

JANUARY 3, 2005
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 3, 2005 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

Jerry Vanderbleek – Blake Avenue – *Roan Plateau Issue* – comment period has been ongoing for two years – strong preference for the preservation on the top of the Plateau and no drilling but to preserve it in the natural state. Asked the BOCC to take the overwhelming interest on the top of the Roan Plateau for hunting, fishing and recreational purposes. This is not a statement against drilling but urging to seek a good balance. On this issue he urged the BOCC to support a legislature rule where the surface and mineral rights will receive a fair deal. They should be able to drill with respect to the surface owners. 26,000 acres is privately owned and Chairman Martin stated that he was speaking of the public owned lands.

CR 314 - Alkali Creek Road

Bill Porter, New Castle – concerns on CR 314 - 2.7 miles up – road has not been graded; ditches are full and have not been pulled. Jake Mall told the workers not to go up there as you might get shot. This spring please put some gravel on the road.

Chairman Martin noted they had applied gravel up so far as much as the budget would allow.

Chairman Martin and Commissioner McCown will arrange a meeting for Wednesday - January 12th at 9:00 a.m.

COUNTY MANAGER UPDATE – ED GREEN

a) 2004 Toys for Tots Program – Employee Recognition – Ed Green and Lynn Renick

Lori Bennett, Lynn Renick and Alan Christie were present.

Lynn gave the report on the program and the group presented Lynn with a plaque in recognition for her support.

b) Out of State Travel – Guy Meyer

Guy Meyer and Dale Hancock were present.

The conference is this week and Guy can take the test and receive his ACA Certification.

The travel request was submitted and the maximum budget authorized expenditure was for \$811.89. This is for ACA Certification and the training will be held in Phoenix, Arizona January 6 – 8, 2005. Guy will be using his private vehicle.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to the out of State Travel for \$811.89. Houpt – aye; Martin – aye; McCown – aye.

c) Landscaping Courthouse Plaza

Jim Haskell, City Manager of the City of Glenwood Springs, and Ed discussed this and they both felt that this should be discussed between the Board and City Council.

The plan submitted was well thought out. We're close to coming to an agreement per Ed.

The Board will meet with the City and finalize the plan for trees and shrubs.

d) Vendors/Solicitors in County-Owned Buildings

Carolyn Dahlgren submitted the Minutes when this discussion took place and a discussion was held.

Vendor Solicitation in County Buildings – September 7, 2004

Mildred Alsdorf said this started due to a difference of opinion. It was due to vendors coming into the office and approaching employees at work. In some of the buildings we've had the Mountain Man lady, Schwans, ordering Cookies from employees helping their children; some go into the office and approach the employees when at work. In the Clerk's office they come in and go back into the break room. She spoke to Eagle County sets up a place when vendors can come in. If this is done, you can't have individuals come in.

This means all vendors and if we do this you can't have somebody come in with all the different things that employees bring in such as cookie sales for Girl Scouts and all those different things. They didn't know if this come before the Commissioners and correction made as to what could happen in the buildings or should it be left up to the elected officials and the departments would go along with what the Commissioner say.

Shannon feels this is a distraction and interruptive and results in lost productivity; it should be one place, one time. Georgia – it isn't a problem in her office.

Carolyn – the complaints came from this building about having vendors go from desk to desk, office to office during work hours. Our offices are not public forum and we don't have to let people come into our office for either commercial or religious speech or any other kind of speech. In the personnel committee discussion of this looking like there might be a distinction that each elected official may want to make a separate policy from what policy the Board makes for the administrative departments and we have discussed should the elected officials create a forum for commercial speech that would then also be a forum for all other kinds of speech. The elected officials have discussed this and they understand that they can't distinguish between different kinds of speech.

Shannon said as an elected official she would go with the decision the Board makes to the other department heads because it's important to have one decision, but think about also employees themselves go around desk to desk with catalogs and selling things and when you look at the amount of time that goes on in an office, it's a lot of lost productivity and that's what she looks at and not only singling out somebody but how much time is spent if you want to allow it, she would be prone to have it at one place at one time and they use their breaks to go in there.

Jesse –there is morale issue raised; when an employee approaches an employee because their son or daughter is selling candy for the school and he buys \$5.00 worth and then another employees' son or daughter comes to me and selling Girl Scout cookies and he buys \$10 worth, does it mean he likes one employee more than the other employee.

All of a sudden you have morale problems. If it applied to everybody that they had the post up at a given location or appear at a given location and people voluntarily and purchased, that avoids some possible morale issues that do occur.

Georgia addressed the safety issue both in the Sheriff's department and the Road and Bridge department such as being interrupted in their work; they would have to address that.

Commissioner McCown wanted to discuss this and try to come up with something agreeing wholehearted it should be done, if it's allowed at all, done on their own time on a break time. She favored a specific time – only fair way to do this. Discuss this and come up with something. The Board will let everyone know.

Jesse suggested it might have to be a multiple locations.

It would be at one time at that location on that day.

Carolyn noticed there was a Mountain Man store in Downtown Glenwood and wondered if we were having as much activity as before. Shannon has specifically asked for some direction from the BOCC.

Commissioner Houpt – it sounded like in the last discussion we had at the last meeting that Shannon was going to work with Mildred and Georgia to see if she could piggy back on what they're doing.

Carolyn – the issue that's left is the offices that are within County Administration and not in the offices of elected officials.

Ed said there are concerns by the Department Heads that there is a great deal of traffic that comes through and the preference that the Department Heads would like that activity be continued.

Mildred stated the break room that employees also bring things in the sell, Girl Scout Cookies, and all those different things and she doesn't have too much of a problem – most of the things are done in the break room in the office, but Shannon has had a problem where the other vendors go in and go to the counter and disrupt the customers and the employees. But she was talking that if she could set up vendors where Mountain Lady comes in then we'll set a time and that's when the employees can do something. Same thing with Schwans or any other vendor or any staff people want to bring their things in and sell them they do it the same place – so everything is handled in my area. But I don't have a problem whichever way we go.

Commissioner McCown – to me you're creating another administrative nightmare. It's like being pregnant, you either or, or you aren't. Either we allow it or we disallow it. When you try to temper the amount that's allowed, then you get into subjective enforcement and that's good for any one. I personally have no problem if someone that works for Garfield County wants to sell Girl Scout cookies and puts a notice up on the bulletin board and they are contacted after work, that's fine. I think work is a time that you come to work, it is not a time when you do your shopping – we don't allow you to shop at City Market in a County car and buy your groceries. I don't see any difference in that – it's a personnel policy and I don't think it should happen. Vendors, if you've got people wandering around with their little nut carts in our buildings, we're liable for them – if they're injured, if someone comes out and falls over their cart, whatever – it's our dime. And I don't think there's a place for that. I think if they want to advertise that they have these services available, if someone has Girl Scout cookies and I know that's a lot of demand for those because you don't always get personally contacted but at least contact those people after hours. They can order the cookies; they can get them to you. I don't think it's appropriate. And that would be – I realize I do not want to impose that on the elected if they have a different philosophy but I can impose that on the County's administrative people.

Commissioner Houpt – well I think after hours or during lunch break or their typical break you could talk to them about Girl Scout Cookies or whatever schools may be selling, but I know that for years, the Mountain Man people or Candy and Nut people have been frequenting offices to all cities and in towns, so it's become the norm, but now it's Schwans and it's going to be – I guess that's – I tend to agree with Larry we don't know where that's going to stop. I think Mildred certainly has a system that works in her office, I could see the break room in our buildings being used for this as well and we do have a bulletin board, people can put information on their business and how to get a hold of them, but I tend to agree that we don't know numerous businesses coming through during office hours selling their goods – I don't think there is a place that you can draw the line, once you let one business in, you really need to really let everybody in and I do see a difference between that and kids selling Girl Scout cookies or Boy Scouts selling candy bars and I could see that posted in the break rooms and having specific times for them to be able to do that whether it's at break time or after school, but in one location in our buildings. I agree with Larry – that is specifically for the areas in the County that we oversee. If the other elected officials want to follow suit, that's fine. I think it's a pretty good business to be able to come into offices and sell you ware and if we open the doors to that I don't think we can limit who's able to do that.

Commissioner McCown – a captive audience. That Schwans man would have to make 200 stops to what he can get in these two buildings.

Chairman Martin – he visits one building, across the street, pretty often.

Commissioner McCown – whatever, but it's a policy that needs to be made, that confusions needs to be cleared up and I would make a motion to the affect that they not be allowed to solicit in the building, that employees be allowed to post notices on the bulletin boards if they or their children have i.e. Girl Scout Cookies, candy bars, whatever to sell, and they can be contacted after work.

Commissioner Houpt – would you say after work or during break times?

Commissioner McCown – the break time is such a staggered event that you're going to have activity there during an hour and a half course of time during the day – different people taking breaks at different times, so you're going to have that individual there for 1 ½ hours.

Commissioner Houpt – so would you say after work or during a specified time because if you're on your lunch break and it's between 12 and 1 and you have Girl Scout cookies in the break room where you're eating lunch, it would be unfortunate that if you were breaking a policy by having them up there during other people's break times.

Commissioner McCown – again we're back to that tempered time which would create enforcement problems.

Commissioner Houpt – I think there could be some flexibility there. We're already limited it to fund raisers directly connected with employees families and not during business hours, except for during lunch time and after office hours.

Commissioner McCown amended his motion to include lunch time; I won't do the break time and I would want this to be monitored and if it creates a problem I will make another motion to eliminate lunch time – this is for the administrative areas.

Commissioner Houpt seconded the motion.

Houpt – aye; Martin – aye; McCown – aye.

e) Providing Road Sanding Material for Road and Bridge – Marvin Stephens

The recommended board action was to award the bid to Western Slope Aggregate to supply sanding material for Cattle Creek Road and Bridge Shop for a not to exceed price of \$13,125.00 and to Lafarge North America to supply sanding material for Rifle Road and Bridge Shop for a not to exceed price of \$8,850.00

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid award to Western Slope Aggregate to supply sanding material for Cattle Creek Road and Bridge Shop for a not to exceed price of \$13,125.00 and to Lafarge North America to supply sanding material for Rifle Road and Bridge Shop for a not to exceed price of \$8,850.00 Houpt – aye; McCown – aye; Martin – aye.

f) Governors Appointment to Colorado Aeronautical Board – Dale Hancock

Dale Hancock has been appointed to the Colorado Aeronautical Board. A letter from Bill Owens, Governor was presented to the Board.

This ties to some of the improvement projects in enhancing with other public entities, especially CDOT. This does require Senate confirmation. The length of this appointment is 3 years. Congratulations.

g) Ambulance Services Licenses to Operate 2005 – Dale Hancock

Dale submitted the proposed ground Ambulance Rules dated 9-20-04 and 10-16-04. These were previously discussed. Rifle Fire Protection District is the only one not included but was hopeful they would have it in by today.

Dale framed the motion – request for the Board to sign the recommendation for licensing all of the operating agencies in the County with the exception of Rifle Fire and the Chairman be authorized to sign the License for issuance on receipt of the inspection documents from Rifle Fire Protection District and to extend their 2004 license to operate for the next 30 days to keep us in compliance with the Statute.

Commissioner McCown so moved; Commissioner Houpt seconded; Houpt – aye; Martin – aye; McCown aye.

h) State Board of Health (CDPHE) proposed Ambulance Regulations, Section 25-3.5-308 of Emergency Medical and Trauma Services Act – Carolyn Dahlgren and Dale Hancock

The Board of Health shall adopt standards for these ambulances. The Regulations can go beyond what is listed in the ambulance regulations. Formerly participate in the rule making would be her suggestion. Dale said we do have participation with these advisory councils and they are reviewing the licenses regulations. At a meeting on the 12th of January they will be reviewing these regulations. The County Attorney's office will be involved. Carolyn and Dale will work jointly on this.

Chairman Martin – would like the legal office and the Commissioners to review these.

Don suggested before a position is taken, they will access where the rule making is going and bring his back.

Dale interjected this will be done in 2005 for 2006. The ground operators are not necessarily happy with the proposed rules.

Commissioner McCown would like the local providers to know this is on the radar screen.

This will be continued.

Oil and Gas Exploration – Informal Exchange – February 16, 2005.

February 16 was agreed to host a group of counties involved in oil and gas exploration for an informal exchange.

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou Vallario supports Dale's concerns that the ambulance license regulations work in the metro area but not in the rural areas.

Lou informed the Board of the Employee Recognition called the Winter Recognition Dinner held before Christmas and it was attended by 140 people. There was an in-house voting for the person who gives the most; three departments were recognized: Detention, Patrol and Administration. Those honored were: Sergeant Kurt Conrad of Patrol; Donna Hale HR Specialist; and Sergeant Kevin Erpestad of Detentions. The Employee of the Year in the Sheriff's Office was awarded to Linda White. This was peer recognition.

Emergency Fire Fund (EFF) – meeting with State Forester - discussed the high Aspen fire and a couple of issues that he would like discussed at the Winter Conference. He thinks there are better ways to administer the funds.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Executive Session: Litigation Update; Legal Advice –CR 121 litigation;

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session; Houpt – aye; McCown – aye; Martin – nay – was not in favor as he wanted to address the other items so they would be through before they went into Executive Session; felt it was better time management

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

Abandoned Vehicle Training – Commissioner McCown complimented the efforts in having this training process. Ways to streamline the process may require some legislature revamping.

MERCHANT AGREEMENT AND TERMINAL USE AGREEMENT – CONTINUED DISCUSSION OF CREDIT CARD USAGE BY COUNTY DEPARTMENTS – SIGNATURE AUTHORITY

Don DeFord submitted a memo to the Board regarding the review of the merchant agreement and explained the concerns. The chair should be authorized to sign all necessary collateral documents, including the Terminal Use Agreement, the County Set-up Form, and the Merchant File Check Sheet.

Don also stated that the County should at least have a copy of these VISA/MasterCard regulations available for review and consultation.

It is very unlikely that the Credit Card companies will alter their regulations for the County, so the choice has to be made by the board whether or not to accept it as drafted.

Chairman Martin – taking on the percentage of fees and having the County pay the fee. We will be taking in less money for the transactions.

Commissioner Houpt – if we initiate something like this it will be less than the bad checks.

Mildred stated she still cannot accept the credit cards.

Commissioner McCown – the amount of activity in building and planning if paid for on a credit card, would the 3% be deducted per transaction; normally it is deducted on the total amount of charges. This can affect the budget. There is no contingency fund to take this out.

Fees – 3% is not uncommon on the amount of the purchase. The County would be paying this to the credit cards.

Mark addressed the bad check once a permit has been received. This is a customer service issue.

Commissioner McCown – the landfill would be another department where this would be useful to have in place.

Guy said in Community Corrections – it would be a benefit to the revenue.

Lou stated it would benefit the Sheriff's office and he likes it.

Commissioner McCown – this stems from the customer service side of the issue.

Chairman Martin suggested doing this on a limited basis, Landfill, etc.

Ed said that other counties are doing it on a limited basis.

Commissioner Houpt – allow the departments that want to do this – Ed can define this and move forward and evaluate it in a year – Sheriff, Landfill, Community Corrections and others are interested. These do not need to be defined today and directed Ed to do it.

Commissioner Houpt made a motion to authorize the Chair to sign the Merchant Agreements, make an attempt to strike paragraph 25 as recommended by counsel and would like to make this available to those departments who are interested in moving forward with this service for customers. Commissioner McCown seconded.

Discussion:

Georgia – we need a motion that would authorize the Chair to sign the individual Merchant Agreements because each department would have to have their own.

Don – that was not my understanding. He did understand that each Terminal Use Agreement had to be for each department and the way Georgia explained it, the Merchant Agreement as part of the Banking Agreement covered the entire County.

Georgia – will check but she understood that there was a Merchant Agreement and a Terminal Use Agreement for each Department.

Don suggested clarification on this because the next thing was to authorize the Terminal Use Agreement for the departments they anticipated using this service with each department. If this is requiring each department, which is not a separate legal entity, to sign this agreement, then we need to revisit this because clearly the departments cannot commit county funds individually.

Georgia will check with the bank of the Merchant Agreement but the Terminal Use Agreement is going to be signed by the Chair, correct?

Don – yes the Chair and the department heads need to execute the Terminal Use Agreements for those departments that wish to utilize the service.

Commissioner Houpt and Commissioner McCown agreed on the amended motion if this changes to multiple agreements, we need to revisit it. The motion would not be appropriate.

Don – we will have to revisit this because it changes the concept of the agreement and the obligation of county funds which is not within the hands of each department. Houpt – aye; Martin – aye; McCown – aye.

Georgia and Ed will meet and bring this to the Board next week and how it will be in the budget.

Terminal Use Agreements

The terminals to be provided by VISA that would require both County Commissioners and each Department but when Georgia

Miscellaneous

Don will be out of town most of this week and suggested carrying this over until January 17

APPROVAL OF PROPOSED SETTLEMENT: BOCC VS. MEENEY, O4CV226 – JAN SHUTE AND STEVE HACKETT

Steve Hackett and Jan Shute submitted the Settlement Agreement agreeing to extend the time frame for correcting building and zoning code violations to the defendants, Christina and Tom Meeney.

12-21-04 The agreement covers that they will: never park vehicles on the septic system leach field;

12-22-04 the Chief Building Official, Andrew Schwaller agrees to provide the defendants with minimum specifications contained in the UBC 1997 required for landings, stairs and handrails and the IBC, 2003 requirements in the event the defendants plan to build a storage facility larger than 200 square feet.

1-14-05 If the defendants plan to use a part of the mobile home as a porch attached to their current residence, they will provide plans to amend the residential building permit, to the County Building Department for review and comments and the defendants will discuss with B & P dates certain for extensions on building permits and pay fees.

1-31-05 The defendants agree to remove trash from their property

2-25-05 The defendants agrees to construct landings, stairs and handrails that meet specifications and to backfill the footing behind the single family dwelling all in conformance with the UBC of 1997

6-3-05 – Defendants agree to entirely demolish, remove and dispose of the mobile home. The long period allowed for compliance is to allow the Defendants time to save sufficient funds to pay the landfill fees. If there is an agreement before this date to allow for time payments or some other solution to the collection of landfill fees, the parties agree the removal and disposal of the mobile home could be accomplished in a more timely fashion. The parties will remain in contact to see if a quicker resolution to this zoning violation could be reached.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the chair to sign the proposed agreement as proposed by Council. Houpt – aye; Martin – aye; McCown – aye.

HOUSING AUTHORITY/DSS TANF CONTRACT

Lynn Renick and Geneva Powell were present.

The IGA with the Housing Authority with the Board of County Commissioners and Board of Social Services to implement and administer and award contracts for the state public assistance welfare-to-work program, the “Colorado Works Program was submitted and a request for the Chair to be authorized to sign the contract for 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approval on the purchase of services subcontract with the Housing Authority/DSS TANF contract for a not to exceed \$150,000; Houpt – aye; Martin – aye; McCown –

These funds were not used because there were additional resources. This is just to help the families until the HUD funds are available. However, they have had HUD monies available.

HOUSING/IGA – ADMINISTRATIVE SERVICES AFFORDABLE HOUSING PROGRAM

The IGA with the Housing Authority with the Board of County Commissioners to provide administration of an affordable housing program within Garfield County was reviewed. The request was made to authorize the Chair to sign the contract for 2005. The amount is set at \$45,000.

Geneva stated this County has 11 units, 2 more are coming this year. There is a need and for each housing unit they have approximately 20 applications.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the IGA with the Housing Authority in connection with Garfield County Affordable Housing for a not to exceed \$45,000.

In favor: Houpt – aye; McCown – aye; Martin – aye.

COMMISSIONER REPORT

Commissioner Houpt -Tues. – Blue Ribbon Housing meeting again in Denver; EAB on Wednesday at 6 in Rifle; Glenwood Springs Pool opening on 12 noon on Friday.

Commissioner McCown – nothing this week

Chairman Martin – Retirement for Rio Blanco for Don Davis a long time County Commissioner, 6 p.m in Rangeley on Wednesday, January 5, 2005; invited to the legislative reception on the 13th in Denver; Roan Plateau discussion with the Town of Parachute 6:30 pm on Thursday; invited to talk with CDOT on the lack of money for the State of Colorado in Denver on the 14th and to see how the priorities have changed because of this lack of funds.

LoVa Trail - CDOT

Ed informed the Board that CDOT is unwilling to take responsibility for the trail and maintenance.

Commissioner McCown – tentatively agreed on the maintenance – this will be a significant issue when the agreement is issued.

Don said we will see another contract where the County will be liable and in charge of maintenance. This would raise extreme statutory and liability issues with TABOR.

This board went forward on the basis of the grant – on the liability issue – conflicting statements – CAPP’s response – not provide coverage –contractually we could take liability – what is not resolved is property insurance.

Maintenance means rebuilding – if it collapses. Concern even if Patti is correct – would they accept the claim for the bicyclist that goes into the river – but will they provide coverage for the rebuild – Randy’s agreement is that the Board agreed with both.

Chairman Martin – only on a yearly basis.

Don agreed – for the life of the trail for a 25 year period.

Agenda this item was the Board’s direction.

Ed – the expectation is that they would oversee the construction and the county would take on the design. Another is the GoCo grant – expect to have the design done in-house.

Don - these are major issues and asked the timing on this.

Needs to be an agenda item.

GoCo grant and timing – Don’s understanding – no time limit as long as we do due diligence.

Chairman Martin – it’s a dollar for dollar matching grant - \$1.2 million – can do with in-kind dollars.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers - none
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Authorize the Chairman to sign the Final Plat for the Amended Lot 23, Stirling Ranch PUD – Fred Jarman
- f. Liquor License Renewal for City Market #28 in Battlement Mesa – Mildred Alsdorf

- g. Authorize the Chairman to Sign a Resolution of Approval for a Special Use Permit and the Special Use Permit for an Accessory Dwelling Unit for Marlin (Colorado) Lot 4, LLC. – Mark Bean
- h. Authorize the Chairman to Sign a Resolution of Approval for a Special use Permit and , the Special Use Permit for Two Family Dwelling for David Hicks/PCI, LLLP

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – h absent

REGULAR AGENDA

PUBLIC HEARING:

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A GROUP RESIDENTIAL FACILITY DBA THE “EMILY GRIFFITH CENTER”. APPLICANT: BILL EVANS – MARK BEAN

Fred Jarman, Carolyn Dahlgren, Bill Evans, and Susan Garcia, the Program Director. This is a continued public hearing from July 19, 2004 where Commissioner McCown moved and Commissioner Houpt seconded to continue this to allow the formation of this neighborhood and come back to the Board with Bill Evans and the community input concerning the problems revealed during the public hearing.

Exhibits A – J were admitted at the July 19, 2004 hearing.

Part of Commissioner McCown was to have the applicant renote and copies were included.

Carolyn reviewed the noticing and advised the Board they were entitled to proceed

New Exhibits presented today are: Exhibit K – Letter from the City of Rifle; Exhibit L – Minutes from the public hearing on July 19, 2004, Exhibit M – Supplemental Information submitted by the Applicant and Exhibit N – Modified definition of a group residential facility.

This is a request for approval of a SUP for a Group Residential Facility which includes the internal expansion of facilities and services for an additional 7 students for a maximum of 35 students at the Emily Griffith Center Western Campus building. This will also require an additional staff of 8, which includes teachers and therapists over a 24-hour period. The expansion will include increasing the number of beds in the Treatment Learning and Containment Unit (TLC), which also allows for additional day-treatment students.

Staff Recommendation:

Staff recommends the Board approve the request for a Special Use Permit for a Group Residential Facility with the following conditions:

1. That all representations by the Applicant made in the application and during the public hearings before the Board of County Commissioners be considered conditions of approval unless specifically modified by the Board;
2. That the Applicant shall provide a letter to the County from the Colorado Department of Public Health and Environment (CDPHE) which states that a lift station has been approved and a letter from the City of Rifle that indicates that the Applicant has successfully connected to the City's wastewater Collection System.
3. That the Applicant continues to meet with the Residential Advisory Committee at a schedule to be approved by the Board of County Commissioners.

For the wastewater, the City of Rifle is the applicant and whether or not the City is the applicant or the County, if it has to come back for signature of the Board, he would suggest that the Chairman be authorized to sign.

Commissioner McCown – why that would need to be approved since they are tying onto a City system.

Steve Hawkwood – still has concerns and has been to their meeting. The larger the facility, the larger the problems. Sour taste from the previous owners of the property. He related some instances. What happens if one of these kids fall off the fence and it is his liability. Also a concern about the wastewater and the school will own this and the city will not maintain it. Where is the line going? Related that 5 kids ran away and one drown. A potential that the larger this becomes, the larger the risk for his property.

Terry Shannahan – youth coordinator with Emily Griffith and is impressed with the program. In his experience in working with residential facilities, it is unusual to control the kids so well. The kids placed there from our area and the advantage of being placed so close is they can participate in a lot of family treatment that they might otherwise not be able to handle. The first goal is to reunite the child with their family if at all possible. It is mandated by law.

Becky Rippey – work for Tom Silverman who is the attorney for kids placed in the center. The more kids kept in their environment the better the changes for family therapy and better chance to reunite with the family once again.

Lori Bennett – community member and serves on the Board of Directors. With the Department of Social Services – a girl had been in treatment for four years and with the horse therapy she has been successfully returned home. This is a good program and she supports it.

Tom Zancanella – asked they need to work out the details of the sewer system. The leach fields would be taken out the name of it is called the Step System; the solids are retained in the system and are taken to the dump. The proposal would be to keep the system on the school property; this is a more an abridged system than a site application. It will go into the City of Rifle but with the center in the County thought it would be better to have the County sign the application and eliminate the confusion.

The leach field would be abandoned and the two thousand gallon tanks and the three thousand gallon tank as a back up. It will be placed in the County Road – but it hasn't been approved yet per Commissioner McCown.

A concern about the County signing the permit since this was going into the City of Rifle. This could be if needed.

Commissioner Houpt – there's been some concern about expanding and this is one specific component and asked Bill to explain the expansion.

Beth Miller - the section chosen for the expansion, it is an internal expansion and allowed for a financial remodeling. The unit will be multi-purpose for kids who need the TLC and/or individualized needs. Feasibility, financially sound and gave multi-purpose use.

Beth commented on the boy that drowned – this was a huge tragedy – these are our kids and the staff has a deep commitment. This was investigated and the school was not held liable.

Bill Evans – as the agreement this expansion doesn't affect him – he doesn't benefit anything. He is a child advocate as a citizen and as a professional. This is a critical component and opened it in 1986. The need is still there and

for public welfare this is needed. Nobody wants these kids and people don't want them in their neighborhood. The facility was there before the Hawkwoods build their home. The kids are problems. He was very sympatric over Steve's concerns over his water. He was there for 12 years and never heard from Steve until the last public hearing.

Richard Shoupt – neighbor and appreciates all they have done since last July. Toured the facility and a very good program going on. Still concerns. The boy that drowned was terrible. Another incident – child went across the river and approached by the Town of Parachute. The concern is if the child decides to come to his house and if an officer had trouble subduing the child on I-70, what would he do. He doesn't want to be a ticking time bomb. The bigger the facility the bigger the concern. Is this going to be the maximum allowed? He doesn't have an answer.

Carolyn – Road and Bridge permit to be made as part of the Conditions.

Fred read into the record – Condition No. 4 – the applicant shall obtain a road cut permit from the Road and Bridge Department to locate the sewer line which is about 1500 linear feet within CR 294 prior to the issuance of a SUP.

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

A motion was made by Commissioner Hought and seconded by Commissioner McCown to approve the request for a Special Use Permit for a Group Residential Facility for a property owned by Bill Evans and located at 1252 County Road 294, east of Rifle, CO dba the Emily Griffith Center with the conditions 1 – 3 proposed by staff adding that the neighborhood meetings occur on a monthly basis and add Condition no. 4 that a road cut permit be obtained from Road and Bridge using Mr. Jarman's wording.

Commissioner Hought – appreciates the effort involved; the need in this County is apparent and complimented Bill on a very well run program. By keeping these kids close to their families where they can be involved in therapy and possibly reunited with their families is a valid concern.

Commissioner McCown – see the need and torn about the negative comments. There is definitely an on-going supervision on the problems with kids climbing on the fences, getting on the roof, and I am going to support this today, but if I hear feedback from the neighbors that these are continued problems, it is definitely a supervision problem and the girls program will not receive his vote. These problems need to be addressed. Immediate respond. Children on fences, children on roofs will not be tolerated. Giving them good notice and wants to see the on-going neighborhood and sees both of these citizens who have concern and it's your problem to be a better neighbor.

Chairman Martin noted the concerns as well as expressed by Commissioner McCown.

Martin –aye; McCown - aye; Hought – aye.

A motion was made by Commissioner McCown and seconded by Commissioner Hought to authorize the Chair to sign the site application permit should it be necessary to authorize the lift station to be placed with the Emily Griffith Center and tie into the City of Rifle. Hought – aye; McCown – aye; Martin – aye.

PUBLIC HEARING:

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT TO OPERATE AN INDUSTRIAL SUPPORT FACILITY AND PIPELINE FOR NATURAL GAS PRODUCTION. APPLICANT: WILLIAMS PRODUCTION RMT CO – JIM HARDCASTLE WILLIAMS GAS

Jim Hardcastle, Carolyn Dahlgren, Dave Seezark and Phil Vaughn were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

On December 20, 2004, a motion was made by Commissioner Hought and seconded by Commissioner Chairman Martin to continue this public hearing until January 3, 2005 at 1:15 p.m.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail 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 F -Application materials; Exhibit E – Application; Exhibit F - Staff memorandum; Exhibit G – Review memo – Town of Parachute; Exhibit H - Review Memo from Garfield County Vegetation – Steve Anthony; Exhibit I – Review Memo – Garfield county Oil and Gas Auditor – Doug Dennison; Exhibit J – Review Memo – Garfield County Contract Engineer – Michael Erion; Exhibit K – Watershed Permit – Town of Parachute; Exhibit L – Updated Site Plan from applicant representative; and Exhibit M – Review Memo – Grand Valley Fire Protection District.

Chairman Martin entered Exhibits l – M into the record today and A – J back into the record.

The proposed Parachute Creek Gas Plan expansion is a 9.59 acre expansion to the existing plan on 20+ acres which was permitted in 2002 by Garfield County Resolution 2002-67 dated June 17, 2002. The plant is located within a 1,333-acre parcel owned by Williams Production RMT Co. The existing plant and proposed expansion are well placed within this property to reduce impacts on adjacent properties. The existing plant is to the southwest and the newly approved American Soda Plant directly south of the proposed expansion.

The Parachute Creek Gas Plant is utilized to collect natural gas from area gathering systems and process the natural gas by removing water, natural gas liquids and carbon dioxide (CO2) to provide the quality necessary for introduction to interstate natural gas pipelines.

The removal of the carbon dioxide will additionally benefit American Soda which has a newly approved SUP from Garfield County for a CO2 facility that will allow a portion of the CO2 removed from the natural gas to be put to beneficial use in the soda ask operation at American Soda.

The plant expansion may necessitate additional line work. This work may include looping of the current 16" gathering line and a possible interconnection of the parachute Creek Gas Plant and the Grand Valley Plant utilizing an existing 8" line.

There are 5 new buildings proposed for the plant expansion and are sized for maximum sizing and may be constructed in smaller dimensions. There are: Office Control Building; Amine Building, Compressor Building, MCC/Generator Building and Warehouse.

The plant operates 24 hours a day, 7 days a week and 365 days per year. The current plant employs 12 full time employees and 12 tanker trucks serve the plant every 24 hours. The plant expansion is expected to add 5 full-time employees to the plant and will add 6 tanker trucks loading at the plant each day.

