shortening the life of our existing landfills. As new landfills are difficult to locate, permit and construct, transfer facilities are more viable alternatives in the disposal of solid waste." There was nothing to go to and nothing in the requirements of us to determine the economic analysis of this nor have we done so. He said that information they obtained off of websites in a rough survey of Colorado towns and counties, 27 counties only have landfills; 11 have transfer stations only; and 18 counties have both. He said he doesn't believe operation of a transfer station precludes the continual operation of existing local landfills but did not prepare any kind of economic analysis to address this. Tom added that they have no issue with staff comments, nor from Rifle planning and zoning that he presented in front of on October 28, 2003. He showed some renderings and changes made in those to somehow address those concerns expressed by Rifle.
The renderings were shown and explained. These were noted as Exhibits that were enhanced from the application.
Commissioner Houpt – requested they speak of operational procedures and how they will handle hazardous waste and asked what they have created in the building to take care of those properly.
Tom Beard – addressed this saying the industry has handled this and no significant problem either from ignition sources or otherwise. The principal problem can be any type of leakage that comes out of residential garbage that actually stays on the floor itself and we'll have a collection system to hold those types of liquids, they'll be evaluated in terms of toxicity and if they are within acceptable perimeters they'll be taken to a local waste water treatment facility preferable your regional treatment facility. On fire protection, Tom said the architectural firm that designed this has been doing this for some type so they will meet all the applicable codes and material handling requirements in the building design itself.
Mark said no response was received from the fire district.
Commissioner Houpt requested that the applicant talk to the Board about where the destinations for the trash will be because of the discussion about a trash train ultimately and semi loads going out. A similar discussion was held regarding a trash train several years ago to a facility in Utah and wondered if this type of process doesn't work by using local landfills or you have to take it out of the State to make it work.
Tom Beard, typically speaking in our experience, you pick the most appropriate landfill for the type of material. The ECDC landfill in Salt Lake is a super landfill designed to be protective on a wide variety of material that's brought there. That's a possibility. There are also landfill facilities in Montrose, in Denver and our local landfills that are closer should it be economic effective to do so. A particular destination has not been selected nor an operational plan for this facility yet. Tom reiterated that local landfills were toured as well as ECDC in Salt Lake looking at their super landfill due to the quality containment there. This doesn't mean they are locked into using them by any means.
Commissioner Houpt – asked Tom is he was talking exclusively about C & D waste and not talking about cardboard, plastics and glass.
Tom – no, the confusion came over they are not intending to go inside whatever municipal solid waste is brought to the facility and tear it apart and try to find miscellaneous overlooked recyclables from household

waste. Construction debris will be set in a different part of the tipping floor and be recycled wood and metal and anything else that's recyclable out of it. We would like to engage all the local communities in a very active recycling program; we've met twice with Pitkin County landfill people and talked about the viable of cardboard, separated paper, presorted bottles and cans, glass and as you know with your background in BRM, it is not very cost effective and it costs to do that business in most cases which they are prepared to bear to start setting a standard for western Garfield County. The mayor of Rifle and Tom has spoken unofficially and he indicated interest in talking to Rifle about a coordinator organized recycling program. It's our commitment and intention to recycle as much material as they feasibly can.
Commissioner Houpt – so you've have the facilities within this building to accept recycling trucks when they come in from the haulers that are accepting recyclables.
Tom – yes or closed containers that are usually the circumstance. And the closed containers, we've indicated several different storage areas on the facility where the closed containers could be warehoused until transported to Denver or Grand Junction for further separation. The intention is similar to Pitkin County who has their own pick-up program, at Battlement we have a containment compartmented container that is for paper or plastic or different things that is self-contained, picked up and brought to a facility. Yes, we would a facility to store these until they were shipped out. We wouldn't necessarily have a drop off location for individual people with small bottles and cans and prefer to see those located more customer friendly within municipalities themselves. This is a fundamental part of our commitment is to try to be as much of a motivator in this particular circumstance for that type of recycling activity.
Commissioner Houpt asked if there was any type of discussion that could happen to have them take a look at the landfills in this County before going out of State. I'm sure you understand my concern about this on our landfills any way you look at it and don't know if the 18 counties that have both landfills and transfer stations what the population is but for a smaller population she does have concerns about the economic factors. This basically comes down to a decision if we are in the landfill business ultimately.
Chairman Martin stated this is a transfer application which is allowed by our zoning review process and not to pass judgment other than what we're allowed to do; economics is not one of the criteria we have in our review process.
Commissioner Houpt – except that the wording is in there, what's in the best interest of the citizens of Garfield County.
Dan Richardson – wished he could say that Glenwood has a recycling program. His concern is with the revenue that could be taken away. He emphasized the benefits to the landfill and said that loss of revenue it is a significant concern. He asked the Board to consider the economic factors. The City's recycling program is in its infancy at present and is working towards that. 3/4ths of the material that hits the Glenwood Landfill is recycling, construction and demolition debris and if the applicant can effectively do that it would be a good thing. He's not so sure that the City could be guaranteed of that. As landfill owners, the City of Glenwood is obviously concerned with the revenue this could take away from them. This is free enterprise and who's the County to say who should gain and who shouldn't but reminded the County that there are community benefits that the City landfill does bestow upon the citizens such as computer recycling, hazardous waste clean up; community clean up day where is funded through landfill revenues. If a significant portion of City revenues are transferred to this Transfer Station, they lose the option of providing those services. $300,000 is what may be taken away from the County landfill is probably not too far off from what the City will lose and it's a significant concern and one of the benefits by having a landfill owned by a City or a County is that we can provide the citizens specific assistance and asked the Board to consider that because the impact can be substantial.
Tom - A question was posed to Dan if his comments were from the City of Glenwood Springs Council or Dan personally.
Dan – this is from him personally.
Commissioner Houpt asked a question of Don DeFord on Flow Control Regulations on Landfills and asked him to address it.
Don said this would be in the nature of legal advice if this applies to this application or generally.
Commissioner Houpt said, talk generally.
Don – as a general proposition you do have the opportunity to put flow control but asked her to identify what she meant when she said flow control.
Commissioner Houpt – flow control in terms of hauling to landfills in specific counties.
Don – yes you do. You have the ability, a special section that authorizes County Commissioners to designate landfill sites to restrict use of sites so that the County can end up with an exclusive landfill