V. STAFF RECOMMENDATION

At this time, Staff submits this application with the recommendation from the Planning Commission that the Board of County Commissioners APPROVE the Special Use Permit for the Williams Production RMT Co. Parachute Creek Gas Plant expansion 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, concerning Noise Abatement, Water and Air Quality.

4. 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.

5. Any signage installed on-site shall comply with the County's sign regulations.

6. Any changes to the Special Use Permit for all uses as listed in the application as amended from previous approvals and the exhibits as attached shall require a new Special Use Permit.

The Applicant shall respond to any alleged complaint regarding debris, trash or other materials deposited by and associated with the proposed use outside of the fenced area and on private or public land within 24-hours of the initial complaint.

7. The Applicant shall make all improvements which address the concerns of the Garfield County Road and Bridge Department regarding the application of paint striping to CR 215 and the installation of appropriate directional and safety signage. Said department shall respond to the County Building and Planning Department in writing when their concerns have been satisfied. These improvements shall be done prior to the 6 month SUP review as noted in condition 18 noted later in these conditions.

8. The Applicant shall paint the proposed use structures with non-reflective Desert Brown paint as proposed in the application prior to the 6 month SUP review as noted in condition 18 noted later in these conditions.

9. The proposed use shall be fully enclosed by an 8' tall chain link fence at the perimeter of the plant and it shall connect directly into the existing chain link fence that surrounds the existing plant. A Building Permit will be required for the exterior 8" fence which shall be erected prior to the 6 month SUP review as noted in condition 18 noted later in these conditions.

10. As per Garfield County Regulations and COGCC rule 803, the Applicant shall maintain that all site lighting shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.

11. Required by Garfield County for the new and existing plant site totaling approximately 20 acres of surface disturbance and a security in the amount of \$20,000 (\$1,000/acre) shall be secured by Garfield County prior to issuance of the SUP. The security shall be held by the County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan.

12. The Grand Valley Fire Protection District (GVFPD) shall review the proposed use and respond in writing to the Garfield County Building and Planning Department noting that all concerns of the District have been met. This shall be done prior to the 6 month SUP review as noted in condition 18 noted later in these conditions.

13. When the use is abandoned, the Site Rehabilitation Plan which is highlighted in this report and found in the application shall be followed completely. If the BOCC requires a "Reclamation Security" the applicant shall furnish said security deemed acceptable by the County Commissioners in the amount calculated by the County Commissioners to secure the execution of the site rehabilitation plan in workmanlike manner and in accordance with the specifications and construction schedule established or approved by the County Commissioners. Such commitments, bonds or check shall be payable to and held by the County Commissioners prior to issuance of the Special Use Permit.

14. The Applicant has proposed five (5) new buildings for the plant expansion. These buildings are proposed for maximum sizing and may be constructed in smaller dimensions. The Applicant has provided the Building and Planning Department with an updated final "site plan" which indicates the locations of the aforementioned 5 buildings.

15. The Applicant shall implement and properly manage (1) the "Stormwater Management Plan" and (2) the "Spill Prevention Control and Countermeasures Plan" as prepared by Cordillerian Compliance Services Inc. as submitted in the application throughout the life of the proposed use.

16. If the proposed use allegedly produces a volume of sound which violates noise standards as set forth in the Colorado Revised Statutes, the Applicant shall hire an acoustical engineer, measure the amount of noise, and if in violation implement proposed mitigation measures of the nuisance noise within 60 days

17. Additionally, as per section 9.03.05 which allows Periodic Review, the Special Use Permits shall be made subject to a review at six (6) months from the date of Issuance of the Special Use Permit. The purpose of such review shall be to determine compliance or noncompliance with any performance requirements associated with the granting of the Special Use Permit. Such review shall be conducted in such manner and by such persons as the County Commissioners deem appropriate to make the review effective and meaningful. Upon the completion of the

review, the Commissioners may determine that the permit operations are in compliance and continue the permit, or determine the operations are not in compliance and either suspend the permit or require the permittee to bring the operation into compliance by a certain specified date. If a determination is made that the Permit shall be modified or revoked, a Public Hearing shall be scheduled as per the County regulations at such time to proceed with said action. Such periodic review shall be limited to those performance requirements and conditions imposed at the time of the original issuance of the Special Use Permit.

Jim went through the staff report and the conditions that were recommended.

Applicant:

Phil Vaughan commented that they have worked very hard to follow all the SPC and Storm water regulations and this is a continued effort. Williams is responsible for stripping on CR 215 and worked out with staff to delay this for 6 months. The security fence, 8 feet, will be up prior to construction. This would be in July.

Dave added this CO2 is beneficial to American Soda - they are counting on the Sup begging approval so they can use the CO2 gas.

Commissioner Houpt – what circumstances do they need to flare.

Dave – a plant shut down but it's like a pilot light as a safety measure. This is only emergency situations and don't expect it to happen. It is the only technology available.

Commissioner Houpt – on noise mitigation. There will be a lot of noise generated and asked if they feel comfortable when they do get to the residential area, it will be at a comfortable level.

Dave – they had an acoustical engineer come out and offer an evaluation. They have a commitment to being a good neighbor.

Commissioner Houpt – on Condition No. 18 there is a review at 6 months – will this be a periodic review?

Carolyn – it's up to the Commissioners.

Commissioner Houpt – would favor an annual review to make sure all recommendations are being followed—administrative reviews only.

The date of March 2005 is the start up and it is still good.

Phil said the two plants will operate individually until the tie in and then a portion of the plant will close during the plants being put together.

Commissioner Houpt – condition 12 talks about the revegetation bond and 14 about site rehabilitation plan.

Carolyn we usually do a letter of credit and 14 says if the BOCC requires it.

The 6 months will handle this.

Commissioner McCown – the responsibility of staff and the applicant is with Williams and was made clear in the testimony that he heard.

The old SUP held Williams to certain clean-up efforts.

Phil Vaughan Condition 12 – for \$20,000 and have agreed to that – it will be a letter of credit. Patti Reeves will prepare that. In regard to Condition 14 – it his understanding that yes Williams or his successors are responsible. They all have to be reclaimed and understand that from previous resolutions.

Carolyn – RF hook ups – foundation and utilities – have these gone away?

Phil – the only thing that has gone away is the RV hook ups. Concrete pads, steel building, electricity, telephone are all still in use.

Carolyn – the BOCC can ask for security for this.

Commissioner McCown – all he deemed necessary is the revegetation. It's their responsibility to clean it up.

Commissioner Houpt – who pays the bill if we have to clean u the site?

Phil commented that the County has a SUP and it would be revoked. And the equipment is quite a dollar amount.

There is also security; \$100,000 with the COGGC, \$50,000 is for reclamation.

Carolyn – the last Resolution where the BOCC approved the initial gas plant referenced the old Resolutions. So it said that Williams is responsible for site reclamation including the uses that were permitted under 81-14; 81-100; 81-11; 92-101 – that's where we got the references to specific things like the RV hookups. Does the applicant have any problem with that paragraph 14 if we're getting rid of the reclamation security that says that “found in the application shall be followed completely and shall include site reclamation from those 4 prior SUP's?

Phil this was agreed at the last plan approval in 2002 and obviously we know that Williams Production RMT Company is on the hook for that.

Carolyn – the problem is that SUP goes away and that Resolution goes away when this new one comes up.

Phil – one correction – actually this is 100 million cubic feet a day plant expanding to 300 million cubic feet and wanted to note that. And would request they are in the process of building permit to start buildings on site and time for the SUP and could it be part of your motion to allow for Mr. Bean to sign off on the permits prior to the issuance of the SUP? Another issue that Carolyn brought up – Phil was under the assumption that if the SUP were issued it would be issued within the next meeting for signature and then if we were not to have followed all the details set forth by our agreement with the BOCC and don't have our improvements done in 6 months, you would simply revoke our SUP and that would put us in the position of obviously having to come back and reapply for a SUP. Is that staff's understanding on this?

Commissioner McCown – that would be fine, at the 6 month review if you haven't met the conditions that we place on this approval, your world caves in and you start all over. The activity already permitted, 100 million units ceases.

Phil – acknowledged okay.

Commissioner McCown – that's why he asked earlier, if these operated independently or together, because once they are tied together it falls under this permit and if you haven't met the conditions of this permit, it all shuts down together.

Commissioner Houpt – the word specifically states, 6 months from the date of issuance.

Phil – yes.

Chairman Martin – the issue is building permits now.

Mark –from a staff point of view there is no problem with the request, it's not unusual for us to issue building permits based upon what is basically an administerial action after that, but one point of clarification on the relocation

of 6 months, to do that you would have to re-open and hold a hearing to do that. But the 6 month review would just determine whether or not there was a violation, if there was then we'd have to go back to a hearing process.

Commissioner McCown they may get another 60 days out of it.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing;
Houpt – aye; Martin – aye; McCown –

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Special Use Permit to operate an industrial support facility and pipeline for natural gas production for Williams Production RMT Co. with the 18 conditions noting No. 14 to include all prior commitments made by Williams RMT in previous SUP applications as to site reclamation is concerned and the testimony will reflect they intent to plan to do a letter of credit in the amount of \$20,000 for that. Houpt – aye; McCown – aye; Martin – aye.

Does this allow staff to sign off?

Commissioner McCown by the action just taken by the Board that we authorize the Building Department to issue building permits for said buildings prior to signing of the SUP. Commissioner Houpt seconded; Houpt – aye; McCown – aye; Martin – aye.

ADJOURNMENT

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

Attest:

Chairman of the Board

JANUARY 10, 2005 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 10, 2005 with Chairman John Martin and Commissioners Tresie 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. Set Meeting Date for Public Comments on Roan Plateau EIS – Randy Russell

Randy Russell stated the City of Rifle will host a meeting on January 12 and February 9 in Parachute to review the documents. Randy recommended a meeting for this end of the valley during the first week of February; February 2, 2005 in the evening at Courthouse Plaza – 6:00 p.m. The environmental groups requested this be set out as far as possible.

A brief overview by the BLM walking through the alternatives and have their maps available would be great.

Randy anticipates the BLM and Oil and Gas staff may be asked some questions, not debates. Comments from the citizens would be taken.

BLM should be prepared to have responses. BLM should have handouts on how to make their comments.

Commissioner Houpt – thinks a television record would be okay.

Don said this is a Commisisoner meeting and should be recorded.

TV coverage will be started in 10 days.

Three meetings: January 12th – Rifle; Glenwood Springs at Courthouse Plaza– February 2, 2005; and Battlement Mesa – February 9th.

Discussion regarding COGCC proposed rule on initial site visits

Ed reported that in early December, the EAB voted overwhelming to support the proposed Oil and Gas rule making on initial site visits. Ever since that time the Oil and Gas Commission has made changes to that rule making that they characterized as minor but appear to be more substantive to the EAB and to Doug. In the EAB meeting last week, the EAB expressed concerns about these revisions and recommended that the BOCC request that the Oil and Gas Commission table this rule making until revisions could be further evaluated. Doug is in Denver today and is attending the OGCC meeting. He has prepared a request that the OGCC hold in abeyance any action on this pending further study by the EAB. The text of this letter and Doug's personal pleadings will proceed forward if that is the desire of the Board. A motion was made by Commissioner McCown and seconded by Commissioner Houpt to support the request of Doug Dennison to send this letter or advise him to present this letter to the OGCC regarding the rule change recommendation of Doug Dennison; Houpt - aye; McCown - aye; Martin - .

b. Recommend the BOCC adopt 2003 (International Fire Code) IF with Amendments – Ron Biggers, Glenwood Springs Fire Department

Ron Biggers submitted a letter to the Commissioners stating that a meeting was held on the 18th of November, 2004 with the Garfield County Fire Code Adoption and Revision Commission and drew up a list of amendments to the 2003 International Fire Code. The Commission requests that the County Commissioners move forward with

the adoption, by ordinance of the 2003 International Fire Code and the attached eleven (11) amendments in Garfield County.

Further, Ron expressed that the Commission is aware that other amendments may be forth coming from the County's Building and Planning Department regarding code issues pertaining to the facilities/operations at the Garfield County Airport, and gas and oil operations in the County.

Don DeFord we are in the middle of the County Fire Provisions Act and it is the BOCC's consideration if they want this in an ordinance. If so, the proposed ordinance be read and reference by Code and comes back to the Board for adoption and the public is given an opportunity. If after the second reading the Board could adopt it but the areas within a municipality has to be decided by each. The area outside the municipalities would have the fire code in place.

Commissioner Houpt made a motion that we do move toward consideration of adoption for an Ordinance for the Garfield County Fire Code, the 2003 International Fire Code with revisions as recommended by the Commission put together by this Board; Commissioner McCown seconded.

Don will take of the notification through his office and rather than set it right now; his office will establish a schedule and he anticipated the first reading in the early part of February and then a subsequent reading at the last meeting in February. He would wait and see what the published schedule would be.

Houpt - aye; McCown - aye; Martin - aye.

c. Garfield County Support for Hogback Service – Dan Blankenship, RFTA

Dan Blankenship submitted a letter to the Commissioners dated December 8, 2004 acknowledging the \$50,000 commitment for trail construction in 2005. However, the request is to include \$100,000 in transit funding for the RFTA in the Garfield County budget.

Dan said that this would be viewed as an effort to jointly service citizens of Garfield County and that it is allocating a small percentage of Garfield County general fund revenues to this effort since the transit and trails play an important part in supporting the economy and improve the quality of life in Garfield County.

Ridership on the Hogback route has grown rapidly since it was first started in April 2002 with citizens in Rifle, Silt, New Castle and unincorporated areas along the Colorado River relying on RFTA to commute to jobs and school. Ridership will reach nearly 50,000 passenger trips in 2004. The net public investment for operating and allocated capital is estimated to be approximately \$495,000 in 2005.

Garfield County taxpayers residing in Glenwood Springs, Carbondale, and the Roaring Fork portion of Garfield County have benefited from RFTA services for over 10 years. Based upon boarding and alighting surveys, approximately 66,300 people traveled to or from the Highway 82 portion of unincorporated Garfield County in 2003. RFTA also has increased its contribution to the Traveler by \$10,000 in 2005, bringing the total to \$35,000.

Although voters in unincorporated Garfield County did not approve RFTA ballot measure 1A, RFTA ballot measure 4B did pass in Glenwood Springs and Carbondale, and ballot measure 2D passed in New Castle as well as 2A in Silt.

Mary Kramer, a rider of the Hogback service was here to speak to this. The service is limited to the service available and constraints the availability of the service. RFTA's goal is to offer the service more times during the day.

One thing with the Hogback and service between Glenwood and El Jebel is to access a grant that requires a 50% match. This would be to offer service to those who need transportation to and from employment. This could be used for extended service.

In 2005, \$100,000 is being requested from the County for RFTA. The County has committed \$50,000 for the trail between Carbondale and Catherine Store. Alice Laird said Mike had requested \$50,000 for the trail. Alice was under the understanding that \$50,000 was budgeted for

Ed said this is not in the budget. The only thing in the budget is for LOVA. What we have in terms of revenue streams is \$150,000 \$50,000 for LOVA and \$50,000 in interfund transfers for the build out of the areas. Total expenses of \$135,000 leaving \$15,000.

Commissioner Houpt can see the build out for the Arena from capital.

Commissioner McCown – all the capital improvements at the Fairgrounds came from Conservation Trust Funds generated by the lottery. GOCO Funds would not apply for any improvements to the Fairgrounds.

Don – there's approximately 18 miles of the corridor are in Garfield County and they have programmed 5.1% toward the trail construction.

A motion was made by Commissioner Houpt to defer payment on that and we allocate \$50,000 from the Conservation Trust money in 2005 for trails for RFTA.

Commissioner McCown – are you incorporating any other request that RFTA may have for funding.

Commissioner Houpt – no, that is a separate discussion, I want to just take care of trails for this year first.

Commissioner McCown – second.

Discussion:

Chairman Martin – you did receive a letter that saying there was money and it was not placed in the budget in final review and the motion is to go ahead and override the payback to the general fund.

Don asked for clarification, my understanding is the building construction in Rifle has \$50,000 from Conservation Trust?

Jesse – no, the current budget under Conservation Trust has \$50,000 to LOVA for the GoCo match; \$35,000 to LOVA for administrative; and \$50,000 transfer to capital to reimburse capital for the \$200,000 it loaned Conservation Trust to complete construction of the Event Center.

Don wanted to clarify the budget amendments that are actually going to be needed to accomplish what seems to be the desire of the motion.

Jesse we could use a supplemental budget to move \$50,000 that's in there for interfund transfers to move it back into the Conservation Trust budget and earmark it the RFTA money.

Don – the motion then is to direct staff to submit a supplemental budget; the reason being is that requires notification of which hasn't been done for this meeting.

Commissioner Houpt – okay, I will add that to my motion.

Commissioner McCown – amended his second.
Haupt - aye; McCown - aye; Martin – no vote.

RFTA Request – Addition to the \$50,000

Dan Blankenship stated this is greatly appreciated and much appreciated, but in addition to the \$50,000 provided on the Grand Hogback service, provide about 66,000 rides per year to bus stops within unincorporated Garfield County and the Hwy 82 Corridor. We provide about 300,000 or more rides from the Town of Carbondale and another 300,000 or so to and from the City of Glenwood Springs, so when you add all these numbers up it's about 700,000 rides per that are provided to and from communities that are in Garfield County. The numbers in the unincorporated are not as great and you look at the total that live in Garfield County it's fairly significant. And so even though the voters weren't supportive of the tax for unincorporated Garfield County to join the Roaring Fork Transportation Authority, we still believe that there were a significant amount of people that were supportive throughout the County or transit services. The measure passed in Glenwood Springs, it passed in Carbondale, it passed in New Castle; Silt it went down by about 80 votes and then unincorporated Garfield County was close to 1800 votes opposed. We were not able to really give them the scope of the elections and spend as much time in these communities and areas that we would have liked to in order to explain the measures. We knew going into it there were a lot of people especially in unincorporated in Garfield County who were not aware of RFTA and what we do and how they would benefit from being a part of it. Initially they hoped to carve out a portion of Garfield County that was subset of the unincorporated areas that would be closer to the communities and the corridors we serve. But the desire of the Commissioners and we were okay with that to see what the will of the people throughout the County was. And as it turned out the will was that, the majority didn't want to become a member of RFTA and maybe someday that may change. We're not going to give up on the hope that someday unincorporated Garfield County might become a member of the organization as we expand and improve our services; as we complete the trail etc.

In the interim we are asking for your continued support and believe there are benefits to the County and of course constructing the trail. The request is for \$100,000. In 2006 they project that the service can be made better in services for the hogback.

RFTA provides \$25,000 a year funding to the Traveler, this year it was increased to \$35,000.

The agreement with the County was to take \$25,000 for the travelers. The agreement said if this passes, we would hold harmless the hogback route for 18 months. Because it passed in New Castle, we hold the service for 18 months.

Laurie Lowe – Carbondale – RFTA rider and encouraged the Board to support his. Funds were diverted from the Carbondale area to be limited to the one hour service in order to provide service to the Hogback area. She feels it is essential for the County to provide assistance for this service.

Mary Kramer – submitted a letter of support and called upon the Board to remember their vision and mission for the County.

Cathy Tuttle – Spring Valley, unincorporated Garfield County. They pay taxes and live in a great area. These people bring a lot of traffic. Backing up on Exit 114 and 116 and people need to ride the bus if they can. She encouraged them to look at transportation.

Dave Sturges – didn't appear at the budget hearing but urged the Board to support Dan Blankenship's request. The matching money has a lot of significant importance to try to get additional funds from the federal government. Glad to see work being done on the trail but the reality is to provide and enhance the ridership on RFTA.

Alice Laird - supported \$400,000 of 6,000 people collected for transit and trails – the RFTA Board feels they should take a regional approach to transit. \$100,000 from unincorporated County is not that much and it is reasonable. Would like to work with the County for a dedicated source of funds for the budget. Carbondale is upset that they were promised ½ hour service and because of the Hogback Route they only receive service hourly.

Commissioner McCown – as an elected official in Carbondale Alice, had the Ballot Initiative on your ballot failed, would you have appropriated that same amount of money for taxes had that initiative failed because it's your responsibility to do it, even though the voters said don't do it?

Alice – not that same amount, but I think this is a very different situation because it is so hard to know from the question that was posed, unincorporated Garfield County was it the amount, was it the issue of joining RFTA as a regional entity, was it – there wasn't any public input in formulating that question so there's no way to know what the concern was. But \$100,000 is so much less that what would have been collected through a dedicated tax that was proposed and I think it's also crucial to remember but Carbondale, Glenwood Springs and New Castle are also Garfield County residents and when you look at

Commissioner McCown – great point.

Alice and we're Garfield County residents and the \$100,000 we're talking about is representing that entire County and if you look at Carbondale, Glenwood Springs and New Castle, they strongly support transit and trails and have shown it repeated, so I know that may seem.

Commissioner McCown – it was clearly a question posed to the unincorporated voters of Garfield County and they spoke loudly. But where do the unincorporated residents of Garfield County shop as far as Carbondale, Glenwood, and New Castle if they live in that close proximity? Where do they shop?

Alice – they shop in those towns.

Commissioner McCown – do they pay this tax even though they're residents of unincorporated Garfield County?

Alice – we all as a region.

Commissioner McCown – do they pay this tax?

Alice – we all as a region contribute.

Commissioner McCown – are they contributing to this fund as residents of unincorporated Garfield County supporting the local economy, shopping in the towns that have this tax which are the key economic engines in this valley, Carbondale, Glenwood, New Castle – if they shop in those towns are they

Alice – with the opening of Wal Mart in Rifle I think there's a lot of money.

Commissioner McCown – well, Rifle chose not to put in on the ballot, that's a separate issue.

Dan Blankenship – and I think that you are correct, people that live in unincorporated Garfield County shop that in any of the communities that have the RFTA tax in place are being taxed. What was really being asked of people was to allow or require the businesses that in unincorporated Garfield County to collect taxes and there is a number of businesses and light industrial activities that in those areas. It was more of an equity issue than just saying let's collect it everywhere.

Commissioner McCown – and it may have been the issue of a Use Tax – there's never been a Use Tax imposed in Garfield County in the history and it may have been this that bothered constituents. But it was clearly an overwhelming 2 -1 vote countywide, especially in my end of the County – it was overwhelming.

Dan – and I think it also could have been the amount. Our polling indicated that we would have trouble with anything over .4%. The 2% was added for trails that would have helped construct the LoVa Trail, but whether or not the overall amount of the tax was something that even though there were pluses and minuses, something that threw people off. From our polling information it indicated that .6% would be tough. I talked to a couple of people from Parachute that asked what they would get out of this. Dan said nothing really immediately from this tax but a lot of voters out there can drive from Parachute/Battlement Mesa to Rifle and catch the bus and the Highway 82 a lot of people are coming from Hwy 133, Crystal, Redstone coming from the Frying Pan, other outlying areas, people are driving from the I-70 Corridor over to El Jebel catching the bus from there. So that happens, and plus we're providing more funding for the Traveler and the Traveler serves Parachute and Battlement Mesa. But it wasn't enough of a direct benefit for those folks and that was a concern we had all along and why we would have preferred to just carve out a niche of the County that was closer to where we provided service. We had stronger support amongst rural county residents in the 82 Corridor than we did in the I-70 Corridor because we're new over there and a lot of people there are not close to the service and may not even need the service or want to use it, so probably a lot of reasons. But the question is there are a lot of things that could be on the ballot; if you ask people if they want to provide sales tax to support various Welfare and Food Stamp programs and Aid to Dependent Children they might say no, but the County would still probably feel an obligation to provide some support for that service.

Commissioner McCown – it's called an unfunded mandates.

Dan – and we all face those but yes, what the people said and the message we got from the people is they didn't want to pay the .6% tax and weren't interested in becoming members of RFTA at this point and time. I don't know that the message was that we don't want to provide any funding for RFTA.

Commissioner Houpt – agreed with Dan – I think it's difficult to know what prompted people to vote against this particular measure, there were a lot of things in the question and not a great deal of education, but I think it's very hard to ignore the ridership numbers from Garfield County and say we shouldn't be involved with it. RFTA has been serving Garfield County for years – serving our constituents from Rifle to the Eagle County line and hoping today we won't make the statement that we're not going to support at some level because I think it's very difficult to listen to the testimony today and really come to the conclusion that we don't have great benefit coming to us as a County from RFTA. Traffic issues, the issue of people who can't afford transportation otherwise, the commuting issues, not only looking at the essentialness of the service but the fact that it provides better paying jobs throughout the County and focus groups issues that were brought up that raised the issue of transportation, traffic and traffic flow and traffic needs – these are all issues that we need to weigh in on and I would agree that if you look at a small community like Carbondale providing \$400,000 to go to RFTA as a region, setting aside some of their needs to make sure that the Hogback was started, it's really hard to then turn to our communities and say you carry the load because we believe we can defend the reason for the tax being successful in our County. I think that it is certainly something that we have supported in the past.

Commissioner McCown – I have a completely different read if my information was correct at the time we did the focus groups studies, transportation was a key issue but it wasn't mass transportation and in fact there were significant concerns with how RFTA was being operated; the overall plan of RFTA came heavily into question by focus groups and it was especially questioned in the Glenwood focus groups – is you go back and look at the minutes of those focus groups, RFTA was not warmly received by the citizens of Garfield County in those focus groups. Transportation that they were concerned about was the County Roads and the maintenance of those County Roads in front of everyone's house. That's the most important road in the world.

Commissioner Houpt – that's a hugely important part and I am just a little confused because I have talked to numerous people who participated in the focus groups and they're very supportive of RFTA so either people didn't speak up in the focus groups or we misinterpreted what was being said in those focus groups.

Cathy Tuttle – she recalled at the same time these focus groups were being hosted, there were different articles going on in the paper and the County was trying to set up the vote and whether to join or not and so some of the comments being said during the focus groups was what they had read in the paper from what you were saying. So it was, there were a few comments but a lot of people that were out there stating that we have transportation problems and yes we did have some that didn't like transit; we have those that do and those who don't and are saying I'm not sure what I want but I don't want traffic.

Dave Sturges – observation if you ask any of the public to pay for something, they will say no. Hard to make an assessment of the people. The growth that RFTA has had and the citizens have already voted for with their feet. Focus on the growth of that service.

Motion

Commissioner Houpt made a motion that we allocate through general funds \$100,000 to RFTA for the year 2005. Commissioner McCown seconded.

Discussion:

Commissioner Houpt said this is a critical request and I see it as an essential service throughout our county and would like to again point out the numbers being given to us - 700,000 riders from all the communities in Garfield County – that’s significant – that shows this is a service that people are relying on, it’s an organization and service worth supporting and I think it’s encumbered on us to come to the table.

Commissioner McCown – well, I think I have to apparently be the swing vote since this was before this Board earlier when I was gone and it failed for a tie vote. In stating my opinion, I have to say I appreciate the service that RFTA has offered to citizens, but I also have to, as an elected official, consider those people that voted in this election and they voted for the unincorporated folks of Garfield County not to become a part of RFTA and not fund it. Alice, as an elected official in Carbondale, there are elected officials in Glenwood Springs, there are elected officials in New Castle who have the wherewithal to put a ballot issue on their particular issue, raise their taxes in their towns and the people in the unincorporated areas of Garfield County do not get to vote on that. Yet, when they shop they pay the tax in that particular area; the people of Garfield County got to vote this time, the people in the incorporated areas did not. So, they have spoken and I represent both of them and those people when they go to shop as we talked earlier in the incorporated areas the commercial centers if you will, they are contributing to this. They are not contributing their \$10 registration fee that would have taken place, nor are the few commercial entities that are in Garfield County contributing. But as far as I’m concerned the people in unincorporated Garfield County spoke clearly and loudly and I have to support their wishes. I was very specific when Dan and your group was here early on and we were trying to come to some type of ballot language and do we join, do we sign a temporary IGA and all of this, “be careful for what you wish for”. I believe that term is on the record. And low and behold that’s what happened and I think you’re providing a good service but I think the majority of the constituents that I represent have spoken and I will not be able to support this today.

Commissioner Houpt – responded just briefly and said I think that what they said in voting no was that they didn’t want a sales and use tax but we have a budget that is in place to provide service and if we believe that public transportation is an essential service in our county, I don’t think that those people who voted against an additional sales and use tax would not be opposed to support this financially. I’m assuming many of them rely on this service on a daily basis as well.

Commissioner McCown – the only comment I have for that Tresi, is several years ago we had another ballot initiative that was placed on the ballot in this area and it was open space and that failed, the vote to have open space carried, but the funding mechanism didn’t. That group did not come back and ask for funding out of a different budget fund to support it just because the funding didn’t pass and the idea did. I think you have to respect what the voters said, they didn’t – I don’t know if it was the sales tax, that’s the fairest tax in the world; I think they’d rather see a sales tax because if they don’t spend their money, they don’t get charged. If it’s an ad valorem tax, which the general fund is coming out of, everybody gets charged that owns property and I don’t think you’re going to have any more support for that than you did the sales tax. Commissioner Houpt – it’s a difference of opinion.

Commissioner McCown – it is – I must respect the voters.

Chairman Martin – since I’m always the bad guy, I support the citizens in their vote and that’s the only reason, not that RFTA is bad or good, it’s what the citizens wanted and that’s what I will honor because they have spoken on their elected vote and I need to honor what they said.

In favor – Houpt; Opposed - Martin – aye; McCown – aye. The motion made by Commissioner Houpt did carry. Commissioner Martin and Commissioner McCown voted to oppose the motion due to the public voting no on the RFTA Ballot Question.

Commissioner Houpt – now let me ask a question Larry, would you support a smaller amount similar to what we’ve done in the past.

Commissioner McCown – no.

Alice Laird – would you support cutting the service to Rifle, do you think that is the right thing to do.

Commissioner McCown – that’s a call that RFTA will have to make.

Alice – even though it affects your constituents?

Chairman Martin – again they voted no, if the service is cut, that is what they wanted through their vote or the majority did, so that’s a business decision. The people spoke and that’s the democracy, or the republican whichever you want to say, that we live in.

Commissioner Houpt – that is a very, that is one way you can interpret the outcome of that vote. But you cannot discount those people who rely daily on public transportation and whose livelihood relies on that and I think it’s unfortunate.

Chairman Martin – you don’t need to turn a black light on me – I’m saying it is a very good service, unfortunately the tax question failed, therefore the majority rules. I’m not against it and yet you continue to say that I am. The tax is voted down therefore the funding source died.

Dan asked public questions, I understand what you’re saying and not shocked that you’ve taken these positions; we have responsibility to try to garner resources to support these services from whatever source we can find. On one hand, treading lightly here, you have provided some support for the trail which is greatly appreciated, I guess I just wonder is that something that we reasonable expect to talk to you about in the future is more support for the trail; is there a distinction between trail and transit, is it RFTA in general, what? I’m a little puzzled that you can support funding for the trail, which I appreciate and hope you will follow through on, and then on the other hand not ...

Chairman Martin – it’s not a mystery, what it amounts to is one is a tax dollar that is collected within the county and to be distributed throughout; the other one is Lottery money which comes to Conservation Trust Fund which is not seen as a tax which has more flexibility and the ability to use it outside the tax structure. So that’s why you get those dollars.

Dan – okay, appreciated the explanation and a better understanding about the kinds of things they can talk to the Commissioners about.

Commissioner McCown – usually that pot of money that we have started putting in our trail network is around \$150,000 and there's only so much to stretch throughout the County if we were to apply all of that to RFTA, then the well would dry up.