facility if the County wishes to do so. In terms of this application, one of the difficulties is you find in the interpretation of State regulations that you received today is that you have that authority pursuant to your ability to approve a Certificate of Designation if an operation such as this is not subject to a Certificate of Designation, then you don't have that control.
Commissioner Houpt – so for a County that has a flow control regulation, if the company likes Mr. Beard's comes in they wouldn't be under that regulation if that County that has a flow control regulation.
Don – correct because that type of regulation applies to a landfill or a solid waste disposal site and both State law and the interpretation of State law you received today demonstrates this facility or at least their interpretation is not a landfill or solid waste disposal site. It is a transfer station which has a different definition.
Commissioner Houpt requested an Executive Session to have legal advice regarding this application.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to come out of Executive Session; motion carried.
Commissioner McCown – having seen all the recommendations, are there any the applicant sees as a problem in meeting should this be approved?
Tom Beard – no problem but requested a clear direction on this as we have to close on the property and wanted to make sure these are all conditions that they have to comply with, what's been presented to this point are completely acceptable and very comfortable with building permit being conditioned upon satisfaction of those.
Commissioner McCown – asked Michael Erion on the waste disposal systems. When will you know if an ISDS system is adequate or do we have to go to the other type of system?
Debbie Dooley – when the final site design is complete and they determine the final location for the leach field or ISDS system, we do additional perk tests at that time and the results of those perk test will tell us whether or not ET that or not. The most favorable perk tests are in the area where they expect to put the leach field and they anticipate favorable results.
Commissioner Houpt – asked Tom about the add on for recycling and not just C & D Waste.
Tom – this is an add on.
Commissioner Houpt – asked if Tom would be comfortable adding these on as conditions such as being committed to other recyclable outside of construction and demolition waste, including materials, paper, newspaper, and cardboard.
Tom – no problem with it, but he has been told by Pitkin County that those lose a significant amount of money even with a cooperative environment, but certainly are committed to C & D material with lumber and metal and certainly some framework to work on recycling, but can't say if they have to buy it or if we have to have to go to places where it's mixed up and pay people to pull it back out as a condition of approval; if there's some language we could craft that pushes out to the commitment, he wouldn't have any problem going public with that commitment to recycle and will he would go after it as we can with all municipalities that are willing to partner with us.
Commissioner McCown – some verbiage with the nature that you would be willing to accept and transport any recycled products that anyone brought to you by someone that has established a recycling program, in other words would you be willing to be a transfer station for someone if they were bringing in bundles of newspapers that have already sorted.
Tom – yes absolutely.
Commissioner McCown – during the testimony earlier today I heard and testimony is always part of the conditions and did hear them they will accept those items that have already been separated, they're just not going to delve into the commercial trash and sort out aluminum cans and glass because that would again change the status of this operation. If someone wants to bring in cans or plastic jugs this would be available.
Tom with the exception of individuals that create a security issue, things they've been told about individual transfer stations that have become publicly objectionable is that people would drive up and drop bags off, mattresses, furniture, and that's partially the purpose for the security, but they are willing to work with any recycling program where things are presorted are acceptable.
Mark – suggested to the effect that "the applicant will accept other recyclable material other than C & D waste that is bought to the site in bulk by other commercial or municipal entities."
Commissioner Houpt was satisfied with that added condition.