Alice Laid – the tax did pass in Carbondale, Glenwood Springs and New Castle. The \$100,000 is a miniscule amount compared to what would have been collected had that other tax that you're basing your decision on passed; I feel they are really letting down the Garfield County residents that live in Carbondale, Glenwood and News Castle and you also need to be listening to those voters. The \$100,000 is extremely reasonable, extremely justified based on those votes.

Cathy Tuttle – in your Strategy Planning for 2005 I believe transportation was listed and at the last meeting you were talking about time tables as to when a committee might be put together to start investigating for the future and just wondered at what point will you start to outline that so we can really all work together and start looking, there's a great future out there and we need to start looking forward and this might be a little impasse right now, but we need to start looking at because traffic is out there and we need to address it.

Temporary Road Closure – Red Canyon Road

Ed stated that Road and Bridge has requested a temporary closure of Red Canyon Road.

Don informed the Board they have the authority to close a road for 90 days.

Cathy Tuttle – this is Red Canyon Road and stated the amount of use and time it saves to take this road.

The Board informed her that the Red Canyon Road is only an emergency road and not listed as the main road in any approval of land use. When the Road and Bridge states there is danger, then we listen and follow their advice. It is not safe for their equipment to plow the snow and suggested they can close it up to 90 days.

The request – no specific time for the closure; right now the road is deemed unsafe and unsafe for maintenance.

Commissioner McCown – when it is closed, it is evaluated; when safe, we'll open it back up.

Red Canyon road was never approved for any development.

A motion made by Commissioner McCown to close the Red Canyon Road temporary and for Road and Bridge to keep it closed as long as they feel it is necessary but giving them the authority to reopen it once they feel conditions are safe enough to allow public travel and keep the Board apprised of the situation weekly.

Commissioner Houpt seconded. Houpt – aye; McCown – aye; Martin – aye.

Rifle Water and Sewer Fees - Human Services Building

Ed said Randy Withee sent him a letter and report identifying funds for the building and the water and sewer fees are about \$29,000 and the sewer is slightly over \$25,000. These amounts have been credited against our escrow accounts that we received from the City based upon extension of the water and sewer lines to the Airport area and so the escrow amounts left for us to distribute are roughly \$20,000 in each account.

Commissioner McCown – I guess I have a problem with that, that should have been included in the building cost, it should have been rapped into that and applied out of capital and those funds should still be banked for future development at the Airport site. Since there's only \$20,000 left and if there's any interest in some development up there, that is going to make it less appealing because you'd have to apply those funds to that building cost. That's one of the things that made that site appealing up there at the Airport site for the Human Services Building was that those were already there –that is an extra \$50,000 that would not have been applied to the cost of this building.

Commissioner McCown made a motion that those funds be applied as an additional building costs and be taken from the capital and that banking of those water and sewer tap fees still be allocated to the property located at the Airport. Commissioner Houpt seconded.

Don clarified if this also requires any supplement to the budget?

Jesse – no there's contingency in that budget and let it ride for the time being and see how that budget works out over the year on the building itself until it comes to the end.

Houpt – aye; McCown – aye; Martin – aye.

Carolyn requested clarification for some real clearly written administrative track on this use of the Rifle Water and Sewer dollars in our escrow having dealt with this in terms of the Airport, the communication between the City and County has been very difficult to keep up with and what is coming out of the water/sewer escrow and what is and not coming out of it. So in order to have a written document on this for tracking purposes – Ed stated that Randy tracks that.

Carolyn said she's been involved with a number of meetings with the Airport and will make sure the Airport Manager and Randy are talking to each other so we can make sure and agree on the dollar amounts in there – in the past there have been some complicated discussions between County and City staff as to the dollar amounts in the Escrow accounts.

CBI Request for Proposals – to be discussed in Executive Session for land and building.

COUNTY ATTORNEY UPDATE – DON DEFORD

a) Update and Final Authorization of Purchase of Services Agreement – Animal Shelter – Colorado Animal Rescue, Inc.

Leslie Rockey, Executive Director of CARE and Don DeFord were present.

The purchase of services agreement with Colorado Animal Rescue, Inc. for a not to exceed \$130,000.00 was submitted and discussed.

3b under scope of services – they requested payments at the first of each quarter.

Jesse stated this is common with non-profits because there is no money in the bank to pay for services.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve this amendment to the contract and authorize the chair to sign; Houpt – aye McCown – aye; Martin – no vote. It passes.

b) Discussion Meeney Settlement – Landfill Fees

Executive Session.

Update Requested - Four Mile Property – Dry Park Road – Land for Road and Bridge – Status

Jesse reported it was put back in the hands of the developer. If they were not willing to provide water we weren't willing to purchase and that's never been decided. Jesse will look into this.

Chairman Martin thought a well permit was requested and that it would be available.

Jesse – at the time the subdivision met with us, they wanted to barter road maintenance for water and that was the indication but they were going to go back and talk to their people.

Ed stated we still want their negotiations on the water situation.

The Board requested Ed brings them up-to-date.

Executive Session: Litigation Update; Legal Advice –Alpine Waste Agreement - CBI request for proposals for land and building – Animal Rescue – timing of payment

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

Alpine Waste Services

Don – action from the Board to take action ratifying the execution of an agreement with Alpine Waste Services.

Carolyn – the agreement would be in the nature of an extension document extending the time for performance by Alpine Waste Service to close of business Tuesday, January 11, 2005, 5 p.m.

Commissioner Houpt so moved; Commissioner McCown seconded; Houpt – aye; McCown – aye; Martin – aye.

Meeney Settlement – Landfill fees

Don –in terms of the meeting settlement we are looking for a slight alteration of the terms the Board has previously approved establishing a tap of fees at \$500.00 cap on fees at the Garfield County Landfill for disposal of waste from the Meeney site.

Commissioner McCown made that motion providing that the Meeney's also meet the criteria for the asbestos check and we would not be able to take any of that material should asbestos be present, but we would cap the fee at \$500.00 still figured at the \$48.00 a ton. Commissioner Houpt seconded; Houpt – aye; McCown – aye; Martin – aye.

Joint City/County Meeting

The Board also anticipating entering into discussions of a February 8 meeting with the Glenwood Springs City Council for 7 a.m. and discuss appropriate items for the agenda.

Mildred will confirm

Landscaping is one issue for that agenda if not before.

COMMISSIONER REPORT

Commissioner Houpt – Swearing in 10 a.m. January 11, 2005; Wednesday in Denver for COGGC rule making meeting; CCI Legislative Reception in Denver on Thursday evening and Rural Resort on Friday.

Commissioner McCown – Met with Road & Bridge and Rob Hykys last week again looking at County Roads and Rob's report is due by the end of the month and submit to CDOT no later than the 9th. During the course of that meeting as a follow up the Board will be getting from Road and Bridge and Don from the legal department, some roads that we are going to be taking off the County's road system; these will still be classified as public/non-County maintained Roads – there were some of them that were incorrectly labeled and we wanted to make sure they were not on the map to add to confusion and that we're going to run them by the access committee in the meantime to get any input but it was felt with all foreman participating including Marvin and Rob taking information from GPS and CDOT maps but there was some very onerous information on the map that they removed.

Don – for some time we've been pending review by the Board by proposed primary and secondary system and recall when we adopted the new Road and Bridge Regulations a year ago that we temporarily adopted the weight restriction and haul route map as the County Road map but that really does not adequately address the statutory requirements for a County primary and secondary road map. Don in agreement with Larry that we were waiting on information to classify these roads and that study is still pending in Don's office for review of the last two sections on Road Impact Fees. When that gets the Board, Don would anticipate in February, and then we'll be looking for the Board to establish times to do what is necessary to establish that road system.

Commissioner McCown – continued Wed. night he will be at Rifle City Hall for the Roan Plateau meeting;

Wednesday morning, Chairman martin and Commissioner McCown are meeting with Bill Porter at 9:00 am;

Thursday – Associated Governments and the meeting at Parachute Town Hall is Thursday night – can't go due to a conflict of appointments.

Chairman Martin – won't be able to be a the meeting with Mr. Porter; very important meeting with the ground rules ambulance rules and regulations changes in Denver at 9:00 a.m. same day; move to the SENTAC and RETAC ambulance review with the Department of Health; the following day as well as the legislative meeting following that.

Ed pointed out a meeting with the LoVA Trails at 10 a.m. to get a handle on the County's responsibilities and LoVa's. CDOT is not involved in this meeting.

Commissioner McCown – will that be a time when we discuss with CDOT on the design on the trail?

Ed stated this will be discussed. It doesn't make any sense because they want to take responsibility for the construction and they insist on us designing it.

Chairman Martin – this will need to be discussed due to some of the Federal regulations that they may be attached tighter than they want to be – they may end up having to do a few things.

Don – with LoVa this is a many headed project and need to resolve some issues with their role in this entire project that can potentially involve all the players, our first thought is to have some direct discussion with LoVa to out some ground rules for the County.

Last week - Carbondale – John Hoffman – Randy and Marvin made the meeting and there's still an outstanding issue on liability insurance during the project.

Don - email from John Hoffman and he indicated his position was that the only permit they needed was from the Corp; the last discussion with Mark was that they may still need to be a floodplain permit from the County; Don will follow up with Randy.

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 for a Special Use Permit for a Group Residential Facility for Children and Youth for a property dba the Emily Griffith Center located at 1252 County Road 294. Applicant: Bill Evans – Fred Jarman
- f. Authorize the Chairman to Sign a Resolution Concerning Distribution of Receipts from the National Forest Reserves and Directing the Garfield County Treasurer to Make Disbursement
- g. Authorize the Chairman to Sign a Resolution for an Exemption from the Definition of Subdivision. Applicant: Eleanor Piffer – Jim Hardcastle
- h. Authorize the Chairman to Sign a Resolution and a Special Use Permit for Industrial Support Facilities, Production and a Pipeline. Applicant: Williams Production RMT CO. (Gas Production) - Jim Hardcastle
- i. Authorize the Chairman to Sign an Approved Amended Plat of Eagles Nest @ Aspen Glen – Jim Hardcastle

Ed said it is not US Bank as is characterized on the sheet the Board has – it is Commonwealth Title.

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

PUBLIC MEETINGS: AUTHORIZE THE CHAIRMAN TO SIGN THE FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE RESUBDIVISION OF LOT 28 OF THE STIRLING RANCH PLANNED UNIT DEVELOPMENT. APPLICANT: STIRLING SUN-MESA, INC. – FRED JARMAN

Don DeFord, Fred Jarman, Becky Stirling and Mark Hamilton were present.

Commissioner Houpt removed herself from this discussion due to potential conflict.

Fred Jarman and Mark Hamilton of Caloia, Houpt & Hamilton, PC were present.

Fred stated that the request is to authorize the Chairman to sign the Final Plat and Subdivision Improvements Agreement for Lots 28, 29, and 30 of the Stirling Ranch PUD.

Fred submitted the background saying that on November 3, 2003, the Board approved the preliminary plan and PUD amendment for the Stirling Ranch PUD which entailed re-subdividing Lot 28 into 3 smaller residential lots known as Lots 28, 29 and 30. This approval was extended to November 3, 2005 in order to provide adequate time to accomplish improvements related to the reconfiguration of the entrance to the development which included road relocation.

Staff Comments: Staff finds the request for a Final Plat was properly filed with the County and all required conditions of approval have been satisfied as required by the Board. Specifically Staff would point out that condition No. 8 required the following:

The Applicant shall correctly align County Road 162A such that the entire roadway is located within the 60 foot right-of-way easement provided to the county and that no portion of County Road 162A shall be located on a neighbor's property. This realignment of County Road 162A shall occur prior to final plat.

The applicant submitted an "As Built" survey of the newly reconfigured County Road 162A that correctly indicates the roadway is located entirely within the County right-of-way and further the County Planning Staff and the County Surveyor conducted a site visit to verify the location of the relocated roadway and found the roadway to be correctly realigned and relocated entirely within the County right of way. Therefore, staff is satisfied that this condition has been met.

The roadway has been relocated.

Mark Hamilton and Becky Stirling presented.

Adrian Crouch – found that Sun Mesa was on the docket today and her attorney has not been notified and had asked the Commissioners as well as the attorney Don DeFord, and Mark Bean in November to please not having meetings without the attorney in Denver being notified. You have requested the County Attorney and County Planning 4 different times to in the last 10 years for the Crouches to identify and show the Commissioners that she had title to the property. She is now having to go through it once again because the County has she obtain more information and putting the Commissioners on notice right now that the road is on her property; that the Stirling have had 3 or 4 surveyors up there and every time they put new flags there's flags in not only her property but Denise Henderson and Temple Glazier's property; there is no legal access into the subdivision and requested all information that my lawyers have. There is 400 lawyers and they have been busily acquiring all the information including title polices, deeds of trust, any approvals that the County had given me for lot approvals

in the past, and they are still gathering information and the only reason she was here today it to protest once again, you have asked her attorneys to show you all of the information that we have and we're gathering it; we've put it in writing and talked to Don DeFord right before Christmas saying we are complying once again although you have all the information that Ms. Crouch had given you in 2004 why there is no legal access into the Subdivision and have had over 40 notices without the Crouches no notification so I am protesting and if you pass this right now, one Lot 28 and Lot 30 I think you need to go back and review all water, you told me in November of 2004 that you had nothing to do with the water with a subdivision improvement documents, Missouri Heights is hurting for water, there have been wells that have changed, legal descriptions, ownership; my family had the 3rd largest amount of water going into Missouri Heights out of Missouri Heights reservoir and a lot of that has been taken and she will have to go into more legal access over that so what I'm telling you is that she would appreciate it one more time if you would go back and review ownership of the land of the subdivision, how they got the subdivision and your 84 rules talk about if there's no, if you additional people's land for a subdivision, that's not in compliance. Right now the Henderson property is being used a part of the subdivision, mine is, the Mulkings, and so she said she would appreciate it if no more meetings without her lawyers being here. Henderson, Tuttle, and Mulkings and Crouch – requested no more meetings without her attorney's

Don – Ms. Crouch is correct, he has corresponded with her attorneys sent and received correspondence from them. As the Board is aware of the location of 162A relative to the Crouch property, was on your agenda at her request and twice her attorney's informed me that they weren't prepared to go forward and I asked the Board to set over consideration of this item. The last time the matter was deferred indefinitely pending further information from her attorneys. Through my office we informed her attorneys that all information that is contained in the County Attorney's office and to my knowledge the Planning Department indicate that the road is properly located and is not located on the Crouch property and that is 162A. Her Attorneys responded by saying that they did not believe that was correct and would forward information supporting her position and theirs that the road was located on the Crouch property; that position was taken more than a month ago. To date Don said he has received nothing in the way of information from the attorney's. Ms. Crouch is correct, that in regard to the location of the road her attorney's were to be informed. In other regards this matter was placed on this agenda which was published for the specific purpose of providing general notice that this matter would be considered today.

Adrian – she would like the Commissioner to go ahead and review all the Resolution associated with this subdivision; the Resolution from I believe January 2004 talks about and the P & Z people also agreed with this that nothing more would be done, any more lots, 28, 30 23, any changes until the road situation was corrected. It has not been corrected and you can go up there as many times and put as many stakes in the ground to say yes, this is it, but your own surveyors put stakes and still are in the middle of Denise Henderson's and Temple Glazier's property. Please let my attorneys just finish the job since it has not been over a month ago and my lawyer did talk to Don DeFord, there have been holidays and we're having to go back and spend money with additional title companies, surveyors, etc. but you can do this but I don't know what the ramifications are, but you can then retract it.

Commissioner McCown asked Scott Aibner, the County Surveyor, in the course of your employment, you went up with Mr. Jarman to verify in fact that the County right of way is where it belongs that the corrected plat if you will is as it is supposed to be, are you able to testify to that today?

Scott Aibner stated he found no discrepancies in property alignment or where the County Road truly is.

Commissioner McCown made a motion to approve and chair authorized to sign the final plat for subdivision improvements agreement for lots 28, 29 and 30 of the Stirling Ranch PUD; Chairman Martin – seconded.

Discussion. Chairman Martin is it does lead to challenge in court that will be fairly rapid I would imagine and maybe that's where it needs to be at this present time. Obviously there is contradiction in ownership and surveyors, etc. that needs to be resolved and taken care of. McCown – aye; Martin – aye. Houpt – abstained.

Public Meeting

CONSIDERATION OF A RESOLUTION ACCEPTING ROADS WITHIN TRAVELERS HIGHLANDS SUBDIVISION – CAROLYN DAHLGREN AND FRED JARMAN

Fred Jarman, Carolyn Dahlgren and Don DeFord were present.

Carolyn submitted the list of all current owners as shown in the Assessor's records and all the mail receipts and returned receipts requested that her office sent out; there were 3 for whom no receipt has been received, otherwise all owners have been notified of today's hearing and we're asking that the Commissioners sign the Resolution accepting the public rights of way in Traveler's Highlands Subdivision as platted back in 1962. The Resolution makes it clear that these are being accepted as public roads, they will not be put on the county system; they are not being accepted for maintenance or construction or anything else but it clarifies for the record and hopeful even the title companies will be happy. They are public roads. The original Resolution has the original plat attached to the original plat and when the Board is presented with the amended plat, and there may be a number of amended plats in the future, the information on the plat related to roads will be referred to this Resolution rather than your standard acceptance language on the face of the plat.

Commissioner McCown made a motion we approve the Resolution accepting the public rights of ways in Traveler's Highlands Subdivision and the Chair be authorized to sign the Resolution. The original 1962 plat, this Resolution sits on top of that in the chain of title so this will clarify. The plat Carolyn referred to was the amended plat, Mr. McElroy. The future plat is coming in and also referred to the original plat. It will refer to this Resolution and the original plat.

Commissioner Houpt seconded. Houpt - aye; McCown - aye; Martin - aye.

A motion was made to adjourn by Commissioner McCown and seconded by Commissioner McCown - Houpt -aye; McCown - aye; Martin - aye.

ADJOURNMENT

Attest:

Chairman of the Board

JANUARY 11, 2005
SWEARING IN OF NEWLY ELECTED GARFIELD COUNTY COMMISSIONERS
AND GARFIELD COUNTY SURVEYOR THE
REORGANIZATIONAL MEETING

GARFIELD COUNTY, COLORADO

The newly elected County Officials, Commissioner John Martin, Commissioner Larry McCown, and County Surveyor Scott Aibner were sworn into office at **10:00 A.M. in a ceremony** conducted by the Chief Justice of the 9th Judicial District Peter Craven. The Event was held in Room 100 of the Courthouse Plaza Building; refreshments were served.

REORGANIZATIONAL MEETING

The REORGANIZATION meeting of the Board of County Commissioners began at A.M. on Tuesday, January 11, 2005 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 10:32 A.M.

ELECTION OF OFFICERS
CHAIRMAN

A motion was made by Commissioner McCown to have John Martin as Chair and complimented him on a very good job.

Commissioner Houpt – seconded with comment. She agreed that John has done a good job but it is healthy to rotate and share in that responsibility of Chairman of the Board. It brings dynamic to the Board. Therefore, she would like to see us rotate this position to work on an even basis. Commissioners Houpt said she knows that both of the other Commissioners were aware that she was interested in being the Chairman. McCown – aye; Martin – aye; Houpt – nay

CHAIRMAN PRO-TEM

Making it more convenient for the Chairman Pro-Tem to be in the Glenwood area,

Commissioner McCown made a motion to nominate the Chairman Pro-tem as Commissioner Houpt. Commissioner

Houpt seconded the motion and stated that she felt that for Larry McCown to be the Chairman would be better because it is a regular basis in which the Chairman signs things. Houpt – aye; McCown – aye; Martin – aye.

RESOLUTION CONCERNED WITH ESTABLISHING OFFICE HOURS AND WORK WEEKS FOR THE COUNTY OFFICES AND SPECIFYING THE SCHEDULE OF REGULAR MEETING DAYS OF THE

Commissioner Houpt by putting out meetings on TV and the website opens up the information is more available to those who work during the day time hours, however as we proceed through the year she would like us to look at our mission statement and entertain having public meetings and public hearings in the evening, especially for land use items.

Chairman Martin – the cost of that due to the cost of employees working overtime as all those involved are not salaried employees. They would need to be paid overtime. Commissioner Houpt would like to look at the physical impacts and the time those people would be paid overtime.

Commissioner McCown – a major land use item requiring a group of people who are opposed has always been handled by having a special meeting in the evening. We are a professional organization and banks, attorneys, and doctors are open during the day, but if there is a session that is needed to be held at night, we will hold a special meeting. Special issues or contentious land use items are usually known in the future and we can adjust our schedule.

Commissioner Houpt – we are a professional organization and yet we are a government organization and we need to be open to this. When there is public interest that is known to Building and Planning, staff should bring this to us and we should continue looking at being flexible with our meetings. She thinks there would be interest in holding all our meetings in the evenings.

Chairman Martin – those options are still available.

Mildred – in this Resolution, the holidays were already approved in Resolution 2004-57.

Commissioner Houpt – would like to see it posted on the Kiosk.

Chairman Martin – offices under the County Commissioners are 8:30 a.m. to 5:00 p.m.

Don pointed out these are the offices hours open to the public.

Office hours for Social Services should be noted as well as Road and Bridge who will set their own hours.

A motion was made by Commissioner McCown to approve the Resolution concerned with establishing office hours and work weeks for the County offices specifying the schedules of regular meeting days of the Board of County Commissioners and related matters which will be Resolution 2005-04 and in paragraph adding with the exceptions of Road and Bridge and the Department of Social Services, the following business hours shall be 8:30 a.m. to 5:00 p.m. and the Chair be authorized to sign.

Commissioner Houpt – we’ve had this discussion before, would you be willing to put Martin Luther King Day in there; Commissioner McCown – not at this time. Commissioner Houpt – seconded the motion.

Don said before you vote on this, one thing to point out in Paragraph 3, under this paragraph all regular meetings must be must be conducted in this room the way that is worded and sometimes we’ve had to conduct meetings by phone in Don’s office, sometimes the Board has gone to other parts of the County, you should give yourselves some flexibility to say unless otherwise established.

Chairman Martin – in Paragraph No. 4 it says the Chairman shall designate the manner and location of special emergency meetings.

Don said he understands this is for special meetings but he was only talking about for regular meetings.

This can be added for emergency, special or regular.

Commissioner McCown – let’s change each month meeting at the Commissioners’ meeting room at the Garfield County Courthouse Plaza, 108 8th Street first floor, Glenwood Springs unless otherwise designated with notice. He amended his motion; Commissioner Houpt amended her second.

Houpt – aye; Martin – aye; McCown – aye.

Retaining Wall – County Road 109

Working Session – Randy Withee, Marvin Stephens, Scott Aibner and Don DeFord were present.

At the budget hearing, there was a question regarding the retaining wall on CR 109.

Randy Withee and Marvin Stephens presented.

Commissioner Houpt – relayed the discussion during the budget hearings of the construction of homes on top of the hill has impacted and created some erosion and therefore the homes on top of the hill should be part of the mitigating factors in the cost to cure the problem.

Randy said the erosion started when the road was constructed. The erosion is not where the houses are built.

Marvin – the impacts of the homes are not creating the impact. If it continues the homes would be possibly affected.

Randy suggested checking with Mark Bean as to what was part of the original development was present before the construction of the road.

Don – this was originally part of the Ice PUD in 1984 –1985, before Walt Stowe’s time as Commissioner or landowner above the erosion.

Randy reminded the Board of the direction they received to have the engineering study. The estimate was \$300,000 two years ago. Due to inflation, they estimated \$450,000 now.

Commissioner Houpt suggested asking Mark about the impact of the Ice PUD.

Commissioner McCown – must need to move forward and if it damages any of those homes, we will have a bigger bill than \$450,000.

The question arose if there were any funds appropriated for the impacts of the County Road 109 that hadn’t been used and if so to use those funds and then supplement with what we’ve appropriated in the 2005 budget hear.

It was determined that there are no existing structures and we only need a temporary construction easement.

Scott Aibner will work with Randy Withee and Marvin Stephens.

This comes back for formal consideration January 17, 2005.

2005 Budget

Jesse informed the Commissioners that the 2005 Budget was ready to go to press.

No Parking Signs on Cattle Creek.

Marvin assured the Board that these will be put up as soon as they get them.

Red Canyon Road

Marvin stated it was officially closed yesterday, January 10, 2005 and he understood the Commissioners wanted a weekly update.

Marvin said he justified the closure due to the general safety with the public as well as County Road and Bridge staff.

Marvin said he contacted Sheriff Vallario and informed him of the closure.

ADJOURNMENT

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

Attest:

Chairman of the Board

JANUARY 17, 2005 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 17, 2005 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. Discussion of Reorganization of Northwest RETAC – Barry Smith

Barry Smith presented. The members voted unanimously to keep the RETAC as is. Central mountains include Valley View Hospital. This has been visited before – see previous meeting minutes.

The Board at Associated Governments chose a committee to look at this. Associated Governments are the physical agent for RETAC could see no reason to allow this to take place. The 5 county RETAC has had problems coming to an agreement on things and felt that 10 counties would be worse.

The Associated Governments will still look at having two RETACs. The door hasn't been closed. The deadline is June 30, 2005 and Associated Governments will have a resolution proposed and get back to Barry.

The other issue is there is a lot of discussion about who has the right to make the decision as to which RETAC they belong to and Barry's understanding is that these by-laws have not been ratified.

b. Review and Request for Approval of Annual Highway Users Tax Fund Report – Rob Hykys

Rob submitted the 2004 Summary of Revisions for the Highway User's Tax Fund (HUTF) stating that following last year's transition to an entirely GIS-based roads inventory compatible with the Colorado Department of Transportation (CDOT) GIS Section's Database, this year's report was prepared in a fraction of the time, benefiting from the use of computer audit written by CDOT for our fully-integrated GeoDatabase.

The transition in 2002 of the annual roads inventory from paper and pencil to GPS and GIS initially created more work, because it uncovered dozens of mapping inaccuracies and data entry mistakes, all attributable to human error. With each subsequent year, these clerical errors have been identified and resolved, improving the accuracy and ease of access to Garfield County's comprehensive digital roads data.

The purpose of the HUTF report is to assure that Garfield County receives its fair share of revenues from the Highway User's Tax Fund collected at the gas pumps and distributed by CDOT.

All 2004 road improvements shown in the report and shown by county road number, name, the improvement and length of road was a total of 45.37 miles.

Rob said the GIS Roads layer, or GeoDatabase, is now completely integrated with the HUTF records. This means that our GIS layer holds one line segment for every line describing it in CDOT's database. It also means that CDOT has adopted our GIS-GPS centerlines, the most accurate the county has ever established in their database, which is distributed publicly free of charge via the CDOT website.

In 2004 the	HUTF Eligible – Center Line Miles –	705
	HUTF Eligible – Lane Miles –	- 1491
	HUTF Ineligible – Center Line Miles -	252
	HUTF Ineligible – Lane Miles -	359

Rob submitted the annual accounting and map for approval. This is the best accounting we can provide of County Roads.

In 2002 we GPS all centerlines, motivated by GASB and at the same time it seemed logic to work with CDOT and give this information to them. Problems are becoming fewer and fewer.

A 1992 map used to start digitizing – Four Mile Park road showed up as CR 30; Trappers Lake Campground Road showed at CR 145; North of inactive coal mine SH 325 N of Rifle was CR 484; and the Spur off of 202 Road Creek Area was CR 491.

Rifle Land Mine Road 498; Spur off of 296 NE of Rifle, and Spur off of 320 S. of River Rifle 433 might be considered for abandonment but that is not referenced today.

Don encouraged the Board to adopt the primary and secondary roads. This is to be submitted for HUTF funds.

Don - Page 4 – the proposal is to add certain short segments of Road and denominate them with County Road Number and reminded the Board that when you adopted your Road Regulations we did not have a County Primary and Secondary map that would normally have been required with that document the and in lieu of that the BOCC, as a stop-gap measure, adopted a map showing that shows weight restrictions on County Roads and also contains County Road numbers and in the adopting document you specified that every road shown on that map with a County Road number would be considered part of the official County Road System. Therefore, when you add roads with County Road numbers, even when you are not claiming reimbursement under the language of adoption, you are adding that road to the official County Road System and accepting responsibility for whatever liability or maintenance requirement may go with it.

Page 5 – In a similar manner, the question of abandonment. That actually is a legal term under which requires certain things to be met in order to declare a road abandoned, the Prehm Road was actually vacated, but that is a form of abandonment. The other roads as a legal matter, Don didn't think it was being proposed that you legally vacate whatever rights are in here, but only drop them for reimbursement purposes. If that's the case, that's fine but we need to be clear about that.

Lastly, the situation with the maps while I know that Rob has continually said that he is not trying to render any kind of legal determination on the status of these roads and every year he tries to highlight that a little bit more; as a matter of fact, after the McIntyre Ruling by the Supreme Court last year, the maps you generate will be used in Court – it's simply unavoidable and Don is currently involved in litigation right now where he will be using the formal HUTF reimbursement maps as part of our argument that the County claimed those roads as a matter of right, to establish a prescriptive use claim. We are allowed to do that under McIntyre and many times it's the only evidence we have that the County Commissioners believe the road was theirs to control. That is particular important after McIntyre because if we can't demonstrate that claim of right that these maps demonstrate, we

lose even if the road has been used for 50 years by the public. These maps carry weight that the BOCC might not want them to carry several years from now.

Commissioner McCown – under the three (3) roads that are candidates for abandonment yes, it was the intent of the County Road and Bridge Department this particular County Commissioner to move forward with abandonment complete abatement of any rights to those roads; that is not something that we have to discuss today but given the nature of them, it was our intent that the County has no particular interest in keeping any of those parcels.

Don – the process was established to accomplish that and if that is the case then the Road and Bridge should work with Don DeFord to initiate it; we'll need a survey, legal description and all the other things that are required by your Resolution. Those roads are: CR 433; CR 444; and CR 498 as appearing on Page 5 of this report.

Rob – requesting the entire index for the Board's approval of accounting of County Roads for state tax distribution.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the list of roads as submitted by Rob for HUTF funds and all three Commissioners sign the report. Houpt – aye; Martin – aye; McCown – aye.

Rob thanked the Board and Marvin and his staff for helping with this report.

c. Associated Governments of Northwest Colorado's Initiative for Modifying Distribution of Federal Mineral Lease Royalties – Doug Dennison, Jim Evans, AGNC

Doug – During its regular meeting on January 6, 2005, the Garfield County Energy Advisory Board (EAB) voted unanimously to recommend that the Garfield County Board of County Commissioners (BOCC) support Associated Governments of Northwest Colorado's (AGNC) efforts to introduce legislation to adjust the formula whereby revenue from Federal mineral leases is distributed to local governments. It is the understanding of the EAB that the AGNC is still seeking a legislative sponsor for the bill and we encourage the BOCC to support AGNC's efforts to move this initiative forward.

Doug submitted the letter from the EAB Board.

Jim Evans of AGNC presented.

The Energy Impact Program has two funding sources: the Severance Tax which comes off all production within the State with certain calculations related to property tax. This fluctuates and this is the issue to be resolved to get contract workers reported and get the appropriate share of those funds; the second part of the Energy Impact Program is the federal mineral royalties and those only come off of federal lands. So, there is some similarities between the employees reported for that and employees that are also used in part of the distribution of mineral royalties. This is a two part thing but they are interrelated.