Chairman Martin –totally mundane question dealing with traffic – in the staff reports the applicant identified the number of vehicles coming off I-70 and the interchange etc. and they can't excess these numbers by CDOT – this is only an estimate.
Mark – this is controlled by C-DOT
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; motion carried.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to continue this hearing to give staff amply opportunity to answer the questions until the 3rd meeting, January 19, 2004 on the request to review flow regulations.
Commissioner McCown seconded for discussion.
Commissioner McCown – this particular entity is outside that purview and will be voting no on it.
Commissioner Houpt – no clear opportunity to respond to all the concerns.
Vote on the motion: Martin – nay; McCown – nay; Houpt – aye
This does not need a certificate of designation.

Commissioner McCown made a motion to approve the special use permit for "material handling" and "storage of construction and demolition waste recycling facility with the conditions recommended by staff along with their approval deleting No. 9 as it is written in our packet, including No. 9 insertion regarding the recycling from commercial gathering entities as read by Mark Bean, municipal as well. "The applicant will accept other recyclable material other than C & D waste that is bought to the site in bulk by other commercial or municipal entities."(The applicant will accept other recyclable material other than C & D waste that is bought to the site in bulk by other commercial or municipal entities.")
Chairman Martin seconded for discussion.
Commissioner Houpt – as a commission we always have to look at what's in the best interests of the citizens of Garfield County and I applaud what you've put together but I haven't seen the numbers that help me truly feel comfortable about supporting something is going to have, that could potentially could have an huge impact on the citizens in Garfield County; if I'd had those numbers in front of me, a clear understanding of that impact that the flow control issue, I would feel more comfortable about it. I applaud you for putting recycling into it.
Commissioner McCown – I don't share those concerns; I've been a part of this organization for 7 years and one of the areas of concerns that we've shared at the landfill is what can we do and how do we go about extending the life of our landfill. We've made strides; the cell we're in now is in the third year, the one before that filled up in one and a half years. We have changed some operations that has extended the life of those cells, but within 10 years we are going to be looking at an above ground fill and there's been concern by the staff at the landfill of possibly having to buy, import, fill material to cover our solid waste, so I see this as an asset to the County and doesn't see it in the venue of putting us out of landfill business, I see it as extending the life of our landfill and as I said earlier, this entity coming on board will have to be competitive or people are still going to be bringing their products to our landfill.
Chairman Martin – I see this an attempt to go ahead and move an application and a business in Garfield County; I see this as a positive, we have in our Comprehensive Plan encouraged people to get into businesses, always a risk of being in business, there's no guarantee, the County can't guarantee anybody's going to succeed one way or the other. I helped propose a similar item in 1997 but it met with resistance because no one understood it. This is the way of the future simply because we need to take care of our citizens a little bit better and give them a choice. If they wish to recycle, they do, if they don't they fill up our landfill at the expense of themselves and they're in charge of designating landfills and I don't see too many places in Garfield County that we can designate as a landfill, so we need to take the future in mind and say this will extend our lives at the landfill and we need to be partners both in recycling as well as conscientious use of landfills and transfer stations.
Vote – Martin – aye McCown – aye – Houpt - nay

PUBLIC MEETINGS
AUTHORIZE THE CHAIRMAN TO SIGN THE RESOLUTION CONCERNED WITH THE APPROVAL OF A PRELIMINARY PLAN APPLICATION FOR THE SUBDIVISION OF LOT 28 OF THE STIRING RANCH PLANNED UNIT DEVELOPMENT. APPLICANT: STIRLING SUN-MESA, INC. – FRED JARMAN

Commissioner Houpt recluse herself due to Ms. Caloia is representing the applicants and her husband is associated in the law firm Caloia and Houpt.
Fred – staff was fine with the recommendation made and suggested that the Board sign the Resolutions as before the Board.
A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution for Stirling Sun Mesa, Inc. Preliminary Plan for the Subdivision of Lot 28 of the Stirling Ranch PUD. Motion carried.