The EAB endorsement and would like the Board's as well is the proposal to change the 3rd tier or overflow split of the direct distribution. Originally there was a \$200,000 cap on the County's share, the County is supposed to get 50% of the state's share of these funds. Then through a series of amendments that the administrators were successful in getting the Legislators to introduce over the years, it was up to \$800,000 then up to \$1.2 million limit or cap which is called the second cut meanwhile the money not going to the County goes to the Public School Fund. So it has a fiscal impact on the state budget. That share does not go to schools; it displaces general fund money to the state and does result in an additional dime of money for public schools. The only funds they get out of this are a portion of the County share – they get 25% of the County share.

In the overflow split, Garfield County was one of 6 counties that goes through this whole thing and gets into this overflow split. Then it is split 50 and 50 at that point between the public school fund and the energy impact program for the grant program but the local governments get the 25% direct out of that 50% DOLA share. Our proposal amendment would make it 50%. The proposal does not affect the school fund; DOLA is concerned about us going forward. They think it might be poor timing in that it may trigger some discussions about why are local governments getting these funds and why doesn't the state take them all. All of those discussions are going on. There is \$31 million the state is considering in one form or another in diversions. This is an estimate of a \$1.1 million dollar ship from grants to direct payments. What this would mean in this County is not so much what is happening right now, that portion of the \$1.1 million but because of this cap structure, any of the Roan Plateau royalties, which are currently running about \$1 million a month from the activities already underway on the lower area, all that is saying with the federal government right now and the state is not getting our 50% share. Until DOE is reimbursed for all their investments out there and BLM gets enough money for the Anvil Points minerals, so but when that kicks in, that is potentially up to about \$6 million a year from current activities and then if their preferred activity goes through there would be more leasing. It will go into this direct distribution. It's important in the future that Garfield County gets a fair share because you will be otherwise restricted and money all going into the Impact Program – 75% of it and you would request grants.

Counties affected by applying for Grants, 3 counties in this group and they're on board and eligible for grants, but outside the region; 3 other counties share in this, two other counties are coming in this group – Las Amigos, and LaPlata. What about the other ones – we are also trying to get the Dept. of Interior and or our Congressional delegation to get the royalties started at the Roan Plateau. This is vague as to when this will occur. Eventually there will be a flow of funds that will far exceed what this would take out. That's basically our response. Then the 3rd is that there will be replacement revenue for the grant program and then these 6 counties produce 83% of federal mineral royalties in the state of Colorado and they need help right now – they are facing the same issues as the state of this retching effect of Tabor and the pressures that the state is under currently. The department now has a more strict definition of grants going for projects, not operations. This compounds the problem and that hurt on the County's Air Monitoring Grant as it was viewed as an operational grant. There are three components - more revenue, counties need more operational money and they are the ones that produce 83% of the funds.

Representative Kathleen Curry would support this kind of legislation. Rep. Al White and Senator Jack Taylor would be the House and Senate sponsors; Senator Iscar who has the other counties affected is a democrat and Jim wants to have both parties involved. Sponsors are not set in stone.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to endorse and support the AGNC in these efforts; Houpt – aye; Martin – aye; McCown – aye.

PUBLIC COMMENTS FROM CITIENS NOT ON THE AGENDA

Tim Gross – West Glenwood – Retaining Wall - Received a stop work order on November 10, 2004. Why – he is staying under the four foot. He talked to B & P about the wall and the step process. Why can't he build the wall less than four feet? The reason for the wall is there is for fire hazard and also for a noise barrier. A terrace effect along the homes replaced by the fire. Why did it take so long for B & P to notify him?

Andy Swaller, Building Inspector will work with Tim; the wall will require a concrete footing. Tim relayed that this wall was of bricks and they do not require a concrete footing. Not trying to dodge a permit process. The complaint didn't occur until the first wall was complete.

Andy – several discussions were held and the request to have a design and also an engineer verify the lower wall to ensure the upper wall will be supported. He is willing to work on it but need a design and the entire system. It is a series of walls and if the first wall gives way, then all the walls will come down.

Tim has a drawing of the plans.

The Plan is to submit the drawing to Andy Swaller and work with the B & P Department.

d. Preliminary Scope for 2005 Portion of Cumulative Impact Study (CIS)– Doug Dennison

During the EnCana violations and subsequent fine imposed, the Western Colorado Congress (WCC) submitted a project idea to perform a study that was largely based on one completed by LaPlata County (the County Impact Report) in 2002. The scope of that study was very broad, looking at a wide range of impacts that could potentially result from coal-bed methane development in their county. Those impacts were analyzed in the LaPlata County study and grouped as:

Land Use

Socioeconomics

Traffic and Transportation

Visual Resources

Noise

Health and Safety

Admitted the LaPlata County study was very different circumstances than in Garfield County and LaPlata County had already implemented county regulations specific to oil and gas so much of their study was geared toward evaluating the effectiveness of those regulations in minimizing impacts.

Since Garfield County does not have specific oil and gas regulations and in addition there are significant differences in the geologic setting of the natural gas resource being developed in the two counties, results in very different impacts from oil and gas development.

One of the initial decisions that must be made in defining the scope of the CIS is whether the study should be confined to oil and gas development but from all types of development that's occurring. Therefore, it is proposed that although oil and gas development will be a central focus of the CIS, the study analyze should include cumulative impacts from all types of development in the county.

During 2005 Garfield County is initiating a number of studies that will complement the CIS and may result in the scope of that CIS being more limited than the LaPlata report. Those studies include: Hydrogeological characterization study, an air quality monitoring program and a health risk analysis. Ongoing transportation and updating of the county's comprehensive plan and land-use code may address some of the transportation and traffic and land use issues that might otherwise have been addressed in the CIS.

The proposal for 2005 is to initiate the following:

- ✓ A quantitative and comprehensive evaluation of impacts from development on property values; and
- ✓ An analysis of employment and economic growth resulting from development.

Doug gave some of the reasons for proposing this to be done in Phases.

Commissioner McCown noted the critical issue regarding employment from all industry and it would be skewed if all of the industry wasn't addressed. This is a key point. This will be tremendous ineffective not to include the real estate development; the housing development is a large impact. He suggested the study be all inclusive.

Commissioner Houpt agreed and to start with the major industries but to gain an understanding of the entire impacts.

Chairman Martin – The growth of schools, hospital expansions, cars sold, etc would be a huge impact.

Doug suggested to get a general idea of the industries covered by this study and the basic issues we want to try to address and then Ed and Doug will define a scope for an RFP for this year with the amount of money budgeted would get over the first hurdle.

Commissioner McCown – the LaPlata study cost somewhere around \$1.2 million; we don't have that kind of funds even over the 2 or 3 year study to apply to this, but with the other studies we have going on to compliment it, he didn't think we'd need that - this particular one is clearing being more socio-economic then bringing it the clean air and the hydrological tying into it.

Randy Russell – the things that are of interest and in some of the policy making decisions are looking at the demographics of the population – how old are they, how many kids are they likely to have, what point are they in the child bearing range, what are their incomes and what kind of housing can they afford. Those are the kinds of issues that we'll try to look at. If we do a Phase II of the second home study which looks at the growth impacts of the other end of the County that are creeping down the Roaring Fork, to meet these, it would nice to have them be comfortable and one of the things we'll be looking at in that second phase of the second home study, if we decide to join up and do it, is a survey about their spending patterns, their lifestyle, where their money goes as it turns and turns to get a bit of a local grounding and handle on the turnover. Those are real close together. He is suggesting that as the Board refines your scope of services and in looking that second home study piece there may be opportunity to dovetail those.

Commissioner Houpt – The Rural Resort Benchmark Report is coming out with the demographic information that will be helpful with this study.

Ed, Randy and Doug will get together and look at the Phase for next year.

Commissioner McCown – the entire impacts be it land development, oil and gas development, oil shale or whatever, all of those have to be weighted.

Doug – looking at property values and what’s happening with oil and gas in the Rifle area as one affect but also the down valley push has another affect on property values.

Commissioner McCown – there are leases being offered for what the land sold for 10 years ago.

Chairman Martin – you have those property owners that are in the Roaring Fork Valley that are living south of the Roaring Fork Valley but own property on the west end, they’re doing overdevelopment there so they can move down this way so they can pick up the properties that everybody’s moving. It’s double development; they are reaping the rewards on both ends.

Surface Owner Bill

Commissioner Houpt asked on the Surface Owner bill that Kathleen Curry is carrying, this will be introduced before our next meeting, and she would like to know if we’ll take a position on this. She wants the BOCC to support this endeavor. Will the BOCC support this?

Commissioner McCown said he would like to review it and make a decision on it later today.

Spacing Applications for Williams

Doug sent two emails on the spacing applications for Williams and EnCana and anticipating this is the tip of the iceberg that we will see a lot more of these and asked for direction from the Board on how they want to handle these – see each one individually. They are all coming through with very similar language with the intent to do no more than one surface location for 40 acres which gets around the local public forum issue and COGGC rules.

Commissioner Houpt – it will be different on a case by case basis. There is reason to scrutinize a 10 acre application. Doug will continue to forward the information as he gets it and we’ll deal with it on a case by case basis.

Commissioner McCown – in cases where EnCana own the surface and the minerals, but when they’ve got Surface Use Agreements in place from the surface owners and the mineral owner’s impact may become an issue, but historically our arguments and our litigation on cumulative impacts have not been real successful.

Cumulative impacts will be an ongoing concern and Doug will keep the Commissioners in the loop.

e. Appointment of Alberta Peyton, Kerwin Stark, Nola Miller to the Grand Valley Cemetery Board

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to extend the appointment of Alberta Peyton, Kerwin Stark as regular members and Nola Miller as an associate member until December 31, 2006. Houpt – aye; Martin – aye; McCown – aye.

New Members for Various Boards

Advertisements will be out for these openings – Fairboard, Library, and Planning and Zoning. There are among those with vacancies.

Don said most board members can continue until new members are appointed. They all have alternates available for the positions vacated.

f. Progress Report for Trails Development – Randy Russell

Housekeeping item - BLM – Anvil Impacts Clean up Environmental Impact Statement – they are suggesting having a work session before the formal presentation before the Board on February 7, 2005. Hash out options on the mill tailings.

Second issue – Trails proponents – Trails Summit – Brochure to be printed tomorrow.

g. Carbondale east to the Eagle County line - RFTA

Randy said they will be putting together a written agreement with RFTA for the use of their \$50,000 matching grant and RFTA will apply that money along with funding from Carbondale and their own funds for a grant from State Trails to build a section of trail from Carbondale east to the Eagle County line. Since RFTA owns the trail corridor and has all liability and maintenance responsibilities for it our relationship with them is very straightforward.

Crystal River Trail

Randy said his understanding is that our matching for the Crystal River Trail is essentially complete although we have a short section between what Carbondale will build and the Pitkin County line where we’ve given consultation and cash assistance this past year.

South Canyon Trail

This trail will be complex involving a variety of funding sources and contracting requirements from each source as well as an ongoing relationship with CDOT. Progress has been made and there may be potential stumbling blocks that have already been overcome.

Maintenance and Liability Issues, which the BOCC offered, to undertake with the caveat that insurance would need to be checked out with the pool and that this policy applies only to the South Canyon Trail from West Glenwood to the Canyon Creek Interchange. Language is being worked on that limits that responsibility to “normal maintenance” and excludes natural disasters or major accidents where use of the trail may be preempted. It appears that the insurance pool will cover liabilities.

TABOR and other Statutory Provisions are on-going and reoccurring language concerns that some state agencies insist on including in contracts that binds the County to ongoing maintenance and responsibility. Each time a contract is presented, the legal department will go on record advising the BOCC of the dilemma of discrepancy and contradiction dealing with TABOR and other statutory provisions that is an ongoing dilemma for all local governments receiving these grants and that the BOCC can only and do only sign the contract within such limitations as allowed by law.

Highlights of the Meeting Minutes

South Canyon Trail – the underlying Right of Way (ROW) is owned by BLM through South Canyon and a ROW lease amendment to the current I-70 lease will be necessary. CDOT will check with BLM on the status of the current lease agreement to see if an amendment will suffice. If a new lease agreement is necessary BLM may require NEPA clearances as well and CDOT and BLM will coordinate to ensure that environmental reviews meet both agency’s needs.

ROW and construction phasing and space are yet to be determined for the West Glenwood Sewer Plant property and adjacent areas.

Future design issues involving the BLM's recreational site visit west of South Bridge shall be coordinated with BLM.

CDOT will own any portions of Trail on CDOT ROW.

Garfield County has to be the recipient of GoCo funds and manage the grant.

The scope of services and contract could be delayed until spring of 2005.

GoCo does not consider the Conservation Trust Fund county allocations as GoCo funds and they may be used as match for the project.

Garfield County and LoVa will initiate an MOU between them as the County is acting on LoVa's behalf.

Assignments were made to the various organizations and the next meeting will be scheduled upon hearing progress reports.

Ed – presented the schematic – the way this project is set up is not operateable. To have CDOT take full responsibility for construction and us for design does not make sense but we will make it work. For the board's information, the fact is if this becomes a problem in the construction phase, he suspected that CDOT will want to support the construction contractor they selected in order to land the curability to that selection and that will leave the Board holding the bag because if something pops up, we would have trouble collecting anything from the design contractor. This is the risk.

Randy – the relationship with CDOT but when we fuse GOCO we will have to maintain fiduciary control over this and approving the bills monthly. Randy will get with Casey Peter to make sure this is understood.

Commissioner McCown – the word approval is a very diluted word, we have no authority to deny if they have built it and they submit a bid and we deny the money – what happens then.

Randy responded where we might have a little bit of an edge is if the division will allow them to bill for this project as staff on an hourly basis, we'll see those reports and approve those reports. There is some watch dogging in terms of expenditures that are going into at least the administration and management part of this.

Don commented that at some point we'll be asked to sign an agreement with GOCO and we will have to assure them that this project will be properly constructed and it puts us in a difficult position to make that representation if we are not the one who manages the construction. In a memo, about the CDOT contract he highlighted the term maintenance and beyond that there is a real monetary issue here and Randy mentioned that in his memo also about the question of plowing the snow off the trail versus having to rebuild the trail if it is destroyed or lost or damaged and what to do they contemplate for maintenance and if it's actual reconstruction of the trail, given the location of this bike path/pedestrian path, it could be a large monetary liability. He emphasized in terms of insurance that most of the time those types of coverage's are provided by the County's property insurance, he has received no assurance from CAPP that they will provide property insurance as opposed to liability insurance for this project. We don't own the land under the trail. This might be the first in the history of the insurance pool to provide property insurance for something that is not owned by one of the entities.

A mud slide – who's responsibility is it to clean that up – needs to be a clear delineation of who's responsibility at that point to clean that up when you have the emergency taken care of – that's in paragraph 5 of Randy's memo.

Randy said it was a discussion and a wait and see if it's in the contract.

Don wouldn't think LOVA to bear liability; we would be the responsible agency for the liability.

Randy is hopeful that people we see that it is very reasonable for us to draw a line between routine regular maintenance responsibilities and exceptional maintenance responsibilities and if that can't be negotiated, we'll be back.

Commissioner McCown – do we have the authority to close the trail under adverse conditions.

Don suggested defining when CDOT is responsible.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice Update on CR 121 Laurence Ranch Litigation

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.

COMMISSIONER REPORT

Commissioner Houpt – last Wednesday at GOCC meeting for the noise rule rewrite and she is fairly impressed with the process and believes they will come up with a good rule; more meetings are being scheduled. CCI legislative on Thursday – legislative reception - 69 new Commissioners and 63 were present. CDOT has started the public meetings on the I-70 Mtn Corridor PEIS and the I-70 Coalition is working with CDOT on a MOU for two reasons – 1) to recognize us as a group on a perverted alternative and 2) expansion of time for review. This week – Tuesday, Air Quality meeting at Fairgrounds 6 pm; Rural Resort on Thursday; EAB; CCI on Friday.

Commissioner McCown – last week – 7 p.m Roan Plateau hearing in Rifle; the Public Meeting they conducted; 7:30 a.m. Thursday at the Outlaw in Parachute met with reprs from Shell Oil, the Dept of Energy's on oil shale and others interested parties for an oil shale discussion. Associated governments met at Rifle at the Fire House on Thursday as well; this Wed am at 9:00 have a road meeting at the Fairgrounds with CDOT all of the oil and gas operators, Road and Bridge, CDOT, State Highway Patrol Port of Entry and discuss the tracking of mud onto State Highways to see if we can come up with a solution; Wed evening, in DELTA on Thursday and Friday for RAC training on Thursday and RAC meeting on Friday.

Chairman Martin – say thank you for Marian, Mildred, Linda for all they did and he appreciated the swearing in and a nice turnout. Met on Wed 12th on the Ground Ambulance Rules and Regulations; 13th CINTAC and RETAC folks and the meeting was vigorously attended and the one outcome that relates to us, they were able to convince the

subcommittee on ambulance ground rules be withdrawn from that meeting and the comment period has been extended to 31st and the true draft be submitted and a following workshop on 2/2/05 - Dale, Carolyn and Chairman Martin will be sitting in on that meeting. CDOT and the staff meeting was on Friday, the 14th – public lands on the 21st.

Ed – Road and Bridge Annual Safety meeting on Thursday from 10 to 2.

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 Reduction Certificate #5 and the Acknowledgement of Partial Satisfaction of the Subdivision Improvements Agreement for Sun Meadows Estates Subdivision. Applicant: Sun Meadow Estates, LLC. – Fred Jarman
 - f. Authorize the Chairman to Sign a Special Use Permit for An ADU. Applicant – Beverly Klein – Jim Hardcastle
- A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a - f, absent b and c; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION – HSC BUSINESS – SHELLY HANAN

Shelly Hanan and Sandy Swanson from Family Services were also present.

The job description for a Media Coordinator, an ex-officio position was submitted to the Board. This is for a positive awareness of the agency, clients, and will distribute the information for the media.

Board has no objections. Kay Valaliskis was appointed.

BOARD OF SOCIAL SERVICES

Approval of EBT/EFT Disbursements for December 2004

EBT for the month of December 2004 totals \$312,561.32

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the EBT disbursements for December 2004 in the amount of \$312,561.32. Houpt – aye; McCown – aye; Martin – aye.

Update on Colorado Benefits Management System Conversion

Handout – Statistical Report

An on-going effort of cleansing the cases and today we're in good shape. She believes this will be complete by the 28th of February.

A letter outlining the State's response to a court order requiring the Colorado Department of Human Services along with Health Care Policy and Financing to implement an "emergency benefits process" for applications exceeding regulatory timeframes was submitted. The order's basics include the implementation of a Call Center with 15 lines and three computers open 7 am to 6 pm M-F operated by 15 temporary staff responding to calls; if a county has been unable to resolve emergencies as defined in the emergency call line, the county will be working with specific steps outlined to assure the process is running smoothly and provides the State with 5 business days to process the application from point of receipt at the State. The Court ordered that on or before February 28, 2005, all cases that are out of compliance with timely processing will be reduced by 40%. Each sixty days thereafter, there must be a reduction of an additional 40% until substantial compliance with federal and state law is achieved for all programs. The other issue is the overpayment to clients. If this is a CBMS problem, the state will assume the issue. This is still in discussion. If we have to seek overpayment from the client and can't then it is the County's responsibility. If the State is responsible, no consequence.

Commissioner McCown commented the temporary staff for the progress made on these cases.

Consideration and Approval of 2005 Area Agency on Aging Notice of Grant Award

Lynn submitted a copy of the notification of grant award totaling \$52,726 for Caregiver Services and Senior Services for the regional program serving Garfield, Routt, Moffat and Rio Blanco Counties. No change to the agreement from the past several years.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve and authorize the Chair to sign the Caregiver Services and Senior Services for the regional program serving Garfield, Routt, Moffat and Rio Blanco Counties in the amount of \$52,726; Houpt – aye; McCown – aye; Martin – aye.

Program Reports were submitted to the Board for review.

BOARD OF HEALTH

CSBG (Community Services State Block Grant) Public Hearing

Carolyn Dahlgren and Mary Meisner were present.

Carolyn Dahlgren reviewed the proof of publication and advised the Board they were entitled to proceed.

Exhibit A – Proof of Publication

Exhibit B – Application

Chairman Martin entered Exhibits A and B into the record.

Mary Meisner submitted the CSBG grant noting that it provides access to quality, comprehensive case management for the uninsured, low income women residing in Garfield County.

Health Beginnings prenatal care model changed as it merged with Mountain Family Health Center. This partnership includes Valley View Hospital, private practitioners, community volunteers and Garfield County government and continues to be a strong collaborative force. In calendar year 2004, GARCO PHCM provided case management for 495 women representing 43% of the deliveries at Valley View Hospital.

This reflects 50% of direct salary cost for 2 registered nurse case managers and general management of the prenatal nurse case management positions.

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 CSBG grant for \$38,000 program March 1, 2005 to February 28, 2006; In favor: Houpt – aye; McCown – aye; Martin – aye.

BOCC review and signature for Mountain View Building Lease Termination – Mountain Family Health Center
Carolyn Dahlgren and Mary Meisner were present.

The termination of lease agreement was submitted and a request made for the BOCC to authorize the Chair to sign. The vacation of the leased premises was accomplished on Friday, December 10, 2004.

Mary has the final inventory submitted by Wanda Berryman the former Healthy Beginnings Director and there is an amendment is needed.

Carolyn Dahlgren will send the draft agreement to Mr. Spooler.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Mountain View Building Lease Termination for the Mountain Family Health Center with Garfield County; Houpt – aye; McCown – aye; Martin – aye.

The list of equipment should be ready in February to take action on.

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

Annual Garfield County Public Health Plan for 2005

Mary Meisner submitted the annual community health plan and progress report with community priorities. She outlined the community priorities, data/indicators or other supportive information, goals and measurable objectives, interventions/strategies and activities in line with each one, a time frame and an evaluation standard. The goals are: Control of Communicable Disease; Provide Preventive Health Services to Garfield County Children; Provide Preventive Health Services to GARCO Residents; Enhance Public and Provider Knowledge of Public Health Mission; Improve Emergency Response; Improve Prenatal Outcomes; and Reduce Pediatric Obesity.

This is an ambitious plan and Mary is interesting in moving the agency forward. There was a lot of staff input into the plan.

Commissioner Houpt appreciates the comprehensive plan put forth and complimented Mary and her staff.

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

PUBLIC MEETINGS:

VALLEY VIEW HOSPITAL REQUEST FOR TAX EXEMPTION FOR SILT CLINIC – COURTNEY PETRE

Courtney Peter and Chris Edelman were present from Petre & Petre, PC.

Courtney Petre submitted a letter of request on behalf of the Valley View Hospital Association regarding Valley View's clinic in Silt known as the Silt Medical Center that opened in April 2002. She referenced Section 39-3-111.5(1) (d), CRS as amended, the statutory section under which a clinic facility where independent physicians practice can be granted tax exemption. She indicated in the letter a certification that there is a need for the healthcare services that the clinic provides and based on various other information, the State will then determine whether all or any portion of the Silt Medical Center will be granted exemption.

Silt Medical Center is the only medical services in Silt and it also benefits residents in its outlying areas by making medical care immediately and conveniently available.

The request before the Board today is to have the Board of County Commissioners provide the required letter stating that there is a need for the Silt Medical Center and the medical services being provided there does qualify such a finding of tax exemption rendered.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to submit a letter of support for the Silt Medical Center to become a tax exempt organization;

Carolyn requested the letter include "a need exists" as outlined in the statute. Commissioner Houpt amended her motion and Commissioner McCown amended his second. Houpt – aye; McCown – aye; Martin – aye.

2005 MINIMUM STANDARDS AND RULES AND REGULATIONS AMENDMENTS – BRIAN CONDIE

Dale Hancock, Brian Condie and Carolyn Dahlgren were present. Brian submitted the list of recommended amendments to the Minimum Standards for Aeronautical Activity and explained the task to make these identical in both documents (the Rules and Regulations).

Brian reviewed the changes in hold harmless, environmental, fees, ground space, facilities and accommodations, ownership structure and adjusted ground lease rate.

Ownership Structure

The private hangers could be organized and run by any kind of an association. Carolyn wants to bring this back to the Board because her recommendation to the Board would be that anybody who will be doing business on your airport and spending money to put up those steel buildings, etc, it is appropriate for the Commissioners as a minimum standard to ask them to be duly organized businesses and not just a loose association of individuals. Under the Colorado Statutes, even if it is an unincorporated association, they can file certain documents with the Secretary of State, they can have an agent for service, and many ways Colorado law treats unincorporated associations as if they were incorporated. Should we have to as a County sue such an entity, it makes it more difficult to go after them if you don't have a business entity that has a life outside of the individuals who put it together. The second issue is will you allow condominium ownership, air space ownership on your airport? She spoke to John Schenk, who was present, drafted all the documents for private ownership for the Glenwood Airport. In writing these regulations Brian and Carolyn wanted them to be standard and asked the Board their pleasure.

Carolyn – the formal hangar development would likely want to be an organized business which doesn't exclude the John Doe individual.

John Schenk stated his concept on the Glenwood Airport and Colorado has taken the position that Colorado Incorporated Associations can be so loose that you don't know who they are; his suggestion is that unless you have

something as a registered agent, the unincorporated organizations can be where you never know who they are. He personally would not recommend an individual without the protection of an LLC, partnership, or Corporation. On line website renewals of Corporations can be done for \$.99.

Commissioner Houpt favored this direction.

Condominiate– when folks can't own the real estate. Leave it open and address on a lease by lease.

Brian – we're at the beginning of the 20 year program. Condominiums do not work well and would rather have one individual to contract with.

Brian and Carolyn will come back on the Condominium.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the list of recommended amendments to the Garfield County Regional Airport Minimum Standards for Aeronautical Activities with the exception of the ownership structure which will be rewritten and re-reviewed at a later date. In favor: Houpt – aye; McCown – aye; Martin – aye.

PUBLIC HEARING: TAVERN LIQUOR LICENSE FOR KENNETH SEIDEL ENTERPRISES, LLC DBA THE ARROYO SALOON – MILDRED ALSDORF

Mildred Alsdorf, Don DeFord, and Kenneth Seidel were present.

Chairman Martin swore in the speakers.

Mildred submitted the public notice, the posted sign and the application stating that she had checked with CBI and found no record on the owners/managers of the establishment.

This is a transfer of ownership for a Tavern Liquor License formerly owned by Lynn Shore in Battlement Mesa.

Exhibit A – Proof of Publication

Exhibit - Application

This was the Tolkien Tavern License used for special events at the Battlement Mesa Activity Center.

Kenneth told what he plans on doing – the purpose is to provide a beverage license when they have functions where beverages are requested.

Battlement Mesa wanted to have a license for this type of activities in a given facility.

Mildred is setting up a liquor license with enforcement to do training in order to prevent over-serving liquor.

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 Tavern Liquor License for Kenneth Seidel Enterprises, LLC, dba the Arroyo Saloon and authorize the Chairman to sign the application. In favor - Houpt – aye; Martin – aye; McCown – aye.

DISCUSSION OF THE 12TH SUPPLEMENT TO THE 2004 APPROVED BUDGET AND THE 12TH AMENDED APPROPRIATION OF FUNDS – JESSE SMITH

Jesse Smith submitted the public notice and supplement and explained the changes.

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 Houpt and seconded by Commissioner McCown to approve the 12th Supplement to the 2004 approved budget and the 12th amended appropriation of funds and authorize the Chair to sign. In favor - Houpt – aye; McCown – aye; Martin – aye.

PUBLIC HEARING:

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT APPLICATION FOR STORAGE FOR A PROPERTY LOCATED AT 0589 COUNTY ROAD 113. APPLICANT: SCOTT FENSKE – FRED JARMAN

Fred Jarman, Jan Shugart, Davis Farrar of Western Slope Consulting and Scott Fenske were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Fred submitted the following exhibits: Exhibit A –Proof of Certified Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Staff Report dated January 17, 2005; Exhibit E -Application materials; Exhibit F – Supplemental Information from the Applicant; and Exhibit G – Comments from Bobby Branham, Garfield County Road and Bridge Department, dated January 11, 2005.

Chairman Martin entered Exhibits A – G into the record.

Fred stated this is a request for a SUP for storage for Scott Fenske located at 0589 County Road 113, Carbondale approximately ½ mile from the Intersection of Highway 82 and CR 113 on 1.67 acres.

The applicant requests a SUP to use an existing 3,363 sq. ft. steel structure for the purpose of storing pipes, fittings, and an assortment of plumbing fixtures that require an enclosed and conditioned space which are to be used for the owner's plumbing business. The applicant proposes that work crews for his business would visit the site in the morning to load trucks with tools, equipment, and parts then head out to their respective jobs for the day returning in the evening to unload, etc. The application anticipates the number of trips generated from the storage use will not exceed 10 trips per day. This includes deliveries to the property twice a week. The applicant also proposes to use the building to store personal items such as snowmobiles, bicycles, lawnmower, vehicles, etc.

The lower mouth of Cattle Creek basin, approximately 1 mile up from the intersection of CR 113 and Highway 82 has been changing over the years with the beginning of the commercially zoned areas at the very base of the intersection with Hwy 82. The properties on the size side of CR 113 from Hwy 82 up to the subject property are zoned Commercial Limited and have supported commercial uses including FunLand, Rudd and Morris. The Morris property directly across CR 113 from the subject property was a legally non-conforming salvage yard, which has existed on the property since 1967. The County recently rezoned that property from AARD to CL.

The property just east of Morris is owned by Capital Construction, LLC and zoned ARRD. The Board recently approved a SUP for an office, plumbing material storage and warehouse and associated vehicle parking. The Board

approved a SUP for Pine Stone Yard in 1992 which allows for the processing, storage and material handling of natural resources.

During a recent attempt to rezone the subject property as well as the Pine Stone and Capital Construction properties from ARRD to CL, the Planning Commission felt strongly that the existing SUPs further up Cattle Creek Road served as a regulated buffer zone against the ARRD properties located further up CR 113. Moreover, commercial grown at the mouth of Cattle Creek should not extend up CR 113 past what is visible from the Hwy 82 corridor. This request today is not only consistent with the approved uses in the surrounding area and consistent with the Planning Commission perspective but is less intensive.

Fred referenced on page 5 of the staff report the error in the last sentence – should read 1.67 acres and 10,110 sq ft included in the 15% lot coverage and referenced asphalt is included in that.

The Planning Commission also excluded the storage of heavy equipment identified as earth moving.

Staff Recommendation:

Staff recommends that the Board approve the SUP for “Storage” 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, including but not limited to:
 - A. Normal business hours of operational 6:30 a.m. to 5:30 p.m. Monday thru Friday
 - B. A maximum of 20 vehicle trips per day shall be allowed which shall be limited to all delivery/employee/work trucks, and residential traffic to and from the site;
 - C. No semi truck deliveries to the property;
 - D. Company truck parking shall be located on the lower bench and adjacent to the structure;
 - E. No retail or wholesale shall be permitted.
 - F. All storage for this facility will be inside.
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. 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.
6. No noise shall be created by work production other than that noise generated from traffic to and from the property.
7. Waste that is created shall be housed within a bear-proof garbage receptacle and disposed of accordingly.
8. All lighting associated with the Storage Structure shall be of a design that is motion-censored and shall be directed inward and downward towards the interior of the property.

Davis Farrar – Fred covered the application as there is an existing building and it’s on a bench shielded from CR 113. Storage will all be inside. Most trips are in the morning and evening. Mr. Fenske is prepared to put a chain across the containers to keep the bears out.

Fred – other similar types of things were proposed but wanted to make it clear.

Davis – storage is generically. Right now to amend a SUP if Mr. Fenske decided to sell to an electrical contractor, the only difference in the storage would be the types of materials. Therefore, the applicant would like to include this in the SUP.

Commissioner McCown – other than some testimony the application is for storage, plumbing supplies were alluded to in the testimony, but Garfield County wouldn’t have a problem as long as the storage for anyone purchasing this would be included in this building.

Commissioner Houpt – historically, does someone come in if there’s an ownership change.

Fred – when there is a drastic change. Commissioner McCown is correct and the County test would be an initial staff review, do the new owners comply with the conditions more than just pipe. If it’s similar to this, there would not be a problem.

Commissioner Houpt – should we have a condition that will not include heavy equipment, hazardous material, etc.?

Davis stated that this is in their application.

Fred – standards if 5.08 are mitigating the impacts and so long as they don’t conflict with those standards, then that would be okay.

Jan – in the public notice it lists out storage of plumbing supplies.

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 Use Permit for “Storage” for a property located at 0589 County Road 113 and owned by Scott Fenske with the conditions listed by staff 1 – 8 adding under No. 1 – all storage to be inside under No. 7 adding any edible or consumable waste shall be housed in a bear proof container. In favor: Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT APPLICATION FOR APPROVAL FOR A RESORT. APPLICANT JOLLEY POTTER RANCHES, LLC – JIM HARDCASTLE
ADJOURNMENT

Jim Hardcastle, Jan Shugart Tom Stuver, Sam Potter, Theresa Potter and their family were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail 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 -Application materials; Exhibit G – Staff Memorandum; Exhibit H – Review Memo – Garfield County Road and Bridge; and Exhibit I – Review Memo – Rifle Fire Protection District.

Chairman Martin entered Exhibits A – I into the record.

Jim submitted the project information and staff comments and reviewed them saying this is a SUP for a Resort located approximately 20 miles north of Rifle in north central Garfield County on 175 acres with access off CR 252 in the A/R/RD zone district.

The BOCC recommended this application be heard directly before them on 12/06/04 due to the remote nature of the property, the size of the proposed use which as a proposed minimal ADT and the fact that the resort has historically operated as an outfitter and outdoor recreation organization known as Jolley-Potter Ranches, dba Big Mountain Outfitters.

The events include hunting and snowmobiles. The newer uses proposing are typically seasonable, weekend vacations, visitors, corporate retreats, weddings, company picnics, family gatherings such as reunions, etc. The top end of 50 people needs to be clarified.

5 new guest cabins are proposed to be added averaging 800 square feet each and two meeting buildings between 2,000 – 3,000 square feet.

200 average monthly trips AMT for the road has been projected.

No more than 35 overnight guests and 50 people for special events.

Recommendations

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, unless specifically altered by the BOCC.
2. The Applicant shall submit a new Special Use Permit application if in the future any new improvements are desired as part of a resort designation which are not specifically identified in this application, agreed upon at the public hearing or cited in this report.
3. The Applicant shall obtain all building and septic permits and inspections and certificates of occupancy consistent with the adopted rules and regulations of Garfield County for all new development within the resort area as identified in this report.
4. The installation of all required ISDS upgrades or replacements shall comply with the Colorado Department of Public Health and Environment (CDPHE) ISDS standards.
5. Certain activities associated with the resort which that take place on USDA Forest Service or Bureau of Land Management Lands shall comply with all rules and regulations applicable thereto.
6. All outfitter operations shall maintain a full license, bond and insurance status, as well all other access permits as required by the State of Colorado, the Bureau of Land Management and USDA Forest Service for the life of the Special Use Permit.
7. The Applicant shall obtain a fire protection plan from the Rifle Fire Protection District which shall include wildfire mitigation, occupant evacuation and which also describes adequate fire fighting infrastructure for crews that respond to fire calls. This plan shall then be submitted, with an approval from the District, to the Garfield County Building and Planning Department prior to issuance of the Special Use Permit.
8. The Applicant shall be limited to the use of no more than the eight (8) dwelling units as listed in the application including any employee or caretaker housing and all other associated non-habitable structures listed in the application and as cited in this report for a total of fourteen (14) structures for the resort.
9. There shall be no more than thirty-four (34) overnight guests allowed at any one time and one-time gatherings of no more than 50 persons.
10. If alcohol is to be served in connection with the use, the Applicant shall apply for and receive and maintain licensing for said service from the appropriate entity for the duration of alcohol service.
11. The Applicant shall continue to comply with licensing requirements for the commercial kitchen with the State Department of Health, Consumer Protection Division.
12. 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 thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

13. All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward and downward, towards the interior of designated cabin sites, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Applicant:

Discussion:

No. 10 – alcohol – license is required for the alcohol. If it's a commercial facility, a license is needed. A resort would be considered such. The Board suggested a Tavern Liquor License

Tom – proceed with the wording “to the extent provided by law”.

Chairman Martin – quoted the liquor license laws – premises are all encompassing. They would have to declare the property included for the license if you apply for a Tavern License.

Tom Stuver – small corrections to make sure the application is correct – page 2 of the staff's comments, actually the property at the very top it refers to the property being bordered by USDA Forest Land and that is not correct, it is only BLM land which is contiguous to the property. The Forest Service boundary is approximately $\frac{3}{4}$ mile to the east of this parcel. And then to clarify on the events building and barn, that is proposed but does not exist. The Surveyor missed that one. It has not been constructed at this point. And that is not to exceed 6,000 square feet. 3rd item - In the application we indicated that the events wouldn't average more than 50 people and that is what we would request the approval be for and in fact an event such as a wedding could have as much many as 200 guests on the wedding list for a day wedding. Again the overnight restriction of 34 max; but for an afternoon it could exceed 200 on an occasion in the summer. Cap that day use at 250 maximum with the understanding that we are annualizing that average.

Sam Potter - the chief of the fire district – Mike Morgan –and he said his letter indicates as the project continues he would like to work with the owner and building official to attempt to minimize the risk to the occupants in the area fire hazard mitigation. Sam will get together to be satisfactory reached before the SUP. Sam will do some preventive. Commissioner McCown - Some type of the Agreement will have to be reach with the Fire District before this is affective.

Sam Potter said they recognize that there isn't a lot they can do up there and if they go along with some preventative measures and it isn't an issue.

No. 10 – to avoid any confusion, add this to the beginning “to the extend required by law” and a clarification on No. 9 – stating that the maximum per day use (not overnight) is 250 and this is be applied to non-commercial vehicles only. This is an average of 50.

Sam – said they have had Class A motor homes and if someone wanted to hire a bus for people to come in they could do that; we have County road maintenance traffic, dump trucks, and had even belly dumps on it in the past and couldn't preclude that kind of use and in some instances it might be safer.

Jim said they were looking at more commercial trucks for deliveries, more impacting uses – this is not a tour bus.

Jan- the 200 average monthly trips need to be added. It was testified to.

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 request with the above noted conditions 1 – 12 in this report for a Special Use Permit for Jolly-Potter Ranches LLC to allow a Special Use Permit for a Resort Designation in the A/R/RD Agricultural/Residential/Rural Density zone district on a 175 acre tract of land located on CR 252 as amended No. 9 – inserting no more than 250 persons day use, average monthly daily trips not to exceed 200;

Commissioner Houpt clarified in No. 10 in the last sentence it's the duration of the SUP not the alcohol service – agreed. Commissioner Houpt seconded the motion. In favor: Houpt – aye; McCown – aye; Martin – aye.

Oil and Gas – Proposed Surface Use

The Bill to be introduced by Representative Kathleen Curry that was previously addressed was once again brought before the Board.

Commissioner McCown – she's gutted her bill and no problem supporting what she's going to hear but not sure it will give the surface owners much comfort. One of the concerns it the operator is the only individual who could ask for an appraiser and pick that appraiser. No. 2 – once it enters into binding arbitration, there is no mention of who is going to pay for the cost of that arbitration and that could be ruled by the judge but it's not like a court case where there is looser and a winner and normally in some cases legal fees are determined to be paid by the looser and in this case he doesn't see arbitration working that way – they agree to an amount, both parties hear the ruling on the judge and says either you will pay this much and for that service you will do this. Who pays the judge for that service or attorney's – I don't know so that is clearly something that the surface owners may have a question on – are thy going to have to be responsible for that cost if the agreement doesn't go their way; the 3rd question is under Section 2 on page 5 –the mention of reasonable security for reclamation – one of the biggest heartbreaks the surface owners have had is the fact that \$2,000 is all that's required for bonding right now to go ahead and drill and this doesn't even connect a number as to what “reasonable” is. This is very diluted at this point and would like to see how the EAB feels about it; according to Tresi, Cathleen is not willing to amend or rewrite it at this time other than submit it. If that's the case, and a decision is needed today, I can support it but I see it as diluted from what she started with. It goes directly from appraiser, good faith negotiation, arbitration.

Commissioner Houpt – there was a time factor with that, she didn't want to hold the industry up so long that they would miss their window of opportunity.

Commissioner McCown – the only thing in here that puts the time line of the appraisers is 30 days after the inspection, they have to submit a report, but no time line on the front end and for those who have needed an appraiser, they are 4 – 6 weeks out before they can even talk to you about anything. Just by the nature of this, it's holding it up 4 – 6 weeks with another 30 days for the report. That would be 2 months out and the window is for the

negotiation process takes place from the first meeting of the land person meets with a surface owner to when the surveyor show up.

Commissioner Houpt – certainly support this in principle and Larry raised a good point for the EAB to come back with recommendations in case there was something they wanted us to bring forward. She will be introducing this before we meet again and she would like the Board to make a commitment to have a phone meeting or a special meeting after the EAB meets so we have opportunity to discuss their recommendation.

Commissioner McCown – if Kathleen is serious and this is the forum that she’s going to introduce this Bill, then all the EAB can do is to look at it on its face and say either we recommend it or we don’t support it – they can’t make recommended changes just like we’re not able to do.

Commissioner Houpt still wants to talk to Kathleen about this.

Chairman Martin there is a process also that this Bill will go through – introducing it, then immediately sent to a committee which will then tear it apart and put it back together and then they will have hearings if there’s support or objections to it. And taking a position at this point would be fruitless because we don’t know what the product will be.

Commissioner Houpt disagrees; we need to support this in principle.

Larry can support in principle.

A decision was made that as it’s written – the Board supports it in principle.

Red Canyon Road Closure– they will contact Ed to let him know what can be done.

Adjourn

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

Attest:

Chairman of the Board

JANUARY 17, 2005 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

Surface Owner Bill

Commissioner Houpt asked on the Surface Owner bill that Kathleen Curry is carrying, this will be introduced before our next meeting, and she would like to know if we’ll take a position on this. She wants the BOCC to support this endeavor. Will the BOCC support this?

Commissioner McCown said he would like to review it and make a decision on it later today.

Oil and Gas – Proposed Surface Use

The Bill to be introduced by Representative Kathleen Curry that was previously addressed was once again brought before the Board.

Commissioner McCown – she’s gutted her bill and no problem supporting what she’s going to hear but not sure it will give the surface owners much comfort. One of the concerns is the operator is the only individual who could ask for an appraiser and pick that appraiser. No. 2 – once it enters into binding arbitration, there is no mention of who is going to pay for the cost of that arbitration and that could be ruled by the judge but it’s not like a court case where there is looser and a winner and normally in some cases legal fees are determined to be paid by the looser and in this case he doesn’t see arbitration working that way – they agree to an amount, both parties hear the ruling on the judge and says either you will pay this much and for that service you will do this. Who pays the judge for that service or attorney’s – I don’t know so that is clearly something that the surface owners may have a question on – are they going to have to be responsible for that cost if the agreement doesn’t go their way; the 3rd question is under Section 2 on page 5 –the mention of reasonable security for reclamation – one of the biggest heartbreaks the surface owners have had is the fact that \$2,000 is all that’s required for bonding right now to go ahead and drill and this doesn’t even connect a number as to what “reasonable” is. This is very diluted at this point and would like to see how the EAB feels about it; according to Tresi, Cathleen is not willing to amend or rewrite it at this time other than submit it. If that’s the case, and a decision is needed today, I can support it but I see it as diluted from what she started with. It goes directly from appraiser, good faith negotiation, arbitration.

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Commissioner McCown – the only thing in here that puts the time line of the appraisers is 30 days after the inspection, they have to submit a report, but no time line on the front end and for those who have needed an appraiser, they are 4 – 6 weeks out before they can even talk to you about anything. Just by the nature of this, it’s holding it up 4 – 6 weeks with another 30 days for the report. That would be 2 months out and the window is for the negotiation process takes place from the first meeting of the land person meets with a surface owner to when the surveyor show up.

Commissioner Houpt – certainly support this in principle and Larry raised a good point for the EAB to come back with recommendations in case there was something they wanted us to bring forward. She will be introducing this before we meet again and she would like the Board to make a commitment to have a phone meeting or a special meeting after the EAB meets so we have opportunity to discuss their recommendation.

Commissioner McCown – if Kathleen is serious and this is the forum that she’s going to introduce this Bill, then all the EAB can do is to look at it on its face and say either we recommend it or we don’t support it – they can’t make recommended changes just like we’re not able to do.

Commissioner Houpt still wants to talk to Kathleen about this.

Chairman Martin there is a process also that this Bill will go through – introducing it, then immediately sent to a committee which will then tear it apart and put it back together and then they will have hearings if there’s support or objections to it. And taking a position at this point would be fruitless because we don’t know what the product will be.

Commissioner Houpt disagrees; we need to support this in principle.

Larry can support in principle.

A decision was made that as it’s written – the Board supports it in principle.

JANUARY 26, 2005
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 Wednesday, January 26, 2005 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Assistant County Attorney Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 2:00 P.M.

CONSIDERATION PROPOSAL FOR ANNEXATION OF WHITERIVER AVENUE

Ed Green met with Jim New and they told us that Scalzo is developing his land and willing to carve out a strip of land for improvements. Anticipation includes some funds from Scalzo to assist. Rifle wasn’t in favor of that as the impact is minimal.

The City of Rifle is proposing to annex the entire road if we are willing to kick in 1/3 of the cost for improving this segment of the road, which is estimated at \$100,000. Ed will have the estimate next week and asked if they will take less. Jim said we may; it depends upon the estimate. They will do the deal for a maximum commitment on the County’s behalf of \$100,000 and they annex the entire road. It could be less than the \$100,000.

The Board said this was fine; Ed will bring this back to the Board with additional information.

CONSIDERATION OF A MAXIMUS CONTRACT

Patsy Hernandez and Carolyn Dahlgren were present.

2003, 2004 and 2005 Contracts

There is a new paragraph in the contract this year and it needed to be before the Board.

The only minutes were from 2002 for that contract.

The 2003 and 2004 were written on the same form and in looking at 2005, they added a new paragraph 21 – limitation of liability.

Carolyn explained the contract for clarification.

Patsy explained the contract and scope of services. This is basically for the Department of Social Services. They breakout the cost to support this department.

This is a fixed contract and they will do it for \$5,000.

This will be brought back to the Commissioners in February.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to proceed the Consulting Contract with the Maximums Contract for a not to exceed \$5,000 and the limitation of \$10,000 Houpt – aye; McCown – aye; Martin – aye.

OTHER ITEMS NOT ON THE AGENDA

The Board requested a special meeting to be posted on the Roan Plateau meeting to be held on February 2, 2005 at 6 p.m.

Randy Russell has requested a timer, a sign-up sheet and a table for literature. Mildred and Randy discussed this and will set up the table in the foyer.

Community Integration- Immigration Issues

This is a request to be on the agenda. This affects about 30% of the population. They have a matching grant and they would be requesting money. Commissioner Houpt stated that the match has been met.

If we are willing to do this they will be on one of the BOCC’s agendas.

They will be gathering information on immigration issues, comply it regionally, doing this in the schools.

Definition of an immigrant – anyone who feels they are an immigrant.

This could be anyone that is an illegal immigrant.

The Board suggested that this be as a special meeting.

Joint Meeting with the City of Glenwood Springs

Mildred has spoken with Robin but she hasn’t returned the call as to whether or not the meeting will be scheduled.

City Manager’s Meeting

Ed attended and said they covered several items and he talked to them about the Economic Valley Wide

Development and asked each one to pulse their board to see what their commitment would be to participate in an *Economic Development Initiative*. He gave them the ground rules; we are part of the Western Economic Development and if you sign up for it you’re committed to make it happen if you get the opportunity.

Talked about *mineral lease distribution methodology* and this is where the Town of Silt asked if it would be possible if they were closely adjacent properties where people reported residence if they could be considered Silt rather than the County, which they did this year. They only received \$39,000 this last year.

DOE – Ed briefed them on the nuclear materials shipment meetings to be held with DOE and invited them to participate as the representative from their cities.

Animal Shelter

Ed said he thinks there is a lot of interest and support in a joint shelter, certainly from the City of Rifle, Battlement/Parachute; Silt is interested in morale support but maybe not financial. Everyone recognizes that it's an important initiative that we need to pursue.

Commissioner McCown - Silt has a 6-dog kennel and they run that thing for about \$1500 a year. There's not much advantage in participating in \$15,000 to \$20,000 in funding.

Jeff Hecksel, Glenwood City Manager – suggested having a *County wide sales tax* and wondered about the support for this – it would level the sales tax for everyone, instead of the municipalities competing for big box industry and wouldn't be the loss of one big revenue source of a big box leaving one jurisdiction to go to and Ed didn't hear a lot of support for this concept. The suggestion was for Jeff to do more research for it.

Energy Impact process – Steve Rippey wanted to reconstitute the grant process. However, since DOLA has taken all the credibility away from the Commissioners – the Board didn't favor starting this again.

CBI is looking for a new home – it would be a benefit to the County – may be offering two options. Parachute and Airport land – moving 2008. Arnie, rep for CBI – things is still very speculative. He's not sure if we are central enough to offer a proposal.

Commissioner McCown said in talking to the Assistant Director of CBI – Bernie Busher they may elect to stay at Walker Field – there's a lot of political pressure.

Ed said if this were a done deal he'd tell us.

The City managers meeting was wonderful and barriers were broken – a meeting every two months from now on.

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

ADJOURNMENT

Attest:

Chairman of the Board

FEBRUARY 7, 2005
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 7, 2005 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

- ***New World Systems Conversion for Human Resources and Accounting – Judy Osman and Patsy Hernandez***

Ed said the Accounts payable and payroll has been successfully implemented and it provides a lot more active control. There's a lot left to do. Thanks were given to Patsy, Jodi, Myra, Kathleen, Judy, Donna, and Melissa. Patsy stated there was a lot of work involved in the conversion and wanted the Board to know how hard the staff has worked. In addition to handling all the work involved in the conversion, the Accounting Department has been able to get an accurate accounting record in front of the Board, provide good customer service and Patsy wanted to acknowledge the staff's hard work. Her goal was to make this conversion one that no one even knew about. Judy said the same for Human Resources and her goal to make this a seamless transfer. She wanted to recognize the work of the staff in the

Tresi noticed the hours and dedication that the staff put in and is impressed with the work.

Chairman Martin noticed it was teamwork and when a task wasn't understood, they asked for help. He saw tired hands and fingers and thanked the staff for their efforts.

- ***Discussion Regarding the Use of the Kiosk***

Ed stated the chief concern is to allow activities of the County only or for other uses as well.

There was some reluctance to having this open to other types of businesses as it becomes difficult to be appropriate for government. School activities that are sanctioned could be included.

Commissioner Houpt had a different opinion of the activities – she felt that school districts, special districts, CMC, etc should be able to post items of public interest in the Kiosk.

Chairman Martin – this was for the governmental offices when it was brought up.

Commissioner Houpt liked the people being drawn to the Kiosk.

Commissioner McCown didn't want to have it become the poster board of the County.

Architectural Services for Garfield County – Randy Withee

Randy Withee and Tim Arnett presented the award for AIA Document B 151-1997 Abbreviated Standard Form of Agreement between owner and architect to Sopris Architecture to provide as needed architectural services for the 2005 calendar year at the not to exceed price of \$70,000.00.

The Architect Selection Evaluation Committee consisted of Dale Hancock, Randy Withee, Andy Schwaller and Richard Alary. David Koenick was present for the Sopris Architecture firm.

The Committee reported that they used a selection procedure and narrowed it to two; then the two firms were invited to come to interview with the Selection Committee. After tabulation of the criteria and discussion, a unanimous choice was made to award to Sopris Architecture.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the yearly contact with Sopris Architectural in a not to exceed \$70,000; Houpt – aye; McCown –aye; Martin – aye.

• ***Board Resolution Personnel Policies – Judy Osman and Carolyn Dahlgren***

Judy and Carolyn submitted the Resolution amended certain provisions of the Garfield County Personnel Policies and Procedures Manual that have been discussed and approved individually over the calendar years 2001-2002-2003 and 2004.

Shannon Hurst and Mildred Alsdorf were present and Carolyn noted that all elected officials have seen this document.

These were brought to the Board in December noting that a Resolution needed to be done.

Some of the policies are worded in a way that may not be consistent with regular actions of the County.

Discussion was held with respect to Section 5.12 – Personal long distance cell phone use.

Commissioner Houpt stated that we have people traveling out of town regularly and need to make long distance calls; if we hold people to this then what we're saying is that they need either stop at a pay phone or carry two phones. She was not sure this is worded in a manner that helps our employees be successful.

Carolyn – we tried to deal with that in the sentence that “this language is not intended to disallow minimal personal use such as local phone calls or computer use, etc.”

Commissioner Houpt said it doesn't address the travel and a lot of people do. Human Services, people going to State wide meetings all the time and conference.

Carolyn suggested amending the sentence to “this language is not intended to disallow minimal personal use such as local phone calls, or phones calls back to the office, and family when traveling on County business.

Chairman Martin – that was discussed and was intended to be there and thought it was understood that this part of your travel and your concern about family if that's what the issue is.

Commissioner Houpt's concern that since the wording isn't in that policy, if we're all gone in 5 years, no body will interpret this policy that way.

Commissioner McCown – the policy itself is sound and is there simply to stop abuse of long distance calls. Most of the cell phone packages we have on our service you are allowed x number of minutes in your cost per phone and a lot of them to Denver is not a long distance call anyway – it's not outside your calling area so that would be a moot point. But the policy is a valid policy to stop abuse where you would go and use this continually to make your long distance phone calls not using your own personal phone for that for things other than family crises. On its face it is sound.

Commissioner Houpt – it is a sound policy that you just said isn't specifically worded in a manner you would use it if you're relying on your contract hours instead of the actual verbiage in this policy. It may be a manner of semantics but when you have a policy in place it makes sense to have it worded so that employees can successfully follow it. Chairman Martin agreed with Tresi. There are checks and balances that are there and on the review of each one of your monthly statements, if you on your overage, you have to verify that it was business related, etc. If you can't do that, then you have to pay back the County for use of the equipment, etc. It is a review policy and pretty sound and we check our phone records all the time to make sure we're staying within our limits.

Carolyn – are we being asked to amend this or...

Chairman Martin – it is going to be sound.

Commissioner Houpt – for the record, I would disagree with that and I don't think it stays with the practices. Another policy of concern over the wording and CTSI requested that we put this wording into the policy and wondering how other entities deal with this – there is a sentence in 6.02 “driving on county business that states on County business, drivers whether in County or personal vehicle, shall not use County issued or personal cell phones while the vehicle is in motion.” We have numerous employees who spend most of their day in a car and she knows they are using either their personal cell phones or the County cell phone and again she appreciates the fact that there is a liability issue there and wondering how other entities are dealing with that since the reality of is if your job requires you to be in your car, you're going to have to be in contract with the County.

Commissioner McCown – the recommended procedure is to pull over, take the call, finish your conversation, and then get back on the highway and proceed and this is basically a precursor to some State law we're going to see.

Ed related that a decade ago he was selected for job in Ohio and the reason he was selected was because my predecessor was on the telephone when he was involved in was an accident and was killed. So this is very near and dear to my heart because he was a colleague in the procurement community and I really think that it is a dangerous procedure if you don't pull over and answer that cell phone on the side of the road.

Commissioner Houpt can not argue with that but we need to re-educate our employees.

Chairman Martin – this is up to the department supervisor and it should be dealt with in staff meetings, etc. making sure that those snow plows do not talk on the cell phone while they are driving and everybody else. What's fair for one is fair for all and that's means the Board here as well.

3.09 time sheets – “non-exempt employees are not to engage work earlier than 7 minutes prior to the time set for the beginning of their shift or continue to work later than 7 minutes later at the end of their shift unless authorized in advance”. Commissioner Houpt asked if that requirement a pretty loose requirement so that for example in the legal department, there's something that has to get out and it's an end of day thing.

Judy stated that would be approved by the supervisor.

Don doesn't do this as a loose requirement at all, it is a strict requirement and the purpose is what Judy said, it is to force the employee and the supervisor actually agree that overtime should be incurred and hence liability to the County.

Chairman Martin noted that in the past the Board has had to enact this requirement and that's the purpose of it being in there.

Commissioner Hought appreciates all the work that Judy and Carolyn has done.

A motion was made by Commissioner McCown and seconded by Commissioner Hought to approve the Resolution amending certain provisions of the Garfield County Personnel Policies and Procedures Manual and the Chair be authorized to sign upon receiving signatures of all of the other elected officials;

Don asked if once everyone has appropriately signed off does the Board intent do incorporate all of these changes and republish a new Code.

Judy said yes, all of the employees have signed off except on the minor changes that we just made from December and now, all employees have signed on these already. Judy said her objective is to have a whole new Code completed by June 2005.

Commissioner McCown liked the idea of adding supplements and taking out pages to avoid reprinting the entire Code every time there is a change.

Judy – we haven't been doing that, just adding pages, but our goal is to actually have it so people could take the old pages out, put new pages in. We've never been able to do before. They were merely added as addendums. In favor of the motion: McCown – aye; Martin – aye. Opposed – Hought - aye

- **2005 Pay Scale and Rates – Judy Osman**

Ed stated that the Board authorized a 4% merit pool and a 1% equity adjustment to help deal with equity issues throughout the organization. Judy has worked with each department head and elected official to develop a proposed approach for distributing those monies and that approach was included in your packets.

Judy – thanks for the equity increase, it was very helpful this year. We have a lot of inequities between departments, the same jobs between departments where some employees are being paid less than others having the same job responsibilities. Of particular concern was elected offices, we needed to bring them in line with our department offices, so we were able to do a lot of that. We still have a little ways to go; there is still some money left in the pool so that people that are on probation currently can be brought up out of the 80% range. One of the problems is that we have a lot of people just hanging at the bottom of the pay grade at 80% and there were just getting bumped up every year to that 80%. This year we were able to bring everybody up to 83% or 84%; we probably will be looking at adjusting our pay grades for next year and doing another type of equity adjustment. The actual salaries for people were included in a brown envelope due to the confidentiality issue.

Shannon Hurst stated this is a very positive change; for the first time she feels the staff is getting paid for the job they have done.

Mildred feels we are getting there. There is more equity in the elected and accounting department now.

Ed said our goal has always been to bring employees into the 90% – 93%.

Commissioner Hought was impressed with the process. We need to place money in the future for these issues.

Ed – money is left over to provide increases to the employees once they meet their probation.

Judy – we have a huge compression problem.

Commissioner Hought – how did we arrive at a pay grade?

Judy – we established the pay grades in 2000; 50% of market. Most people don't get to the top of the pay grade – try to stay within. When you change from one pay grade to another, she tries to keep them in a lower pay grade.

90-93% of market is what the Board established in 2000. The goal would be to hire at market eventually. Currently we are hiring at 80 to 83% market and trying to move them up at the end of their probation. The pay plan was changed in 2000 to include market and performance in determining annual pay increases.

In 2004, 55% of the employees past the probation period were below 90% of market. Of those employees, 29% were at 80% or below market. (80% of market is the minimum of a pay grade.)

Because of the merit and equity increase budgeted for 2005, 43% of employees are not at 90% of market or above and 50% are in the 84-89% of market range. The other 7% are new, probationary, or employees rated in the developing or inconsistent range of the performance appraisals.

The pay grades for 2005 remain the same as in 2004. A comparison was made with other counties and agencies, and our County's pay grades were comparable. The minimum of our pay grades remain low at some grades and we will look at making adjustments in 2006.

The elected officials have to sign off a pay plan every year.

Don said a statutory requirement for the Board of County Commissioners and all elected officials to concur in the establishment of pay grades for all of the employees so you do need to act by formal motion.

A motion was made by Commissioner Hought and seconded by Commissioner McCown that we approve the 2005 annual merit equity amounts as presented.

Chairman Martin – clarification – the other elected officials haven't signed off on this yet. Two in the room nodded their heads that they are happy with it, but full compliance has not occurred.

Don – a good point, he also heard the concurrence of two verbally but should have concurrence of all because similar requirements apply to them and we should have that in writing.

Commissioner Hought amended her motion to say upon approval by other elected officials.

Commissioner McCown amended his second.

Hought – aye; Martin – aye; McCown – aye.

- **Discussion of Relay for Life - Cancer**

Ed reminded the Board that we participated in this last year and Mike VanderPol requested this be presented to the Board for this year. It costs \$1,000 for a 10-person team and we did a challenge for \$1.00 for each lap. Last year they did 260 laps. Ed asked approval to fund this for \$1300. Ed said we could opt to fund this from designated human service grant funds or just take it out of the Commissioners professional affiliation fund.

Discussion

Commissioner Houpt stated the thinks we should go back to the human services commission to see how they want those funds spent since there is additional money in that budget item and say it should come from the Commissioners budget. But would also like to say that this was a successful fundraiser last year and would like to set up a specific designated line item for this type of fund raiser so that other people can come forward to us as well. If we're going to support one fundraiser I think there are a multitude of fundraisers that people would like to get involved in and we need to recognize those as they come forward.

Ed noted this was done in concert with our Wellness Program. There is just under \$10,000 left to distribute.

Commissioner Houpt – misunderstood when the allocation was made for the Traveler; she thought it was capital money. The Human Service Commission assumes the money that was put back into that line item will be money they will have some voice in allocating. This is a good time to have a meeting with them on how much money is in the fund and how it should be delegated. These funds were specifically allocated to them.

There was an article or newsletter that went out stating they would be involved in the process.

Ed said this was an unusual year as the BOCC authorized additional funds after the grant committee had met and decided on the allocations. There was \$19,000 plus left over. In future years this will incorporated into the 2005 human service awards.

Chairman Martin favored using the Professional Affiliation budgeted funds and leave the other for Human Services.

Commissioner Houpt made a motion to fund the Relay for Life not to exceed \$1,300 and the money to come from the Commissioner's fund. Commissioner McCown seconded. Houpt – aye; Martin – aye; McCown – aye.

- ***Williams Production RMT to Install a 6" Pipe 5280 feet along CR 215 – Kraig Kuberry and Cody Smith***

Kraig Kuberry presented. Cody Smith, Wagon Wheel Consulting and Marvin Stephens were also present.

Jimmy Smith submitted a letter of request stating the six inch pipeline will being at the Williams GM 42-2- well pad located in the SE ¼ of the NE ¼ of Section 20 and continue south along CR 215 approximately 5,280 feet. The pipeline will tie into an existing four inch pipelines in Section 28. The produced natural gas from the well pad will be metered at the termination point of the existing four inch pipeline within the Williams plat facility. Measurement and custody transfer and royalty payments will take place at the termination point.

Williams agrees to contact all officials and agencies prior to any construction and certified flaggers will be used for traffic control if required. The construction period is slated to last approximately 3 weeks. Revegetation will begin immediately after pipeline construction has commenced with weather permitting.

This is a flow line and meets the definition of a metered line. The time frame is dependant upon the weather.

Don verified that the normal form of permit would be executed requiring insurance and indemnification.

Cody said yes.