AUTHORIZE THE CHAIRMAN TO SIGN THE RESOLUTION CONCERNED WITH THE APPROVAL OF A PLANNED UNIT DEVELOMENT AMENDMENT APPLICATION FOR THE STIRLING RANCH PUD. APPLICANT: STIRLING SUN-MESA, INC. – FRED JARMAN
Commissioner Houpt recluse herself due to Ms. Caloia is representing the applicants and her husband is associated in the law firm Caloia and Houpt.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the chair to sign the resolution concerned with the approval of a PUD amendment application for the Stirling Ranch PUD; motion carried.

CONSIDER A REQUEST FOR AN EXTEMSION TO FILE A FINAL PLAT FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. APPLICANT: RADIMO, LTD. AND JOHN MCBRIDE – FRED JARMAN
Tim Thulson and Fred Jarman were present.
This is a request for an extension to file an exemption plat for Radimo, Ltd. For the subject property located approximately 2 miles east of Rifle on Highway 6 & 24. The Board approved the Exemption for the applicant on August 4, 2003 which would mean the applicant must satisfy the conditions of approval and present a plat to the Board for signature within 120 days of the approval and that would expire December 4, 2003.
The applicant is requesting a 60-day extension and if approved this would expire on February 4, 2004.
Tim stated they have the insurance and that information has been sent to the railroad.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant the request for the extension for Radimo, Ltd. and John McBride to August 4, 2004. Motion carried.

Associated Governments of Northwest Colorado- Energy Impact Fund Rate
Jesse submitted an email received from Jim Evans, AG Executive Directors opposing the JBC Staff Proposal to Refinance DOLA with Local Governments Energy Impact Funds.
He said the purpose of this memo is to provide the Board for review.
Tom Beard has said that he will try to contact all the mayors and the Board needs to draft a letter to the JBC and contact CCI.
December 10 is the date for response at 2:00 p.m. Ed will draft a letter Tuesday and get it to Tom Beard.
Commissioner McCown made a motion for the Chair to be authorized to sign a letter to the Joint Budget Committee regarding our concerns of the rate on the energy impact fund; Commissioner Houpt seconded; motion carried

Resolution for Holidays and Office Hours
Mildred presented the Resolution and reviewed those with the Board. She requested that the County Offices be closed the day after Christmas for the employees as a bonus for 2003.
Consent Agenda for next meeting.
IGA – Intermountain TPR and I-70 PIS - agenda this for next week. Meeting is December 14th.
Board agreed for John to work with Ed on a proper response supporting in theory.

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

Attest: Chairman of the Board

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DECEMBER 18, 2003
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Wednesday, December 18, 2003 with Chairman John Martin and Commissioner Tresi Houpt present and Larry McCown via telephone. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.
Others present included: Lisa Gunderfelder, Deputy Assessor; Mark Bean, Building and Planning Director; Barbara Green from Norris and Delay and Steve Spence.

CALL TO ORDER

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

MILL LEVIES FOR FISCAL YEAR 2004

Lisa Gunderfelder presented the Certification of Levies and Revenue report that is submitted to the Division of Property Taxation, Department of Local Affairs in Denver. The summaries included the Schools, Local Government and total assed Valuation and Revenue of $6,360,045,512.
The Tax Increment Finance breakdown (Glenwood Springs Downtown Development Authority) cost to entities was discussed, page 8 of her report). The total valuation and revenue includes $2,770,872 and the Assessed Valuation and $161,035 Revenue.
A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with approval of the Mill Levies for Fiscal Year 2004 as presented; motion carried.

Update on the Land Use Code

Mark Bean noted that this should be completed in late summer or early fall; at least that is the goal.

Land Use Code – State Model Code - Contract

Don framed the motion saying we would like authority of the Chair to execute a contract renewal for Barbara Green, Norris and Delay to complete the County Land Use Code and the State Model Code.
Commissioner Houpt so moved; Commissioner McCown seconded; motion carried.

Sheriff's Vehicle - Wrecked

Mildred said she needs the Chair authorized to sign a title off on a vehicle that was wrecked, a Sheriff's department vehicle that was hit by a semi. It was Steve Spencer's vehicle and she was not able to pull the title to have you sign it but will get it for you.
Jesse – we received the insurance check for $12,000 yesterday. It was 2001 Crown Vic.
Commissioner McCown moved to authorize the Chair to sign the title for the 2001 Crown Vic. Commissioner Houpt seconded; motion carried.

Adjourn

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

Attest: Chairman of the Board

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