Williams Production RMT to Install a 6" Pipe 5280 feet along CR 215

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 6" pipeline in County Road 215 with all of the best management practices that are applied and following the permits and the starting date after the weather improves, that would be the discrepancy of the Road and Bridge Department to issue the permit. McCown – aye; Houpt – aye; Martin – aye.

- ***EnCana Oil and Gas USA to install a 20 inch and a 10 inch pipeline within the County ROW on CR 300 and use the old Una Bridge to suspend the pipelines on – Jake Mall and Jimmy Smith of Wagon Wheel Consulting***

Jimmy Smith and Jake Mall, District Road Foreman were present. EnCana has agreed to accept all liability for the Una Bridge and to block access to the bridge and to maintain the integrity of the old bridge. The proposal may stop the vandalism on the Una Bridge since they will block access. The center portion of the deck had to be cut out with chain saws and dropped in the river by the local fire department after it was set on fire to save the remainder of the Bridge.

Construction of the pipeline would not be allowed to start until approximately April of 2005.

A photo was submitted showing the damage.

This is a flow line and will carry gas from the well similar to the one done in the past. Potential in the future that the interconnect would be abandoned and EnCana will use their own interconnect which would mean they would have to put in the future compressor site adjacent to Highway 6. At that point the pipeline from the Compressor site out to the tie in, the new major station would become an SUP pipeline. This particular pipeline would be a flowline to that point in either case so they are flow lines.

Commissioner Houpt – asked how they would install the pipes to protect future use of this bridge? Will the pipes interfere?

Jimmy – EnCana, if the Board rules that we need a SUP they would more than happy to do it but again the meter will connect is at Excel now and that meter will essentially go away. The new meter would be at the compressor site, so the gathering system, flow line system behind that point doesn't change – it just extends to a new point.

To protect the future use of that bridge: a discussion was held regarding this and a decision was made to made to stack the pipes on the side of the bridge leaving an 8 foot corridor for future use.

Marvin – they can have a policy to help the County; we still own everything and

Don stated the County still owns everything so the way it works is that the initial claims would be asserted against the county, we would in turn ask EnCana to indemnify us from any claim; in some respects right now that's a fairly clean issue because we have not use on the bridge at present and EnCana would be the only users. At some point in time if there is to be a split use of that bridge, then the liability issues are going to be more difficult to sort out.

Stacking the pipes on the inside of the bridge using up the leaving an 8' corridor giving EnCana a 4' area to work with.

Jake asked for clarification if the Board would rather keep the bridge versus selling the structure.

Chairman Martin said the right of way issue is there and the ownership of private property.

Commissioner McCown stated his first choice is to sell the old bridge structure. We have been trying to do that since the 1980's.

Commissioner Houpt wanted to hear the pro and cons of going that route and getting more information. She didn't want to own it and see it become a primary pipe corridor either.

Marvin – it's a hard bridge to sell because if you're going to use it for everyday traffic, it's too narrow and structurally it may not be sound. That's the reason the bridge was replaced.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the installation of the 20" and 10" pipeline within the County Road right of way of County Road 300 and that bridge to be utilized to cross the Colorado River staying on one side of the interior portion of the bridge allowing a 8 foot open corridor for future use. Commissioner Houpt wondered if this would require a structural engineering approval. Commissioner McCown thought it would be done anyway due to the weight getting on it to install the pipe, but he did amend his motion. Commissioner Houpt seconded. Commissioner Houpt stated she appreciated the thoroughness of this and also request that you do everything possible to even keep it narrower than the 4 feet that's been allowed. Houpt – aye; Martin – aye; McCown - aye.

PDO Buy-Out

Ed stated the buy-out for PDO came to \$7,497. There are two key provisions before this can be used; the employees have to take at least 3 weeks of PDO and the pay is \$.40 on the dollar. The only downside is that it takes about 40 hours to calculate it.

This is for the Board's consideration if the Board wants to continue this policy. This is a program that is working. Last year it was close to \$20,000, so employees are taking more of their PDO. Part of the buyout was to correct the problem.

Commissioner McCown – we're still paying the same people.

Commissioner Houpt – suggested to give it one more year and to make sure the employees know this is not a way to enhance your annual salary. There are some people who can't get those days off and are putting in extra commitment. She would like to evaluate it.

Jesse – part of the problem the long term employees have more vacation and have to take a month off – plan it and then problems occur and prohibit them.

Chairman Martin – Americans are the ones that take less vacation.

The Board gave their okay to do the buy-out this year.

Tresi asked Shannon and Jesse to put revenues in type written form on the reports they submit to the Board. Total revenue is \$48,000,000 and \$8.3 million generated from Oil and Gas; this is up \$5.million. 17% of all revenues come from oil and gas and it was at 10%.

The analysis gives well pad by well pad, property tax revenues and output from those wells.

The other is distributed – we get 17%.

Commissioner McCown – given 17% is the total revenue, what percent is the assessed valuation?

Shannon – Now oil and gas is 45% of our total valuation.

The total County valuation is at \$1,250,000,000 over a billion dollars for 2004.

That's up from \$1,019,000,000 the year prior.

Shannon's analysis shows it's a \$521 million assessed valuation of oil and gas holdings. It is up from \$258 million.

Chairman Martin requested that Doug post this on the website.

Commissioner Houpt suggested it could be a part of the budget posting on the website as well – it's a great report and it answers a lot of questions that people are asking right now.

Ed asked Linda to include it in our updated budget power point.

Ed stated we are nearing the negotiations CSU on paying them for clerical support and currently there is a .4 secretarial resource and they have asked to hold that over for a month or two until they get a job description prepared. Ed doesn't see any reason why we can't.

Ex Session – contract negotiation – property owned by the County – the Rifle Bridge

COUNTY ATTORNEY UPDATE – DON DEFORD

- b. Executive Session: Litigation Update; Legal Advice – County owned property – Rifle Bridge; Battlement Mesa Roads and Storm Drainage; Claims against the County in Litigation – Social Services; Procedural Issue on Roan Plateau; CR 304 Claim; Pending Oil and Gas Order – Hydrological Study.*

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.

Staff to remain for various items include: Doug Dennison; Marvin Stephens; Randy Russell and Lynn Renick.

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

Action Taken: Direction

Claims - Social Services – Carolyn to defend the existing litigation vigorously.

CR 304 – Don was seeking direction in terms of a response to a request to abandon CR 304 – the Richardson Road and Don was to get back in touch with interested parties Kliebold and have them provide the necessary documentation to go through the abandonment process and provide the necessary legal information that it is not a Public Road.

Battlement Mesa – Storm Drainage Facilities

Don received correspondence asking that the County accept responsibility for all storm drainage facilities that lie in the County right of way in Battlement Mesa roads and direction was given in that regard. The direction given was to pursue the original course on dedication of roads and not the course set out in the special district correspondence. The Board agreed this was correct.

Don also received direction concerning the draft OAC and he will communicate the Board's concerns on that to Carol Harman. That's the Cumulative Impact Study using \$371,000 collected from the State for the hydrological study.

COMMISSIONER REPORT

Commissioner Houpt – Mentioned a meeting that Peach Valley folks had at Rifle Middle – 28th – huge crowd – surface use and what to look for – Doug spoke – trying to educate the folks as they move forward; last Tuesday – Colorado Blue Ribbon Housing Meeting in Denver – Colorado Division of Housing put this together – cross section of Colorado – Focus Groups and each region is putting together a status report with the overall goal to present a master plan – good discussion – private and public – analysis the Colorado Trust Fund and what we could put in a resource bank for developers to develop more affordable homes' Wed Roan Plateau incredible improvised with the number of people (160 plus) and the groups and some representing over 100 folks. CCI Sub Committee in GJ – RS2477 – Mark Udall may bring forward – working on issues raised last year – great discussion with Congressman Udall's office; tonight is the Human Services Humanitarian Banquet – incredible people giving a lot of their time; RAC meeting on Roan – BM – Wednesday – and CCI meeting on Friday – Saturday – PIES CDOT from 1 – 4 pm at Hotel Colorado.

Commissioner McCown – Last Tues, 1:00 with EnCana – CMC program with EnCana; Roan Plateau – Wed even; Sat – Holy Cross Cattlemen – reintroduction of Moose, Wolves; and Oil and Gas and a lot of discussion on the 9th Circuit rule – a lot of people weren't sure what it meant to Colorado – does it extend to Colorado – a lot of work should these wolves migrate – need a manageable plan – taking all that work of all the planners and has changed the whole rules.

John Martin has been appointed to that review – and will bring back those adjustments – in March 2005 – also has the working document that is in progress, people can contact John Martin. Commissioner McCown - Breakfast meeting with City of Glenwood Springs for Tuesday – cancelled at the request of the City; Wed. 2-6 pm RAC Public Hearing on the Roan at Battlement Mesa Activity Center; Associated Governments – Thursday.

Chairman Martin – Public Lands for CCI vice Chair – RS2477 – not to change very much.- public lands have taken a position; Ground Ambulance discussions are on-going and very contiguous due to the state mandate - we sent our comments – thanked Carolyn Dahlgren for all her work; looks like we will be picking up liability insurance requirements; Silt Fire House – 10th CMC, Deb Stewart – CMC campus with Silt – Votec College – 7:00 p.m. Public lands and other subcommittee and next week, Westin Hotel in Denver, Severed Mineral Rights – will bring back. Commissioner Houpt – Trail Summit – 25th of Feb at Community Center from 8 – 12:30 pm. she encouraged people to register.

Don – BOCC – RS 2477 – Don will distribute email – San Juan BOCC – wants the information disseminated.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Authorize the Chairman to sign a renewal contract with Value Check – Shannon Hurst
- f. Authorize the Chairman to sign a Division Order for Bill Barrett Corporation
- g. Liquor license renewals for White Buffalo West LLC; Nepal Restaurant and Glenwood Tramway (new manager and corporate change) – Mildred Alsdorf
- h. Authorize the Chairman to sign the Resolution for the Preliminary Plan for the Springridge Reserve PUD – Applicants: S&S Ranch, LLC; SBJ Ranch, LLC; Freeman Ranch, LLC; GSB Ranch, LLC; and Wild Mountain Ranch, LLC. – Fred Jarman
- i. Authorize the Chairman to sign the Resolution for the Preliminary Plan for the Satterfield Family Subdivision – Applicants: Jerry and Mary Satterfield – Fred Jarman
- j. Authorize the Chairman to sign the Resolution for a Special Use Permit for the EnCana/Benzel Water Evaporation Facility. Applicant: Benzel Livestock, LLP – Fred Jarman
- k. Authorize the Chairman to sign the Resolution for a Special Use Permit for Material Handling of Natural Resources for an 8-inch water line. Applicant – EnCana Oil and Gas (USA), Inc. – Fred Jarman
- l. Authorize the Chairman to sign the Satisfaction of Subdivision Improvements Agreement and Reduction Certificate for the Re-subdivision of Lot 28 of the Stirling Ranch Planned Unit Development. Applicant: Stirling Sun-Mesa Inc. – Fred Jarman
- m. Authorize the Chairman to renew project engineering consultant contracts for 2005 for Resource Engineering and Mountain Cross Engineering – Fred Jarman
- n. Consider the approval of and authorize the Chairman to sign an Amended Plat of lot 2, Englund Moore Subdivision – Jim Hardcastle
- o. Authorize the Chairman to sign a Resolution and a special Use Permit for extraction processing and material handling of natural resources for a temporary, portable hot mix asphalt batch plant. Applicants: Rodney Powers, Bill Patterson, and Ronald Tipping – Jim Hardcastle
- p. Authorize the Chairman to sign an Authorization of Partial Letter of Credit Reduction, Certificate #3 for First Eagles Point Subdivision Plat. Applicant: Battlement Mesa Land & Development Company, LLC. - Jim Hardcastle
- q. Authorize the Chairman to sign a Resolution Correcting Resolution No. 2004-98 for the Bair Chase Subdivision at Sanders Ranch and Amended Planned Unit Development Plan and Text for the Sanders Ranch PUD – Mark Bean

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – absent item b; Houpt – aye; McCown – aye; Martin – aye.

Contact – Value Check – Shannon Hurst

Shannon stated this is a renewal contract with Value Check, Inc. for the County Assessor in the amount of \$78,000. A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the contract as presented by Shannon. McCown – aye; Houpt – aye; Martin – aye.

REGULAR AGENDA

PUBLIC MEETINGS:

UPDATE ON WHITE RIVER NATIONAL FOREST IN GARFIELD COUNTY – DAVID SILVIEUS WITH U.S. FOREST SERVICE, WHITE RIVER NATIONAL FOREST RIFLE RANGER DISTRICT

Dave Silvius gave an update and presented handouts.

District Ranger, Rifle District – thanked the BOCC for allowing him to provide an update. 2005 is the Centennial for the Forest Service and some activities are planned for this in connection with the Centennial for Rifle.

Oil and Gas Activity – most of the activities are in Mesa County but a few things planned and happening in Garfield County. East Mamm Creek – this is an EnCana Project with two miles of new road construction and two wells on one pad projected to begin in June 2005 – working through the environmental impact statement right now. The West Mann Creek is EnCana, it's nearby and it involves ½ mile of road reconditioning which has been completed and one well and one pad also scheduled for June 2005. And there are projects in Mesa County that will require access through Garfield County. The Twin Peaks project is in Pitkin, in 2005 it will be using the Four Mile Road and plans are with EnCana one well from one pad in 2005. The City of Glenwood Springs has been involved in the process of access to Four Mile Road with scoping and the regular public involvement process but in terms of additional follow up meetings that has not happened but could take place as we work through the planning process. Alkali Creek, which is a tributary to West Divide Creek; Larime Energy is planning 12 wells from 4 pads in the summer of 2005; this is a continuation of work they began last summer. On the Uncle Bob Baldy Mountain Area tributary to West Divide also, EnCana is planning 6 wells from 3 pads in the summer of 2005. Also in 2005 a continuation of activity in drainage in West Divide drainage and the West Divide Road, Delta Petroleum will continued with at least 2 wells working, possibly more, but they are still working out the details in the West Divide Haystack area.

Proposed Pipeline Project

Pipeline project coming from the Bow Mountain lease area northeast of Paonia on national forest land, on the Gunnison National Forest heading to the north coming into the West Divide into Mesa County and also to Garfield County to tie in with the EnCana compressor on West Divide. This is a 20" pipeline and this is in the planning process now with S & G Interest; their proposal is to follow the existing 6" pipeline corridor that is the DBS pipeline and following that to what ties into the Rocky Mountain Natural Gas pipeline and then leaving that corridor and leaving that to tie into the EnCana Compressor in West Divide as it heads north. The EIS is in progress.

2005 Timber Sale Activities

We're continuing with the salvage operations in that Macon Park, Baylor Park area, the large EIS for the 5 – 10 million feet of salvage has not been completed, so they are continuing with smaller salvage activities around that major blow down that occurred in 1999; the continuation of the Macon Park salvage, most is completed, but there will be some additional work on that in 2005. Also, the Baylor salvage operation is not in the approval stage yet. If the approvals on that are in place and the EIS is completed without litigation, then that has the potential of work in 2005 with 5 million board feet projected. The product blown down in 1999 is for the most part not valuable. What are still valuable are the infected spruce trees – beetle kill. The continuing beetle kill around the blow down pockets are still valuable. The transportation corridor is the Four Mile Road through Glenwood Springs and discussions with Glenwood were initiated in 2000 and will reinstitute and renew those discussions.

Other timber sales in Garfield County: Meadow Creek around Meadow Lake scheduled for 2006 – looks like it will go without much more delay, to through New Castle.

Other Timber Sales – Mesa County - both located in Flagpole Mountain/Baldy Mtn hauling through Garfield.

Prescribed Burning in 2005

The Cashe Creek is to the south of Rulison, 150 acres continuations of 2004 burning. 900 acres in the Roaring Fork Prescribed acres – not sure of that location.

2005 – beginning in 2004 – Garfield County Fire Protection Plan, working with the County and the State in completing that study.

Land and Facilities

Attachment to the handout – White River National Forest Conveyance Act of 2005 – this is a Bill that is now in the Senate and is being carried Senator Udall and he's made revisions. USFS – the idea is to give the White River National Forest an opportunity to better manage its facilities and better serve the public by being able to sell some of it's land and facilities according to the objectives in their facilities master plan; the list of facilities and properties included in the Bill and one thing of interest to the Garfield County and the communities is the fact that they have the opportunity to match whatever offer is made on these properties and they have the right of first refusal if interested.

Rep McInnis was the sponsor of this Bill. Streamline the area – County Shop in Glenwood Springs and outdoor storage at the Airport and purchase property in Rifle or Silt – acquire more property and get out of the City – an opportunity to get out of the middle of town – by the Nursery – outgrown the facility in Carbondale.

These properties are being offered to the local municipalities.

Activities in 2005

Range - EIS on the flat tops –Met with all the Sheep Grazers and looking at allotments to be implemented in 2005.

Meadow Ridge Campground – to be completed in 2005; last year the Beaver Creek Trail was completed and opens up forest land south of the river in the Beaver Creek country.

Planning – they are still working through the travel management plan and hope to have a draft and EIS out in May 2005.

Appreciates Larry McCown serving on his Access Committee. Good working with Marvin and Jake on the road issues.

ESTABLISHMENT OF PROCEDURE FOR CONSIDERATION OF ROAN PLATEAU EIS

Executive 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.

This is a working draft and public comment letter to BLM. A technical review will be drafted prior to the closure of public comment.

Randy gave the time frames: Public comment period closes on March 4; BLM's Consultants would prepare a content analysis that would be available to us about mid-April; that content analysis would be available to the BOCC as a participating partner and the other participating partners before the BOCC enters into conservations with BLM and other partners to assist you in establishing or seeing if there is a consensus alternative that could be presented to the BLM for their consideration. Those joint meetings with the other cooperating partners will occur in May and the BOCC is certainly in a position where you wouldn't come out with any formal finding or recommendation as Garfield County until you have completed that process with the BLM and other partners to your satisfaction. The Board need not go on record as making a final formal recommendation in your findings on this until after the completion of that and that would be late May or early June.

The Glenwood BLM office with their consultants would write up their version of that final alternative or recommendation for the RMP in June to early July; they need to send that up to their own internal channels to the State and Federal Offices for their review as well and that probably takes it into August. Once there's a final determination internally by the BLM, that final RMP is published and noticed; it then comes back and out for a Governor's consistency review and final comment period which is probably in September and into October and actual final record of decision making would be October or November. The issues at hand and before us needing clarification is if we were to withhold our comments until after the close of the public comment period and submit them as part of our participation with the cooperating partners in May, would those comments then be considered and included and responded to by the BLM in the final RMP. Are we still able to get formally on record and have a formal response?

Chairman Maritn – that's my point in reference to those technical reviews, is it necessary to do it now during the public comment or is it reserved that the partners will be able to comment once it comes through. The other reason to bring this up is in the final review and the consultant's review, tabulation, and final report back to the BLM and the partners; they may have forgotten something and someone may have remembered. Are they going to allow that discussion to take place as well?

Randy- right, so can those later surfacing specific comments and concerns, we will be assured that that's included in the formal responses in the final RMP, if it is and it turns out as a result we will be on record, then the March 4th deadline doesn't seem as onerous and necessary as it does – this has been explained to us now.

Commissioner McCown – and all of those timelines we're assuming no extension is filed by anyone.

Randy – in the words of Greg Goodenow, it is an extremely optimistic projection of the track of events.

Commissioner McCown – if we don't have the comfort level we need as cooperators we can certainly be the person that asks for that extension.

Randy – I would think so.

Commissioner Houpt – we can, if they want our technical responses by March 4th and Randy's recommendation to us is that we extent, then we would.

Randy – the way I would plan to continue is with the understanding that we may be laboring under worse case and if that's the case then we should continue to try to come to some resolution about a draft list of technical concerns that the BOCC would approve and sign off on and Randy should be prepared to try to prepare that, still in time for the BOCC's formal consideration on February 14th. Commissioner McCown and Randy will be out of town on February 21st – February 28th. Therefore, a preliminary submittal that may or may not be needed to be submitted by March 4 but we should have it just in case.

Commissioner McCown – will try from his end is the level of technically that needs to be in our letter of concern.

Randy – after hearing individual suggestions about what that looks like, he will have better direction on the level of narrative and verbiage and analysis that would go into it. The first area of concern was the calendar of events and making sure he had enough direction individually. We have a sufficient level of concern back from the different departments and county staff people; the other area of concern today is that we had a successful public meeting on Feb. 2nd and has received from the Chairman all of the one-only submittals that were handed out and Randy will put an index together and place copies in binders for the Board and Mildred.

Don asked if the Board wanted to take action establishing public consideration of technical comments and the need to make technical comments for the meeting on next Monday, at 10:15 p.m. and does the Board also wish to have Randy to be the person to compile the public record of your hearing conducted February 2, 2005.

The Board stated they would on both items.

In regard to comments – the comments that the individual members made to Randy are considered part of the deliberative process and Randy is looking for direction. Those are not public documents. Efforts to compile your through initially are also part of the deliberative process exception until and unless the Board as a Board elects to make them public.

The Board concurred.

Commissioner Houpt stated the State Ag and Natural Resources Committee at the Legislature are coming out here to discuss Kathleen Curry's bill next Monday from 3:00 to 6:30 p.m. They will have a Committee Meeting in Garfield County and one at the Capital so that people can still come in and testify and people in this area come do soon the Bill that she is carrying on Surface Owners negotiations for Oil and Gas.

Rulison Site Application - COGGC

Commissioner Houpt made a motion that we request a hearing on the Rulison Site Application from the COGGC; Commissioner McCown seconded; Houpt – aye; McCown – aye; Martin – aye.
Commissioner McCown stated the purpose of that is just a point of clarity on the rule, if it means surface as well as downhole on the ½ mile setback.

PUBLIC HEARING:

ABATEMENTS – SHANNON HURST

Chairman Martin swore in the speakers.

STENER J. & FRANCES E. CARLSON (2)

Two different abatements – Mildred did notify heard from them on Friday. They would like you

The Garfield County Assessor presented the request and stated on Schedule No. R020400/2185-053-00-046 she recommended denial as the petitioner has only supplied a profit and loss statement but no evidence of capitalization rates to substantiate lowering their value to \$700,000. Also, the percentage of expense for this property is 80% which is well above market expense for this type of property. On Schedule No. R530035/21850530010, she also requested denial as no evidence was presented from the petitioner to support a valuation of \$100,000. The Assessor's Office can support a value of \$200,000 using the three approaches to value.

The findings were to deny the requests for Schedule No. R020400/2185-053-00-046 and Schedule No.

R530035/21850530010; the denial for both Schedules was made in the form of a motion by Commissioner McCown and seconded by Commissioner Houpt. The vote was unanimous.

Schedule R530035/218505300109 – There is no evidence presented from the petitioner to support a valuation of \$100,000. The Assessor's office can support a value of \$200,000 using the three approaches to value. She recommended denial.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny the request for abatement on Schedule R530035/218505300109; Houpt – aye; McCown – aye; Martin – aye.

FRANKLIN TERRY & DEBE SUE HUNT

Schedule No. R007460 – Shannon recommended approval for a reduced assessed value of \$18,090 and a Tax Abatement of \$1,294.90.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for Franklin Terry and Debe Sue Hunt, Schedule No. R007460 for 1,294.90 and authorize the Chair to sign; motion carried.

INTERMOUNTAIN RESOURCES, LLC.

Mildred also mailed notification of the hearing.

The Garfield County Assessor presented the requests and stated on Schedule No. R009614 she recommended denial as the Assessor's Office followed directives as established by the Division of Property Taxation. The Act exempting timber sales from Possessory Interest took effect on January 1, 2004. On Schedule No. R008828 she also recommended denial because taxes may not be abated for 2001 as petitions must be filed within two years of the date the taxes were due as well as the law precludes taxpayers from filing a protest and abatement petition for the same assessment year. In this instance, the valuation for 2002 was protested and the Assessor's Office mailed a Notice of Determination denying an adjustment in the valuation. The same directives established by the Division of Property Taxation were followed that exempts timber sales from Possessory Interest effective January 1, 2004.

The findings were to deny the requests for Schedule No. R009614 and Schedule No. R008828; the denial for both Schedules was made in the form of a motion by Commissioner McCown and seconded by Commissioner Houpt. Houpt – aye; McCown – aye; Martin – aye.

DUSTAN FAMILY 11, LLC.

R080544 – Shannon explained that this parcel was subdivided in 2004 and picked up the new parcel and failed to delete the old parcel. She recommended approval of this abatement in the amount of \$6,226.40.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the abatement for R080544 for Dustan Family II, LLC for \$6,226.40 and authorize the Chair to sign. Houpt – aye; McCown – aye; Martin – aye.

PUBLIC MEETINGS:

CONSIDER A REQUEST FOR A PLAT AMENDMENT FOR TRACT 39 OF THE ANTLERS ORCHARD DEVELOPMENT COMPANY'S PLAT NO. 1 – APPLICANTS: PAUL AND TERRIE SAMUELSON – FRED JARMAN

Fred Jarman, Terri Samuelson, Nicholas Goluba for the applicant and Carolyn Dahlgren were present.

Fred Jarman submitted the project information and staff comments stating the owner of Antlers Orchard Development Tract 39 proposes to expand their easterly lot line to coincide with an existing and long-standing fence line, which runs the entire length of the property. This expansion would add approximately 0.15 acres (6,720 square feet) to the tract. The adjacent property owned by Dorothy Pretti, is a meets and bounds property containing at least 20 acres. No new roads, new lots or dwelling units are proposed as a result of the proposal. The lot size is 10.42 acres.

Staff 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 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. 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, are required by Colorado State law, and approved by the County Surveyor

and shall include, at a minimum, the information outlined in Section 5:22 of the Garfield County Subdivision Regulations.

3. Dorothy Pretti shall be required to complete a Lot Line Adjustment application obtained from the Garfield County Building and planning Department to reflect the change in the larger parcel. This shall be completed and the necessary documentation recorded in the Office of the Clerk and Recorder concurrently with the recordation of the final plat for Amended Tract 39 of the Antlers Orchard Development.

Nick Goluba – stated that this is an attempt to clean up these lots.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to a plat amendment for Tract 39 of the Antlers Orchard Development; Houpt – aye; Martin – aye; McCown – aye.

CONSIDER A PLAT AMENDMENT REQUEST FOR TRACT 42 OF THE ANTLERS ORCHARD DEVELOPMENT COMPANY’S PLAT NO. 1 – PAUL AND TERRIE SAMUELSON – FRED JARMAN

Fred Jarman and Carolyn Dahlgren were present.

The owner of Antlers Orchard Development Tract 42 proposes to expand their easterly lot line to coincide with an existing and long-standing fence line which runs the entire length of the property. This amendment will result in an exchange of approximately 0.75 acres. The adjacent property owned by Dorothy Pretti, is a meets and bounds property containing at least 20 acres. No new roads, new lots or dwelling units are proposed as a result of the proposal. The lot size is 9.68 acres.

Staff 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 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. 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, are required by Colorado State law, and approved by the County Surveyor and shall include, at a minimum, the information outlined in Section 5:22 of the Garfield County Subdivision Regulations.
3. Dorothy Pretti shall be required to complete a Lot Line Adjustment application obtained from the Garfield County Building and planning Department to reflect the change in the larger parcel. This shall be completed and the necessary documentation recorded in the Office of the Clerk and Recorder concurrently with the recordation of the final plat for Amended Tract 42 of the Antlers Orchard Development.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to a plat amendment for Tract 42 of the Antlers Orchard Development; Houpt – aye; Martin – aye; McCown – aye.

Executive Session

Ed Green – negotiation with real property owned by the County

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to go into an Executive Session to discuss the real property owned by the County; motion carried

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

ADJOURNMENT

Attest:

Chairman of the Board

**FEBRUARY 14, 2005
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 14, 2005 with Chairman John Martin and Commissioners Tresie 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

- *Rotation of Glenwood Springs High School Students through Public Health*

The Med Prep School to Career Program Medical Facility/School Agreement between the Roaring Fork School District was presented to the Board.

The purpose of the agreement is to participate in the school and facility that want to contribute to education for the benefit of the students and community needs and the school has established a program in Med-Prep Health Occupations Education which requires the educational facilities of a medical facility in clinical practice.

The School has named the County as an additional insurer.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Med-Prep Health Occupations Education agreement with the Glenwood Springs High School Students through the Garfield County Public Health agreement. Commissioner McCown if this becomes a problem can we get out of this if it hampers the regular staff in doing their jobs. Don stated there are provisions in place. Houpt – aye; McCown – aye; Martin - aye

- ***Appointment of New Citizen Representatives to Energy Advisory Board – Doug Dennison***

Doug Dennison stated there was a total of 18 applicants and based on previous experience the interest is increasing. This particular appointment is to backfill Sam Potter's position who is now serving on the Oil and Gas Commission. And 3 new positions representing specific geographic areas.

ENERGY ADVISORY BOARD FROM EACH GEOGRAPHIC AREA:

CARBONDALE/GLENWOOD SPRINGS; SILT MESA/PEACH VALLEY; UNA BRIDGE/WALLACE CREEK/SPRING CREEK; AND RULISON/MORRISANA MESA/TAUGHENBAUTH MESA

Frosty Merriott – Carbondale; Greg Forbes – Carbondale; R. Glenn Vawter – Glenwood Springs; Colleen Long – Glenwood Springs; Michael R. Gross – Silt; Robb Bartels – Silt; Bob J. Miller – Rifle; Christine Hamrick – Rifle; Hermann Staufer – Vail; Bob Elderkin – Silt; Vickie A. Holmes – Rifle; Steve Spillane – Silt; Glenda Spaulding – Silt; Marion Wells – Rulison; Michael J. Mosby – Rulison; Howdy Robertson/ Rulison; and Noel Richardson – Wallace Creek submitted applications for consideration.

There are four positions to appoint.

New Castle, Town of Carbondale and City of Glenwood Springs have been asked to designate someone.

Commissioner Houpt made a motion to appoint Andrea Sears from Glenwood, Bob Elderkin from Silt, Mike Mosby from the Taughenbaugh/Rulison area; and Noel Richardson representing Una Bridge/Wallace Creek/Spring Creek area. She commented that there were incredible people to choose from.

Commissioner McCown – seconded the motion.

Discussion – Commissioner McCown requested the breakout of those currently serving on the board that are mineral and land owners as well as just surface owners as he has a problem with one of Tresi's recommendations, Andrea Sears.

Commissioner Houpt defended her position stating that there is a great deal of interest in the surface owners only and because there was a candidate who has expressed public opinion on drilling should not sway this selection process.

Doug stated that currently we have 5 citizen representatives – 2 of the 5 representatives own both surface and minerals and the other 3 are surface owners only.

Commissioner Houpt – not sure she would see a conflict with Andrea and felt she would bring a perspective that others may not have due to her professional experience; her being a surface owner can bring a great deal to the discussion.

Chairman Martin stated they have also invited the federal government to sit as an ex-officio member and he sees this as a possible conflict of interest.

In favor of the motion: Houpt – aye; Opposed to the motion: McCown– aye; Martin – aye

Commissioner McCown – made a motion to select Greg Forbes from the Carbondale instead of Andrea Sears.

Commissioner Houpt seconded. In Favor - Houpt – aye; Martin – aye; McCown - aye

Commissioner McCown made a motion to appoint Michael Gross from the Silt Mesa/Peach Valley area. He has sparked an interest in that area and has been a long time resident of the County.

Commissioner Houpt – suggested Bob Elderkin.

Commissioner McCown and Chairman Martin agreed that Bob has a predetermined opinion on gas spacing and does not bring the right perspective.

Commissioner Houpt wonders if we don't need a challenge to the group.

Chairman Martin stated that Bob is a retired BLM employee, very passionate, a nice fellow, but can he keep an open mind. He's not been afraid to voice his opinion. Michael Gross was her second choice.

Commissioner McCown nominated Michael Gross; Commissioner Houpt seconded; Houpt; aye; Martin – aye; McCown-aye.

She stated she hopes we're not afraid to appoint individuals who bring a different perspective to the Board.

Commissioner Houpt made a motion to appoint Mike Mosby and Noel Richardson; Commissioner McCown seconded.

Commissioner McCown also wants to look at other areas that are being impacted. In favor - Houpt – aye; Martin – aye; McCown – aye.

- ***Update on CEBT – Health Care Provider***

Ed reported he and Judy had met with Frank Herman, the representative of CEBT last week and negotiated an 18 month fixed rate contract with CEBT, this July was to be there first opportunity to increase those rates, but they are not going to. They will leave the rates the same for another year. This is really unheard of in today's health care market. This is based in part on the fact that Garfield County as a whole has exhibited a very favorable claims experience over the past year. In addition to that good news, CEBT is going to improve the quality of our plan as well. Under the PPO plans, the wellness benefit will be increased from \$125 to \$200 per year per person. Routine and diagnostic colonoscopies for individuals 50 and over will be covered subject to the deductibles and coinsurance. The current dollar limit for baseline mammography screenings and prostate exams has been removed. Home health care visits have increased from 60 to 100 days and finally hearing tests will now be available through Newport Audiology Centers for \$25.00. This will mean we will save \$150,000 and at least \$150,000 next year. For employees

there will be no increase in rates and overall the County and employees will not experience an increase for the next 3 year. A one month holiday will be given to the county so employees will not have the portion they pay out of pocket for the PPO I and II; the county will also be able to same the entire amount of the \$250,000 August premium and add it to our fund balances. Ed checked with Judy and Patsy and it isn't as simple as it sounds. It is possible and they will push the bottoms and help everyone.

Ed recommended a small portion of that money we will save to be used to and increase the life insurance benefit from \$20,000 to \$30,000. The cost of doing that on an annual basis would be \$4800 and \$3000 would come out of the general fund and the rest out of a variety of funds including Social Services and Road and Bridge. Ed asked for authorization to contract for that benefit increase.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to support Ed Green's request to increase the life insurance from for employees from \$20,000 to \$30,000 in an amount not to exceed \$4800. Commissioner Houpt thanked Ed and Judy for the research they did and said it is obviously paying off.

Houpt – aye; McCown – aye; Martin – aye.

Chairman Martin – the benefit of healthy employees is beginning to show up.

Ed stated that Employees are talking wellness more serious.

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou Vallario presented his report.

- ***Second Drug Task Force Position***

In 2004, Lou applied for 2004/2005 grant funding to support a second Drug Task Force Officer (TFO) to increase presence in TRIDENT. Due to some changes during the second half of the 2004 year, he delayed the request for the second TFO. However, since we have grant funding for the two positions, he cannot supplant the grant funding by requesting funding to support the second position as it would require backfilling the position.

The grant structure currently supports about 50% of the employee costs and the agency matches those funds. There would be no additional support costs such as vehicle expenses, overtime, etc., since those are covered by other grant funds. The request today before the Board is to for 50% of the funding for wages and costs equivalent to a new Deputy I position.

Since we operate TRIDENT on a grant basis, if the position with TRIDENT is not renewed after year 2006, the position can be absorbed through attrition or an increase to the Patrol Division.

Lou elaborated on the problem facing Garfield County, the increasing use of Methamphetamine. Therefore, it is critical to maintain our drug task force and fight against this drug's effects harder than we ever hand. The second Task Force Officer position is essentially for attacking the Meth problem in Garfield County. There are vacancy savings. Lou overlooked this when compiling the budget.

Trident has received some comments in the past. Lou said as with a lot of task force you will have ups and downs; they cleaned house and developed a new approach especially with the Meth problem in Garfield County. Everyone needs to get behind this task force and get rid of the Meth problem.

A motion was made by Commissioner McCown to approve filling the second position for TRIDENT as a patrolman I pay rate at a 50%.

Jesse – this is increasing a FTE by one person.

Commissioner McCown didn't agree – it is filling one vacancy and will not become a new position until all vacancies are filled. However, he amended his motion to say, if it does require the addition of an FTE position at the time all the positions are filled that it will allow Lou to add it.

Commissioner Houpt seconded the motion. In favor - Houpt – aye; McCown – aye; Martin - aye

Speed Limit – CR 215

Commissioner McCown requested that Lou look at CR 215 and the possibility to lower the speed limit to 45 mpr versus 55 mpr as it is now.

Meth Awareness

Lou said the law enforcement agencies in the County are sponsoring four (4) sessions on Meth Awareness. It will open your eyes to what Meth does to a person and how it can affect the entire community. He recommended everyone that could attend, to do so. It is excellent training.

- ***Year End Report***

Lou submitted the report and reviewed some highlights:

Crime Statistics:

Basically the County crime rates stayed relatively consistent with national trends, with a few exceptions. Vehicle break-ins (First Degree Criminal Trespass) increased in 2004 and a slight increase in Burglaries. The most notable increase was recorded by the TRIDENT Drug Task Force regarding the increase of Methamphetamine cases. In 2003, there was a 50/50 split in cases producing Cocaine and Meth. In 2004, Meth cases outnumbered Cocaine 4 to 1. Many crimes committed are the result of Methamphetamine usage.

Traffic:

An aggressive approach continues with DUI arrests.

Traffic Citations for traffic violations in 2004 was 1549.

The breakdown includes: 598 on State Highways 13, 6 & 24, and I-70. 186 were issued on County Roads: CR 100 – 186 citations; CR 114 – 72 citations; CR 315 – 70 citations; CR 117 – 64 citations; CR 319 – 55 citations; and CR 215 and CR 353 – 48 citation each. An additional 408 citations were issued on various other County Roads.

Personnel:

A 20% turnover in employees was experienced last year with a majority of those in the Detentions Division. This appears to be nationwide as it is a very dangerous occupation and requires a certain type of person to be comfortable within that setting.

Victim Advocate Program:

Lou stated this is a program that he is very proud of. A grant was obtained to allow a full time position to be funded – Victim Advocate Coordinator. Vicki Jones is a bilingual experienced victim advocate who has several volunteer advocates who respond immediately to meet the needs of crime victims.

Emergency Manager:

Another goal realized was the full time position versus a half-time Emergency Manager and move it under the Sheriff's Office. Jim Sears holds that position and his experience in this position plays a vital role in this time of homeland security. This was a long and difficult project and well received within the County.

Budget:

The Sheriff's department operates within a realistic budget and has reduced overtime costs, increased training and was not over budget in 2004. There was a fire within Garfield County that cost the department \$50,000 and this was paid within the budget.

Facility:

Construction began in late 2004 to provide 1600 square feet of space to the facility by building on the lower level into the old parking garage. There will be a public Jail reception area to reduce the flow of traffic at the front desk of the Sheriff's Office and provide a place for those doing business with the jail to be indoors. The project is to be completed by the end of March or the first April 2005.

Records:

After years and years of records piling up and renting storage areas, an aggressive archive project was started. April Middleton heads that staff and they started locating, sorting, organizing and archiving years of records onto a digital format. The project will continue every year but the bulk of old records are beginning to dwindle down to several manageable disks.

Media Access:

One of the goals when Lou was elected as Sheriff was to be available to media and act as PIO (public information officer) of the department. In order to complete the task, an administrative goal is 2004 was to provide training to several administrative staff, patrol and detention supervisors and investigators on the topic of public information and dissemination of that information.

Summary:

Finally, Lou reported that he is still looking at new methods to improve the organization and "raising the bar" as to professionalism.

Jail count varies – today 130 are in the jail; 16 are Community Corrections. Holding 14 for DOC helping Mesa County's overflow. Lou doesn't solicit for inmates, but they are willing to help those who helped us during our times before the new jail was built. The direct supervision is working well.

COUNTY ATTORNEY UPDATE – DON DEFORD

- ***Executive Session: Litigation Update; Legal Advice – Battlement and CBMS – Code Enforcement Rifle Watershed Regulations; Presco Hearings in front of C&OAC from the OCGGC.***

Doug Dennison on Oil and Gas; CBMS – Lynn Renick; and Mark Bean with Code Enforcement 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.

Action Taken:

CRESCO Drilling Operation

Direction to the County Attorney – intervention.

COMMISSIONER REPORT

Commissioner Houpt – This week the State House Ag and Livestock Committee will be here today at 3:30 PM to discuss Representative Curry's Bill on Surface Use. It is amazing they are going to meet out here, we should feel honored that they would be concerned enough to listen to all of the stakeholders concerns. We voted to support her bill in concept. Chairman Martin and Commissioner Houpt will be present.

There will be another hearing in Denver on Wednesday and then they will vote on the Bill.

Chairman Martin raised several issues at the CCI meeting and hopefully those questions will come to light and otherwise he will bring them up and see what kind of response we get. This is only testimony and no decision will be made today.

Commissioner Houpt – Tuesday in Grand Junction is the Energy Sub-Committee meeting for Club 20 and evening a Forest Service reception at the Hotel Colorado from 7 – 9 for the new Forest Service Director; Wed the Ag Livestock and Natural Resource Committee will meet again and take a vote at that time on the direction that it will go.

Thursday, I-70 Mtn Corridor and COGCC Noise Regulations Committee meeting which she will participate via a conference call; Oil and Gas Forum same day. CCI Committees meeting in Denver on Friday. This past Saturday, CDOT gave their presentation in a public hearing on their PSI for the I-70 Corridor and there was a good showing of representatives for Glenwood, some who served on the design committee for the Glenwood Canyon Plans as well.

Commissioner McCown – all the things that Tresi alluded to including the Access Committee meets Tuesday at the White River National Forest. Rob will be sitting in for Larry as he will be out of the state the rest of this week.

Commissioner Houpt reminded the Commissioners of the Trail Summit scheduled for February 25 from 8 am – 12 noon at the Community Center in Glenwood Springs.

Chairman Martin – same as Tresi, and adding a State Training Course in reference to the Law Classes in Westminster on Thursday and Friday. Carolyn will be credited for this training. Doug Dennison and John Martin will also attend.

CONSENT AGENDA

- a. Approve Bills

- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Authorize the Chairman to sign a Resolution for a Special Use Permit for a Resort for Jolley Potter Ranches, LLC – Jim Hardcastle
- f. Authorize the Chairman to sign a Resolution for a Special use Permit for a Resort for 7W Guest Ranch – Jim Hardcastle
- g. Authorize the Chairman to Sign a Resolution and a Special Use Permit for Industrial Support Facilities and a Pipeline. Applicants: Chevron/Texaco, David D. Skinner and Amy L. Skinner, Ivo Lindauer and Betty Jo Lindauer, Robert R. Boruch and Arlene D. Boruch, American Soda, LLP, Sidney Lindauer (of the Sidney and Ruth Lindauer Family Trust), U. S. Bureau of Land Management and Colorado Department of Transportation. (Representative is EnCana Gathering Services IUSA) Inc.) – Jim Hardcastle
- h. Authorize the Chairman to sign a Resolution and a Special Use Permit to allow development of an addition to an existing dwelling unit located within the 100-year floodplain. Applicants: James and Kathleen Duke – Jim Hardcastle

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Consent Agenda Items a – absent b, c, and d; carried.

REGULAR AGENDA

PUBLIC MEETINGS:

REQUESTS FOR APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

PLANNING COMMISSION: THREE REGULAR AND ONE ASSOCIATE MEMBER

R. Glenn Vawter; Michelle Foster – reappointment; Cheryl Chandler – reappointment; Phillip Vaughan – reappointment; Shirley Brewer and James Foshaught submitted applications for consideration.

Commissioner McCown made a motion to reappoint Phil Vaughan, Cheryl Chandler and Michelle Foster as regular members and appoint Shirley Brewer as an alternate.

Commissioner Hought – seconded for discussion. She stated she appreciated all those who have served and in the applications, Glenn Vawter and James Foshaught both have a great deal of experience and feels that Glenn Vawter should be considered. On this commission she is not going to support maintaining the same people as the opportunity should be given to other individuals who would like to serve.

In favor of the motion: Martin – aye; McCown – aye.

Chairman Martin voiced his opinion regarding having an attorney on the Board as this sometimes causes a conflict, he was very thoughtful and very intelligent and he could have made a good member but could have been problematic for John; he agreed with Commissioner Hought that Glen Vawter is a very worthy candidate.

Opposed to the motion: Hought – aye. We have had developers, real estate people, still do on this Planning Commission and so as far as conflict goes, and we need to be careful how we define that.

Chairman Martin stated that why they have to declare if they are going to have financial gain or otherwise issue. And as an attorney you never know what's going to happen. You take as many clients as you can, especially in private practice to stay afloat.

BOARD OF ADJUSTMENT: ONE REGULAR MEMBER AND THREE ALTERNATIVES

Tom Morton submitted his application for consideration.

A motion was made by Commissioner McCown and seconded by Commissioner Hought to appoint Tom Morton to the Board of Adjustment; Hought – aye; McCown – aye; Martin – aye.

COMMUNITY CORRECTIONS BOARD – ONE MEMBER

Dale presented Bobby Johnson, Warden of the Rifle Correctional Facility submitted his application for consideration for the Community Corrections Facility representing the Correctional Representative.

A motion was made by Commissioner Hought and seconded by Commissioner McCown to

Appoint Bobby Johnson to the Community Corrections Board as the Correctional Representative. In favor: Hought – aye; McCown – aye; Martin – aye.

FAIR BOARD – TWO MEMBERS

Dale presented the applications of Ame D. Longwell, Kelly Diaz; and Craig A. Hansen submitted applications for consideration.

Commissioner McCown recommended Ame Longwell, Kelly Diaz and Craig Hansen to be appointed to the Fair Board; Hought – aye; McCown – aye; Martin - aye

LIBRARY BOARD TWO REGULAR AND ONE ALTERNATE MEMBER

Jaci Sphuler was present. Paula Bush – reappointment; Bill Lamont – reappointment; Laura M. Wassmuth – alternate; Medody D. Massih – member or alternate; Nella D. Barker – member or alternate; and Greg S. Russi – regular or alternate. These candidates submitted their applications for consideration.

Jaci – if the current members are reappointed, it would keep the representatives in all locations.

Commissioner McCown made a motion to reappoint Paula Bush and Bill Lamont to the Library Board;

Commissioner Hought seconded and said that it is important to look at those who are interested and not only reappoint the members. A great deal of building is going on as well as team building is involved and is at a critical stage and important to keep this Board in tact. Jaci said they have term limits and this prevents a lot of reappointments.

Commissioner Hought made a motion to appoint Nella Barker as the alternate; Commissioner McCown seconded.

Commissioner Hought stated she was impressed by the applicants who came forward and she liked some of the issues that Nella relayed in her email. In favor: Hought - aye; McCown – aye; Martin - aye

WEED BOARD

Thad Nieslanik; Al Laruette - reappointment, Wayne Ives - reappointment, Flona Lloyd – reappointment; and Larry Ballenger, Alternate reappointment.

Representative from federal would be Wayne Ives; Al Laruette from Glenwood Springs, Larry Ballenger from Carbondale.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint all applicants Thad Nieslanik, Al Laruette, Wayne Ives, Flona Lloyd and Larry Ballenger to the Weed Board as they all qualified.

In favor: Houpt – aye; Martin – aye; McCown – aye.

READING OF PROPOSED ORDINANCE NO. 2005-01 – ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE OF 2003

Don DeFord, Lou Vallario, and Jim Sears were present.

Don DeFord stated the Ordinance No. 2005 – 1 adopting the International Fire Code of 2003 was available for review at the Garfield County Clerk and Recorder's office including appendix chapters, as published by the International Code Council that regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances; materials and devices; and from conditions hazardous to life or property in the occupancy of buildings and premises as provided by the Code; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the Garfield County Clerk and Recorder hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 30-15-405 – under state law it must be done as an ordinance and that requires public notice and first reading. At today's meeting the Board needs to read the Ordinance and it can be referenced and noted that copies of the document are on display in the Garfield County Clerk's Office.

Mark read into the record the Ordinance Adopting the International Fire Code of 2003, Section 1 – Adoption of International Fire Code-2003 Edition:

“That a certain document, three copies of which are on file with the Garfield County Clerk and Recorder's Office, 109 8th Street, Glenwood Springs, Colorado, being marked and designated as the *International Fire Code – 2003* edition, including appendix chapters, as published by the International Code Council should be and hereby is adopted as the fire code for Garfield County, State of Colorado, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the Garfield County Clerk and Recorder are hereby referred to, adopted and made a part hereof, as if fully set out in the Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.”

The Public Hearing was set for February 22, 2005 and testimony will be taken.

CONSIDERATION AND APPROVAL OF THE BOCC COMMENT ON THE ROAN PLATEAU EIS – RANDY RUSSELL

Randy submitted the notebooks containing all the documents presented at the Public Meeting held February 2, 2005. The transcript was submitted separately.

10-42-00

Compilation of the handouts – A staff binder is available to review at the Building and Planning Office. Materials referenced to are included and a place to store comments on the legal implications of the Transfer Act.

Time was scheduled for a review of an official letter to the BLM. Randy received a very extensive material from Chairman Martin on Friday morning. The compilation of comments is exhaustive and he will be putting this draft.

An extension of time from Jamie Connell, BLM until March 18, 2005, still be accepted as a part of the review.

Randy will get these to the Board in the next few days and plenty of time.

Commissioner Houpt – March 8th, she will not be here.

Randy has this has gone back to being a pleasant task. 30 to 40 minutes should be allocated for the March 14, 2005 meeting. The meeting was continued until March 14, 2005.

A deadline of comments to Randy was set for March 10th.

This draft will be to the Commissioners by Thursday February 17, 2005. Comments have been received from each of the Commissioners to date.

PUBLIC HEARING:

DISCUSSION ON THE 13TH SUPPLEMENT TO THE 2004 APPROVED BUDGET AND THE 13TH AMENDED APPROPRIATION OF FUNDS – JESSE SMITH

Jesse Smith presented the supplement and explained the changes.

Don stated that proof of the notice has been given.

Jesse was sworn in.

This is the final supplement to the 2004 budget the purpose of which is to comply with the Board's concerns and it ends up with a positive balance in all the departments.

The Resolution will be submitted to the Treasurer, Department of Local Affairs, etc.

Commissioner Houpt asked if the new software will allow him to indicate what the changes were so the Board can tell what is clean-up and what is personnel.

Jesse – the 2005 issues are the only ones with Personnel Issues. The others are not line item.

A plan for how to address the concerns of the Board by personnel will be addressed.

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 Resolution. Houpt- aye; Martin – aye; McCown – aye.

Code Enforcement – Chicago Italiano

Direction was given to the owners of the Chicago Italiano that they comply with the zone district. As of today, the Building Department has not received an application for building permits or whatever else they wanted to do. Proceed with temporary and injunctive procedures.

The applicants were aware of their legal requirements and they have received the minutes of that meeting.

Staff is asking if the Board wants to move forward.

Commissioner McCown stated the Board has already given them a 60-day extension. The applicant indicated the 60 day time extension was adequate.

Carolyn – they have been in to talk but no application has been received.

Commissioner McCown commented that they had a very incomplete application and did not meet the criteria when they were in before the Board.

Commissioner Houpt – would like to see us review our regulation and it is incumbent on the business owners to go through the application process and she supports moving forward.

Commissioner McCown made a motion indicating that under the present regulation; authorize Staff to move forward with the original time frame noted with the applicant. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

ADJOURNMENT

Chairman of the Board

FEBRUARY 22, 2005
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 22, 2005 with Chairman John Martin and Commissioners Tresie Houpt and also present were County Manager Ed Green, Assistant County Manager Jesse Smith, 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.

COUNTY MANAGER UPDATE – ED GREEN

▪ ***Request for Out of State Travel – Brian Condie***

Brian submitted his request to go to the symposium on SPCC planning.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the out of State travel request for Brian Condie in an amount not to exceed \$775.00 to attend the American Association of Airport Executives symposium on SPCC planning in Los Vegas, Nevada March 9 through March 11, 2005. In favor: Houpt – aye; Martin – aye.

McCown - absent

▪ ***Support Letters for Sustained RC&D Federal Funding – Steve Anthony***

The federal budget as proposed by the President earlier this month calls for funding cuts to the Resource Conservation and Development (RC&D) program.

The budget proposal recommends the elimination of federal support for any RC&D area that has been in existence for over 20 years.

This will impact 189 councils out of 375 councils nationwide. If the budget goes through as currently proposed, on October 1, 2005, the CBCRC&D will lose its office in Glenwood Springs on 23rd Street.

This cut would also eliminate the Coordinator.

Steve named the significant projects the CBCRC&D were involved in including; they assisted with Funding for Two Rivers Park and in establishing the ACE program with the inter-library system providing for conservation materials to new landowners.

Steve requested the Board consider the draft letter from Garfield County.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to support the letter presented in draft form to the RC&D to be sent to all Congressmen in Colorado. In favor: Houpt – aye; Martin – aye; McCown - absent

COUNTY ATTORNEY UPDATE – DON DEFORD

c. ***Executive Session: Litigation Update; Legal Advice – Fire Ordinance Public Hearing***

Ed – Property Acquisition – Land Negotiations

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to go into an Executive Session to discuss land negotiations with Dale, Jesse and Ed; motion carried.

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

Direction

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to move forward with land negotiations with the City of Rifle for economic development making sure everyone is on the same page. In favor: Houpt – aye; Martin – aye; McCown – absent.

COMMISSIONER REPORT

Commissioner Houpt – Very well attended committee meeting for the State House Ag and Natural Resource Committee to discuss the surface use bill. Club 20 on Tuesday; Energy Subcommittee well attended; Club 20 hasn't taken a position on the Surface Bill as yet. A gathering was held with the Regional Forest Service folks reviewing the various forest plans; Thursday I-70 Mtn Corridor meeting – the meeting scheduled on the agenda today will be postponed to allow more advertising and also add more time for public discussion and comment. This week, I-70 Coalition meeting putting together a function for private business to put their concerns into the loop; Meth Lab presentation this week sponsored by the Sheriff; and the Trail Summit on Friday from 8 am – 12:30 pm at the Community Center.

U.S. Forest Service land up for bid – Chairman Martin wants to look at this and possible partnerships – buildings are antiquated and need to replace them. They are looking at consolidating. Municipalities and Counties have the first right to go to bid.

Commissioner McCown – absent

Chairman Martin – Club 20 – Tues. 15th – Grand Junction; Oil & Gas meeting with 11 affected Counties held on Wednesday, the events taking place in Garfield County was eye-opening; meeting with Salazar's on Wed. 23rd; Trail Summit on Friday.

Access Issue – US Forest Service – Commissioner Houpt - as more lands are leased for oil and gas, they want to make sure to meet with the Commissioners and talk about infrastructure issues and impact to neighboring lands. Specifically, the Thompson Creek area and access.

Chairman Martin – they will be coming through Garfield County, through Silt, Four Mile, etc.

Update on Conference in Denver

Chairman Martin, Doug Dennison and Carolyn Dahlgren attended a conference last week in Denver and Carolyn gave an update saying the most important thing was the historical context on the issues of access was put into, she did not know the history and new nothing about the Alaska native lands – the federal law that impact access for drilling, for mining, hard rock mining and oil and gas.

Chairman Martin – which goes along with the several mineral rights which were all phased and that's basically what the law course was, it was severed mineral rights, split estates, rights of access, surface use and extraction operations and it does date back to old English law, the first case that they had on severed mineral rights and the subsidence was 1780 and at that point our case law is really combined quite a history. It does say that the dominate estate is still mineral extraction, they still have the right to go ahead and come onto property to use the appropriate land necessary for the extraction and at the present time case law says they don't have to pay anyone for anything, but they have softened their stance and say we understand that there is an inconvenience and a destruction of certain personal property and they are willing to sit down and negotiation. In fact the best way to do it is to sit down and negotiate for the use the land, even though they don't have to. That case is 300 years old in the United States and hopefully the cities control oil and gas development if you're home ruled, then you just blackmail everyone to get what you want as a city but you can't do that unless you're home ruled.

Carolyn said this was a surprise to her that the Texas Railroad Commission which is the state entity that oversees mineral development, oil and gas development in Texas is not as powerful as our Oil and Gas Conservation Commission.

Any solutions brought forward?

Carolyn, exactly what Mr. Martin said, the companies need to get out there and negotiation Surface Use Agreements with their customers.

Discussion of Potential Law

Yes, Carolyn said there was discussion of litigation and the Bill that is before the State Legislature was discussed and also Senator Udall's Bill.

There were 329 attorneys in the room and varied opinions on every issue. John brought back all the papers and information on the case law and the research. We need to work together more to make it work; there were 7 states in the Union that have surface use agreements or different approaches than Colorado and outlined from Texas to Oklahoma, Pennsylvania, Alaska, etc. they don't solve all the problems, problems still exist. Each state has to determine how to handle their problems.

The discussion on Surface Use Agreements was from Colorado and also the paper on RS2477 roads lays out the history well.

Commissioner Houpt – the reality is that activity is rapidly growing in our area and she is hoping there is discussion on how to protect all stakeholders.

Carolyn – there was a lot of discussion on good business practice for development companies in working with surface owners and also other mineral owners.

The speakers presented their papers with case law. There is a short course on oil and gas law in Boulder totally devoted to Colorado Law in October, a 4 day course.

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 Colorado Division of Wildlife Impact Assistance Grant – Shannon Hurst
- f. Authorize the Chairman to sign a Conditional Use Permit for a Home Occupation for Lot 5 of the Los Amigos Ranch Subdivision No. 2, Filing 5. Applicant: Los Amigos Ranch Partnership – Fred Jarman
- g. Authorize the Chairman to sign Wright Express Account Applicant for Fuel Cards for Motor Pool – Mike Vanderpol
- h. Authorize the Chairman to sign a Resolution for a Conditional Use Permit for a Rooming and Boarding House owned by Duane and Elizabeth Stewart: Applicant: Duane Ferguson – Jim Hardcastle

- i. Consider the Approval of and authorize the Chairman to sign an Amended Plat of Lacy Park Subdivision Amended Plat. Applicant: Rocky Mountain Baptist Church of Rifle – Jim Hardcastle.

Item – h – Stewart title incorrect – this was pulled.

Item g – pulled for discussion

Item b & c were removed as well.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the Consent Agenda Items with exceptions of b, c, g & h; carried.

Discussion on Item g

Authorize the Chairman to sign Wright Express Account Applicant for Fuel Cards for Motor Pool – Mike Vanderpol

Motor Pool fuel cards – fleet cards – biggest concern is the application reflecting a business charging credit; it's also a multi year agreement with an out of state business in Kansas. Shell and Texaco, Phillips 66 and one other are also out of state businesses; trying to keep all the accounts separate has been a problem. The issue was to eliminate numerous cards and having a general credit card that would be accepted by all stations. The car would be linked to the card and accountable for the gas purchased. Mike had looked at other companies including Global Fleet but their cards cost more; Ritter Retriever and Voyager and Pro-Fleet and Mike did a comparison of the offers. The county doesn't pay any interest or finance charges.

Chairman Martin didn't have any problem.

Mike stated the reporting was the problem. This type of card is strictly for fuel.

Carolyn advised the board of the administrative problems, confidential issues of the credit card reporting. They are under the law of another state and strongly indemnifying issues and these are standard forms used nationwide and the Board needs to know what they are getting involved in.

Commissioner Houpt moved to approve the County entering into a contract with Wright Express with Motor Pool and the Chair authorized to sign; Chairman Martin seconded the motion. In favor: Houpt – aye; Martin – aye; McCown – absent.

REGULAR AGENDA

HUMAN SERVICES COMMISSION – HSC BUSINESS – SHELLY HANAN

Community Integration Goals and Activities – Sandy Swanson and Sue Horn

Sandy Swanson, Family Visitors Program – grant applied for Aspen to Parachute, a Colorado Trust was very broad and agree to participate in a process to allow system services, discuss various topics and the first couple of meeting there was 20 interested people. The area was chosen as one of 10 counties in the US. There are not about 80 interested people in the designing process. They decided as a community in addition to the meetings is to try to have 45 facilitators meet with natural occurring groups, (already existing) and ask them these same questions. They are taking all the information and initially we will have a retreat April 8th and 9th. This will be a very broad Community Plan that would be available for any organization.

The Colorado Trust has asked the committee to mark what they want them to fund and they will guarantee \$75,000 a year for five years.

One of the things to make clear is that integrations are a two-way street. This process doesn't talk about the legality of whether people should be here; rather they want to concentrate on the fact that we have immigrants.

The issue before the free flowing session to talk about activities and goals and what it takes to be a part of the community.

The input was involvement in the community, cultural change from states in the United States.

Activities that would help immigrants to feel involved and comfortable.

Jesse said when they moved here they had a daughter in high school – she was shut out and harassed. The schools are very cliquish.

Commissioner Houpt said as members of the community we need to be involved in activities and make people feel a part of the community and feel welcome.

Organizations such as Catholic Charities, Family Visitors, and many others do participate with those who immigrant to this area.

Commissioner Houpt – as a county we need to look at the services that we develop for our entire county and be sure we assess how we provide services and some departments assess this already. She would like to build on the services we provide for the County.

Chairman Martin – those who have been long time residents feel pushed out. They're forgotten and it's time to stop doing that. Part of their identity dies and why they were here originally is lost. This needs to be a blending in and not an overwhelming take over. Recognize and accept what is here and not try to change it. Traditions of the families with such things as garden clubs, and this area used to be a world famous place for bridge. They are pressures of acceptance; dances that take place in the communities – not acceptable.

Deb Stewart is doing interviews and getting feedback.

Commissioner Houpt said sees this as a generational issue.

Jesse – a lot of folks feel a real loss of respect for the land, no respect for property, gates and fences knocked down, etc.

Commissioner Houpt – we're also not respecting the new folks and need everyone involved. Things have changed from a beautiful quiet neighborhood into a very hectic life.

Ed suggested knowing about these cultural issues – obvious was meeting and greeting people.

Colorado has changed and many who live in this State are from different states and countries. It is defined now by this cross-section of individuals who live here. Educational piece of cultures in this community.

Ed gave an example of an outing such as washing car. The Hispanic folks get together on Sunday and go to the car wash as a group. One Sunday they parked their cars in front the bays to have their outing and the locals were furious – all the bays were blocked.

Jesse said in the late 50's hunting was allowed by the people who lived here, and he had been coming here for a long time; you could hunt everywhere. Then mass transit from other states and a real change in attitudes by those who own the private land. It starts with the kids. Schools have to be taught diversity and respect for other people. Commissioner Houpt added that the schools have been working hard on creating those opportunities and are seeing issues at home on impacting their attitudes. Parents and kids should both be involved.

Mildred said the acceptance needs to start at home – respect is lacking.

Commissioner Houpt – values that were important when we all grew up.

Commissioner Houpt – language barrier to work on. Recognize for those who don't speak Spanish to make an attempt to learn; it's important for those who move in to communicate in English as well. Respect and recognize it is difficult for both sides and create more opportunities in the schools.

Chairman Martin – we need to change our ways in communication and everything. To confine us to that format goes against the grain. Italian used to be the language in this area. How many Italians still speak their language? They adapted and their culture disappeared. The activity would be to redefine the school, put Latin back in the school. No longer is a foreign language required in High School. It's an elective if you wish to take it, but it needs to be a requirement that you study and know at least Latin so you can on from there.

Another suggestion was to have materials written in English and Spanish – website, messages.

Ed mentioned that we pay extra for those who can speak and write Spanish.

Mary said that one way would be to have story telling about raising fruit, strawberries. Look at ways so we don't lose that. This could be integrated into the schools.

Ed – emphasis on the Fairgrounds and County Fair – make the Fair stronger. Extension is still there and the 4H program.

Chairman Martin – the manner in which they dress for prestige with designer clothes in school establishing our own identity.

Commissioner Houpt – people who have lived here forever, different groups – another opportunity for a community gathering – An Affair of Cultures – celebrate those together.

Recognize there are cultural differences and we need to accept these differences.

Sandy said this process is helping us hear things that we've never heard. Every group has a differing opinion.

Commissioner Houpt recognized the Spanish newspaper and asked Donna Gray if the Post has discussed publishing in Spanish.

Donna said they have discussed this and are trying to find a way to do this.

Commissioner Houpt– the goal is for people to learn to speak English and not lose their cultural for the ease in living in this country. Create an atmosphere of acceptance and language.

Jesse – wife teaches English to non-speaking adults. She went to the Post Office to mail a package; there was a lady there and she was trying very hard to communicate with the postal worker as to what she wanted to do; another person in line told her to go back to the country where she came from. However, the recent event with the two families who had lost everything in two separate fires, the Ortiz family and the Durant's, this was a coming together and we need more of this kind of interaction. Most times the bank will be designated to accept donations and there's no identity.

Commuters lack the time to participate in certain activities; it is an issue of their involvement.

Chairman Martin summarized that we demand too much and we should live a simpler life. We have way too much and we judge everyone. Go back to your roots. Start giving away things and live a simpler life.

Mildred noted the recent gathering of hundreds of people for the Ortiz and Durant families – why not do this at other times than a disaster.

Sandy would like it if someone could attend the April 8th and 9th meeting.

Commissioner Houpt volunteered to be there.

This will be posted on the website when all the work has been organized.

Human Services Commission – Board Appointments

Commissioner Houpt made a motion to approve the membership for Sharon Gallagher for the RE-2 open position and Sue Hankinson for Valley View Hospital position to the Human Services Commission; Chairman Martin seconded. In favor: Houpt – aye; Martin - aye.

BOARD OF SOCIAL SERVICES

Approval of EBT/EFT Disbursements for January 2005

EBT for the month of January 2005, client and provider disbursements, for allocated programs, totaled \$222,523.04. Client benefits for Food Assistance and LEAP (energy assistance) totaled \$169,821.32.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the EBT disbursements for January 2005 in the amount of \$222,523.04 and the client benefits for Food Assistance and LEAP in the amount of \$169,821.32. Houpt – aye; Martin – aye; McCown – absent.

Consideration and Approval of Out-of-Home Placement Contracts

The Department is requesting the Board's consideration and approval of two out-of-home placement contracts: 1) Client I.D. T273108 at Emily Griffith Center in the not-to-exceed amount of \$13,483.36 and 2) Client I.D. T261517 at El Pueblo Boys' and Girls' Ranch in Pueblo for a not to exceed amount of \$11,472.50 and 3) ID Y194719 at Emily Griffith for a not to exceed amount of \$10,335.00.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the out-of-home placement contracts as presented; Houpt – aye; Martin – aye; McCown – absent.

Update on Colorado Benefits Management System Conversion

Lynn gave a verbal report on the CBMS conversion saying that it looks like Garfield County 85% done with their cleansing and trying to maintain the Feb 28. They have around 500 cases left.

Staff worked overtime on Sunday and has a goal of 98% by next Monday. There is one program area where there are problems and are working on the state. There is a method for cleansing the remainder of clients. Several of the large 10 counties have 50% to 60% completed.

Not guaranteeing payments in Garfield County – don't give up on the system.

Lynn submitted more reports to the Board. These are best estimates showing where she believes we are. Food stamps are around \$70,000. The state is suspending all errors as system errors.

Realistic overpayment errors have not been addressed and Lynn doesn't know how they will do that. The large 10 counties are driving this on how to accomplish.

Who will be expected to pay these back?

Lynn said the State made the decision to push benefits to clients because of the CBMS computer system.

Overpayments may be large. We are looking at the State to determine what a system error is and they are not asking for payments that were system errors. The federal government will not pay, the clients will not have to pay back but the counties will have to take the brunt on those who did not get payments and or were overpaid.

Lynn predicts a huge conflict coming as to who will pay the bill. There was a regional director's meeting on Friday and everyone in her opinion is going to their own corners and the state to theirs and not sure how to work out these issues. The executive branch is still working to fix the problem – it is out of control.

Chairman Martin wanted to be prepared to pay the bill out of contingency.

Lynn is trying to get the clients what they need.

Kathy Lawrence will be having a meeting with the counties to work this out.

The Garfield County staff is working diligently on this issue and clients are doing their best to understand.

The Board thanked Lynn for her work on this problem.

Lynn provided some verbal updates – along with CBMS, continuing to work through the crosswalk between the state financial systems and the county system – the audit is coming up and notification there will be a state paper audit system for 2003.

Program Reports were submitted to the Board for review.

BOARD OF HEALTH

CDOHE –Emergency Mutual Aid and Assistance Agreement

Carolyn Dahlgren and Mary Meisner were presented.

Two AG have been talking to talk to the County – when this started they were unwilling to acknowledge that we do not have a Regional Department of Health but a Board of Health. As of today, the AG's office has allowed Carolyn to mark on the contract indicating this difference. Mary explained the contract stating that the Colorado General Assembly enacted the Colorado Disaster Emergency Act of 1992 for purposes of authorizing and providing for cooperation in disaster prevention, preparedness, response and recovery. This requires each county and district public health department in this State to enter into a uniform mutual aid agreement to render aid and assistance during an emergency epidemic unless there is a need to withhold resources necessary to provide reasonable protection within its own jurisdiction.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the Emergency Mutual Aid and Assistance Agreement and authorize the Chair to sign and our attorney to change the statutory reference to Board of Health and Public Health Nursing System wherever appropriate and delete those paragraphs that aren't pertinent to this County. Houpt – aye; Martin – aye; McCown – absent.

CDPHE – Contract Amendment to Material Child Health Program for Children with Special Health Care Needs

Contract Amendment No. 1 was explained by Mary whereby a new paragraph was added – “Duties and Obligations of the Contractor” effective April 1, 2005 that imposes the provisions of HIPAA business amendment to the current contract. The Board signed the original contract. This is a blending of several sources of funds and is a complex contract.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the contract amendment to Material Child Health Program for Children with special health care needs Contract Routing Number 05-00412 and authorize the Chair to sign; Houpt – aye; Martin – aye; McCown – absent.

Department of Local Affairs (DOLA) – Five-Year Community Service Block Grant

This contract is a 5-year and is an umbrella grant. Until the grant applicant is signed, not action forward with receiving funds will proceed.

Carolyn has a plan – we would be asking for the Chair to be authorized to sign but she needs to have an additional discussion due to additional paragraphs with an ambiguity in the same paragraph. All form paragraphs have different verbiage.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the DOLA – five-year Community Service Block Grant and authorize the Chair to sign after our attorney has discussed some ambiguity with the attorney and clarified the wording; Houpt – aye; Martin – aye; McCown – absent.

PUBLIC MEETINGS

TREASURER'S SEMI-ANNUAL REPORT AND PUBLIC TRUSTEE QUARTERLY/ANNUAL REPORT – GEORGIA CHAMBERLAIN

Deputy Jean Richardson and Treasurer Georgia Chamberlain submitted the Treasurer's Semi-annual report including the semi-annual financial statement; the tax collection report – 2003 taxes collected in 2004; sales tax collection – 2004 and 10 year report; treasurer fees; school acquisition fees and Public Trustee Annual Report.

Georgia reminded the Board that she is mandated by law to publish the Semi-Annual Financial Statements in a newspaper of general circulation and this requires a motion by the Board.

There were some modifications needed but Georgia will submit corrected reports to Mildred to record. The DDA is in a separate account and is a Court order – the distribution will be handled by a court order.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to direct Georgia to publish the Treasurer's Semi-Annual Report in a newspaper of general circulation; Houpt – aye; Martin – aye; McCown – absent.

The Board is to contact the schools for the amounts in their account using the Treasurers reports.

Bob Slade will be making a report in Parachute, March 1 and again at the Board of Realtors on March 16 giving a comprehensive report on foreclosures.

Commissioner Houpt and Chairman Martin were pleased with the reports and the information included in the packet.

I-70 COALITION PRESENTATION PEIS ALTERNATIVES DISCUSSION – GARY SUITER, CDOT

This was postponed until sometime in March due to a lack of public notice and to allow more time for this discussion.

PUBLIC HEARINGS:

CONSIDERATION AND ADOPTION OF ORDINANCE NO. 1005-01. ORDINANCE ADOPTING THE INTERNATIONAL FIRE CODE OF 2003

Andy Swaller and Carolyn Dahlgren were present.

Carolyn reviewed the public notification and determined everything was in order and advised the Board they could proceed.

A letter was submitted from the Burning Mountains Fire Protection District, Brit C. McLin, Fire Chief in opposition of supporting the Ordinance to adopt the International Fire Code, 2003 edition. He stated that the need for local amendments does not reflect difference in hazard levels, nor different fire behavior patterns. However, the Burning Mountains Fire Protection District will continue to work with Garfield County staff to provide the best service possible to our residents. They support the idea of a consistent countywide fire based upon the 2003 IRC, but cannot support this ordinance as presented.

An amendment was suggested in Section 907 Fire Alarm and Detection Systems – 907.1.3 Installation.

The Burning Mountains Fire Protection Districts is not on board. If this is adopted even though they do not sign, they are required to enforce the Ordinance.

This is what the Committee came up with and is supported with all except the Burning Mountains Fire Protection District.

Jim Sears – Emergency Operations Director – the Sheriff's office does fully support this. The question of enforcement issue is okay the way it is written but the Sheriff didn't want that enforcement. It is up to the Board.

Don wrote it that a certified peace officer does not need to be the only one doing the enforcement.

Airport – Exempt the Airport per Andy due to the storage of fuel; the Airport is covered under the federal regulations. More work will be done to address this.

Oil and Gas – the fire code is less restrictive than the State regulations. An amendment in the future may be necessary.

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

A motion was made by Commissioner Houpt to adopt the Garfield County Ordinance No. 2005-01 ordinance adopting the International Fire Code of 2003 with amendments are presented. Motion was seconded by Commissioner Chairman Martin who added - recognizing the Burning Mountains Fire Protection District is objecting to this, but feels this is miscommunication somewhere down the line and thinks that we can have them reverse their stand from their letter with good communications and working together. In favor: Houpt – aye; Martin – aye; McCown – absent.

The Ordinance will be published again.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Peggy Uteush and Greg Russi of the Grand Valley Citizens Alliance were present. Peggy read a letter into the record regarding oil and gas violations. She presented a copy of the letter for all three Commissioners and asked them to please examine the levels of concerns raised.

Chairman Martin – recognized that the citizens are the eyes and ears of what's going on in the industry our biggest allies. There are 3 inspectors now in Garfield County and we will direct these concerns to them and also stand with those inspections and all those violations say something has to be done. We're not going to turn a blind eye on that, but as far as enforcing and going out and looking for these, we don't have the time or manpower to do it. We stand behind the citizens to raise these concerns and complimented Peggy and Greg for coming before the Board.

Commissioner Houpt agrees we need to stand behind the citizens and also make sure the industry doesn't continue to move so quickly that we can't keep up with the issues that are far reaching.

Greg Russi inquired about the position the County has taken in response the proposed drilling on the Roan Plateau.

Chairman Martin reminded them that the County has not taken a position; we are one of the cooperating agencies and are taking in information. We will meet with the others and BLM again taking all of that information that is gathered through our public hearings, unsolicited and solicited comments and make a decision based on the facts; one of the other things we have to consider is the budget – there's no budget to really supervise any alternative and that's another issue we have to take up, which has not been addressed very much. We will take a position with the cooperating agencies and then that will be part of the record.

Commissioner Houpt – we will be bringing the information presented to us, our own opinions from the research we've collected and we may not identify a specific alternative because we'll be in negotiations but we certainly will bring forward what we continue to receive.

Surface Bill 1219

Gregg Russi – Grand Valley Citizens Alliance – Surface Bill 1219 – thanked the Board for the supportive position that you all have taken on Surface Owners legislation particularly as you're aware Representative Curry's HB 1291. We'd also like to thank you for lending this public facility for the people of Garfield County last week for each of

you Commissioners for attending the entire day. As you can tell this issue is extremely important to the people of western Garfield County and eventually to all of Garfield County and we're extremely grateful that our County Commission has taken such a positive, supportive, progressive approach to this significant need. Also, talked about Air Pollution and very briefly tell you that it's the coming issue; it's almost as important as the surface rights legislation – it impacts just about everybody in western Garfield County and eventually everyone who lives on the river. He expressed appreciation for the position the County including the grant proposal and hope additional proposals to ask for continuous air monitoring to get baseline levels and eventually on-going levels of ozone and perhaps other areas but specifically ozone knowing that volatile chemicals lead to ozone when integrated with sunlight. Ozone is dangerous. In New Castle we sit just east of a very abrupt aperture on the river and you know it as the Hogback. The thing about that abrupt aperture on the Colorado River is that all of the ground level air coming from western Garfield County towards Glenwood Springs has to go through there, which means that the concentrations of ozone if we find them and we believe they probably do exist are going to have to come right through that aperture – that's apple Tree, its River Bend, its downtown New Castle – it's also Silt, Rifle Parachute and eventually Glenwood Springs, Canyon Creek – there area a lot of populations, he majority of populations right on he Colorado River and we can't stress too much to get some good on-going ozone monitoring data and keeping track of it so we will know whether in fat we needs additional legislation such as combustors on all of our condensate tanks and gathering lines to try to prevent additional ozone. This is happening in Weld County. Chairman Martin – asked Greg if he was saying that ozone is being produced by condensate tanks and the flaring of oil and gas wells.

Greg didn't know about the flaring because they're getting burnt there but what is happening is we're getting volatile organic compound emissions from condensate tanks.

Chairman Martin said basic chemistry tells him that you need to have electrical current and a few other things to produce ozone and not what you're telling me – sunlight. Sunlight may, but it doesn't produce in the quantities that you're saying.

Greg Russi – but if you have 1000 gas wells what qualities and concentrations do we end up having?

Chairman Martin – there's no scientific proof that he is aware of that oil and gas wells are producing ozone.

Peggy – they're producing volatile organic compounds.

Chairman Martin – but not ozone, so you need to stay on the subject. It's different.

Greg – that is the subject – if there's a flare, if there's an emission, and there's an organic compound such as benzene, then together with the sunlight, it meets with that molecule and the by product is O₃ which is ozone – that's ground level ozone which tends to hug the ground and he will sent Commissioner Martin the scientific evidence they do have on this from several sources. Peggy and Greg did a paper not long ago on it.

Peggy – The Colorado, Region 8 Environmental Protection Agency out of Denver did an extensive study on this because the city and county of Denver were found to be out of compliance with EPA standards; they were found to be a non-attainment area and have been making strides to improve their air quality when suddenly they went off the radar; there were mandated a year ago after an extensive study on this particular issue to install combustors on all condensate tanks and all the compressor stations in Weld County because it was that ground level ozone formed from volatile organic compounds from the gas drilling in Weld County that was settling down over the city and county of Denver.

Chairman Martin – I'd have to read it. Basic chemistry doesn't allow that to happen.

Greg – as a result of the study Peggy was just telling you about, the Governor signed a bi-partisan bill year which does mandate the combustion of these flash omissions to reduce ozone because Denver had become non-attainment. To wrap this up, what he wanted to tell the Commissioners is that New Castle is very concerned about this and he believes New Castle would do whatever it could to provide whatever cooperation to help facilitate the continuous monitoring of ozone levels.

Commissioner Houpt requested Greg to supply those to us because as we look at the air monitoring that we are going to proceed with in this County, it is very important to look at all of the critical issues.

Greg will get the Board some good physical chemical analysis.

Chairman Martin – like to know what position Garfield County has taken formerly in reference to HB 1219?

Greg said it's our understanding that you all are supportive of the general concept of surface owner's legislation.

Commissioner Houpt – that's right.

Chairman Martin – but not the Bill – the concept but not the Bill – we need to have clarification because this Board has said yes, there needs to be some discussion and someway to protect the surface rights, but as far as taking a position on the Bill, which has been laid over and amendments must be done, so that Bill will change dramatically and maybe even a task force formed – we'll participate but to say we're supporting that particular Bill as it came out would be incorrect because we have a concept and a Bill which are two different things.

Commissioner Houpt – this Commission took a vote supporting 1219 in concept.

Chairman Martin – no. I disagree with you there; we took a position to address the issues of surface damage and compensation, not the Bill.

Peggy – we are aware that you conceptually – and encourage you to continue to support that concept and encourage you to support the Bill because we believe the Bill does address those concepts and also recognize that the Bill isn't anywhere near final form.

Chairman Martin – that only reinforces my opinion why he can't support the Bill because it isn't even in its final form yet. Just so we all know that the real situation is – that has bothered me for some time since I heard it at that particular meeting in this very room.

Commissioner Houpt – well I think I made the motion and will look back at the minutes.

Adoption of the International Building Code Regulations

David Rippy – with the adoption of the IBC by the County, along with there are now requirements for the contractor/homeowner to obtain an excavation permit prior to obtaining a Building Permit if they plan on doing excavation in the County. If there's over 50 yards and if its under 300 it's \$150.00 and over 300 cu yards, it's

\$400.00; the only problem with that is just as a practical matter in business in the industry, a lot of times someone will come in and do excavation prior to the issuance of a building permit and the excavation permit, you have to obtain from the County, is not credited with the building permit.

Chairman Martin – this is a legitimate concern and should be credited to it.

David – if it's two years down the road then that's tough luck, but the situation he ran into and they were great about it as he didn't know it was a requirement and starting digging, and was told he had to get the permit. This just raises the cost to the consumer. If this was a legitimate charge for just excavation project he could understand, but to exclude this fee from the building permit, just adds onto the cost of the house.

February 22, 2005

CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT FOR A “COMMUNICATIONS FACILITY” FOR AN AM FREQUENCY ANTENNA. APPLICANTS: DEE BLUE and MARANTHA BROADCASTING - MARK BEAN

Mark Bean, Carolyn Dahlgren, Dee Blue, Britt Kelley and Michael Gamba from Gamba and Associates were present. Also present was Marantha Broadcasting – Jim TerLouw, General Manager

Carolyn Dahlgren reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits: Exhibit A – Proof of Certified Mail 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 –Application; Exhibit F – Staff Memorandum; and Exhibit G – Letter – Cerise Family Ranch, Opposition to the SUP.

Chairman Martin entered Exhibits A –G into the record. H – Christopher Coil in opposition representing the adjacent homeowners association and as a landowner.

Jim Hardcastle – the deed in the application has both names on it and the reason for the error.

Mark stated that this is a request for a Special Use Permit for a “Communications Facility” for an AM frequency Antenna, the applicant is Marantha Broadcasting represented by Gamba & Associates.

DESCRIPTION OF THE SITE AND PROPOSAL

The Applicant proposes to operate a “communications facility”, a 78-foot tall AM antenna on a 31.37 acre parcel of property located at 0404 CR County Road 104. The parcel was created as one of three (3) lots as part of the Jean and Dee Blue Exemption Plat approved on December 3, 1985 and recorded as Reception #367007. The property is more specifically located in the SW ¼ of the NW ¼ and in the NW ¼ of the SW ¼ of Section 25, Township 7 South, Range 88 West of the 6th PM; east of the town Carbondale.

The proposed use will include the assembly and installation of an unmanned antenna communications facility site to broadcast a newly sanctioned Federal Communication Commission (FCC) signal with new call letters at 1 kW and at an AM frequency of 1240 for the Town of Carbondale and outlying areas. The antenna is a translator of an AM signal from a separate broadcast studio, which originates the radio programming; the location of initial broadcast office is to be determined. It is freestanding at 78' tall with no guy wires, measuring 17.5" at the base and tapering to 3.75" at the tip, with a 2.75' high by 3.75' looped and spread antenna array at the top of the proposed use. The use shall be visited once a month by passenger vehicle to inspect the use and surrounding grounds to maintain the use is properly operating.

The proposed use shall be painted a color that will attempt to minimize visual impact on the surrounding area and will not be lighted or marked because the proposed use is less than 200' in height and is not regulated as such by the FAA. Additionally, the antenna will employ a buried radial ground system incorporating 120 copper radial wires 200' in length spaced 3 degrees apart in the area surrounding the base of the proposed use. The radial wires are 10# gauge in diameter and will be buried 2-4' underground. A six (6) foot wood or plastic fence will be installed around the proposed use at a minimum of ten (10) feet from the base in an attempt to protect the antenna from wildlife, livestock and human intrusion and tampering. These non-metallic materials are proposed so no interference will occur and to minimize electrical hazard. Holy Cross will provide service to the proposed use.

The proposed use as described in the application is conforming to and defined in the Zoning Resolution as a ***Communications Facility***, which is contemplated in the ARRD zone district as a special use.

Staff has received one letter in response to the required mailing of public notice by the Applicant to all land owners within 200' feet. The communication from the Clifford Cerise Ranch Company is dated 2/14/05, is listed as Exhibit G, and states an objection to the proposed use based on a perceived visual impact to the ranch houses on their property. And Christopher Coil from Wooden Deer due to the perceived visual impact on the neighbors.

Mark went on site after receiving the two letters of objections. There are concerns and the 78 foot tower may impact the visual corridor to the Wooden Deer Ranch homeowners. The question is whether there are better locations on the property to place this tower.

Approval of this has not been received from the Federal Communication Commission.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners approve with conditions the request for a Special Use Permit for a “Communications Facility” at a property 0404 CR County Road 104 owned by Jean M. & Dee Blue, provided the BOCC is satisfied and can determine if the applicant has successfully attempted to co-locate the proposed use with no feasible or reasonable outcome. Mark asked that the Board

1) is there a better location and 2) the applicant can provide evidence that the tower does meet the visual

screening and impact on adjoining areas.

- 1) That all representations made by the Applicant in the application and as testimony in 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) The Applicant shall continuously remain in compliance with the requirements of the Federal Aviation Administration (FAA), as stated in the "Determination of No Hazard to Air Navigation" dated 11/24/04
- 3) All colors used on the antenna shall be natural and shall not make the tower reflect light or stand out from the surrounding and background vegetation.
- 4) Upon approval and if technically possible the antenna shall be available for additional users to co-locate at a reasonable rate and the owner of the antenna can deny co-location requests only for technical reasons.
- 5) The Applicant shall obtain a favorable determination from the Federal Communication Commission in response to the Applicant's submittal of an FCC 301 *Application for Construction Permit for Commercial Broadcast Station*, and shall transmit said approval to the Garfield County Building and Planning Department prior to the issuance of a Special Use Permit.

Applicant:

Michael Gamba stated that Jim will be discussing the FCC application issue and the co-location issue first and then Mike will address the visual impact issue.

Jim TerLouw with Marantha said they had searched a number of areas around the Carbondale area; there are some facts of physics that they are stuck with. One is the determination of the FCC and was done at the turn of the century is that it has a ground propagation of "2" which is one of the lowest in the country. The signal does not go very far because it's sitting on rock. In Grand Junction we're at 15 and it can go hundred of miles, here it can't go very far at all. The FCC requires that AM stations serving a town like Carbondale has to meet City grade coverage; that coverage is 22 millibables per meter or similar and physics tells us that has to be within roughly 2 miles of Carbondale. The site were we are at now is at the extreme west edge of the property. We looked at two other sites on Ms. Blue's property, one back into a little draw there and one further on down where the road narrows by the gravel pit. We did the analysis there and those locations, even though they were well hidden and far better screened did not allow us to have coverage of the Town of Carbondale. Where we are now we cover 86% of the land, 96% of the population. When you go below 80% which would mean even if we moved it a few 100 feet back east, we'd probably go below the standards of what the FCC would allow as far as coverage of the community of Carbondale. We looked at two other locations, two schools around Carbondale, Colorado Rocky Mountain School and one a little northwest. The one northwest, the land wasn't big enough and we were turned down by Colorado Rocky Mountain School due to us having to go in the floodplain. Then there's the concern we'd have to dig these radials and there's mud and who wants to look at a tower near the river. So we rejected those ideas and then we talked to Ms. Blue and came to this location here. Further down the fields, they are working fields; we also looked at free standing towers and most of the communication facilities for Carbondale are on a ridge west of town there for two-way radios. Ridges do not work for AM radio stations. AM radio stations we have to have for this approximately 4 acres, 400 square feet of where these radials have to go. They have to be on a relatively level surface and being on ridges negates the ground plain antenna systems. With FM you can go on a mountain top and it's easy to co-locate facilities. One thing we looked at on this concern of the collocation was, oh sure we'll build a 200 foot tower, it'll be a lattice tower and we can put all kinds of additional antennas on there – but we felt too as we become new citizens in this community, that the visual impact would be the greatest concern. We could build the tower for about \$1,000 and for this tower, it's a special deal, it's fiberglass, it can be painted to any color, and we looked at a medium to dark gray is the color that is least visible to the eye and we proposed we would paint it to this color of if the landowner had another suggestion we would paint it to their specifications so it would be the least intrusive. Most AM radio stations, witness the one in Glenwood Springs, that's about a 200 foot tower self supporting tower and you can see what a visual impact that has and now with this technology with the coils inside this fiberglass, we can get it down to 76 feet which is as low as we can get – we cannot go lower than that because the FCC says the signal will not propagate properly.

Mike Gamba said they were concerned about the visual impacts – and prepared several exhibits of 3 different photographs. Photos were marked as Exhibit I – three of them. Three photographs were taken and they drew into scale the tower. We installed an 8 foot tall survey rod in the location of the tower using that they were able to accurately locate the tower and scale it from each of the three different photographs. The first photograph is taken from the southern end of the Blue property, the southern end of the Wooden Deer Subdivision; as you can see from that location, which is still actually on the Blue property, the very tip of the tower does break the juniper covered ridge with Sopris in the background. So you see a very small portion of the tower there. Looking at the second photograph, which was taken from the road immediately above the lowest house in the Wooden Deer Subdivision and anyone can see that the tower itself in this photo does not break the top of the Pinon/Juniper covered ridge that's in the background below Sopris. Granted we didn't trespass on these people's property to take a photograph from their back window, but to determine the view that they would have, you have to take an average of these two. By taking an average of these two, you can see that the tip of the tower would not break that ridge and would therefore not extend up into the view of Sopris. The last photo was taken quite a bit further up on the ridge, or in the Wooden Deer Subdivision and the tower down there, yet while visible is really not any more intrusive that is all the utility poles that are also located down in the field. You can see it against the green of the pasture, but it would difficult to say that is significantly obtrusive. It is our opinion while yet there is some impact here, it is quite minimal in our opinion and we don't believe it obscures even the lowest house's view of Mt. Sopris.

Chairman Martin – pointed out several things and posed a question. The last photo, dead center is the antenna and then to your right there is a stand of trees, is that still Dee's property?

Mike – no that's the Cerise Ranch.

Chairman Martin – in the other photo there is a tree to the left hand side to the middle picture and asked how tall the tree was?

Mike – this tree is adjacent to the house on the Wooden Deer Subdivision property.

Chairman Martin was looking at aligning that with the tree and giving that the visual effect of the tree and still staying on Blue's property and asked the scale between there.

Mike – horizontally between there are the tree, the tower is approximately 264 feet – on the first photo if we're standing on Mrs. Blue's property line, the tower is located about 264 feet south and

Chairman Martin – clarified sliding it side to side to line up with that tree. How far from the present site you have to line up with that tree in a straight line.

Mike – it might be 200 to 300 feet, the concern is that this tree is potentially located within 10 feet of the house.

Chairman Martin – lining it up with that tree would provide natural screening from the tree for the people impacted by the view, especially in the summertime you wouldn't be able to see it at all.

Mike – If they look out their back window they may not even see that tree unless they look out a particular window, and from further up on the hillside, depending on. This house in the 3rd photograph is the same house as in the 2nd photograph. In this case from this property owners' view, that tree is actually to the right of the tower. It would be too close to the house.

Chairman Martin's concept helps one and hurts another.

Mike – the most impact it has on any property is probably this particular house and if I were to live here, I would be very concerned if it were to obscure my view of Mt. Sopris, and in this case it doesn't extend over the top of that dark coniferous vegetated ridge and I would think that level of impact is while it may not be optimum, it's pretty minimal.

Commissioner Houpt – you guys are obviously aware of the concerns of the neighbors because you've gone through this exercise, have you looked at other locations that would be less impacting?

Mr. TerLouw looked at other sites both on the Blue property as well as in the Carbondale area and the other locations in Carbondale were rejected by those property owners. The two other sites he looked at on the Blue property both of which would have been less visual impact because they would have been in locations where virtually no other property owners would have been able to see them. My understanding is that they would not have provided the required coverage within Carbondale just by moving them that far. We are essentially right here on the outer limit of the serviceable area for serving the Carbondale radial service.

Commissioner Houpt my concern and we heard from our staff wouldn't be his recommendation later on to co-locate but that's kind of standard policy in this county and what happens after we're all gone.

Mark – if you end up approving this particular site, I would suggest that you do not allow for co- location because a cluster of antennas would create a significant larger impact, particular to the house in the Wooden Deer Subdivision. Noted, there is a berm was built by the property owners below this property that does obscure a good portion of this property. This particular house I'm guessing is somewhere in the range of probably 35 to maybe 40-45 feet different in height above the elevation where the base of the tower would be located. So they would not see the entire top, they would see a portion of the top.

Commissioner Houpt – this is a million dollar view with a proposed antenna in the middle of it and certainly a different use that could be anticipated by somebody who would build a house there and wondering if given time you would be able to find another location on the Blue's property or elsewhere to fit your needs. I know you've looked at a few other places and wondering if you've exhausted your potential locations.

Mr. TerLouw – part of the difficulty is staying within this roughly 2 mile radius of the center of Carbondale and then being able to access 4 acres of ground which in effect you need to put these radials in; you have but bury these radial, it's done with a caterpillar tractor and a plow that puts them in and I've looked at land down by the river and that's going to tear up the fields down by the river and that's going to tear up and loosen it and if we have floods it will make a mess and this was at one time a pasture or farm land and it would be easy to, not rocky, the tower won't work within these radials at the base.

Chairman Martin – can you put vegetation on top of the area that you've cleared? The one photograph shows that it's been cleared off because that's a staging area right now, but would it interfere with agricultural business if it were completely farmed next to it.

Jim – no that's one of the reasons we like this, Mrs. Blue wanted to have that as 4H for elk or pasture and she could use that. Once the radials are buried and covered and replanted with natural, prop or natural sunflowers.

Chairman Martin – and you did the analysis if you move farther to the south from that field closer to Carbondale that you would lose signal because of ...

Jim – we can't go any further east because then those figures at 86% of the land, 96% of the populations gets below that 80. We did not talk of going further south, there is an irrigation ditch approximately 500 feet from the road and we're kind of in the middle of that and then you're going into crop land and did not address going in to that crop land.

Chairman Martin – that was my concern if you're able to plow that up, put your stuff in and then reclaim it with a small fence around the base. What is the actual footprint to keep clear a 10 x 10?

Jim – the fence is actually a 10 foot radius, a 20 foot square and probably a wooden fence and actual plantings around the fence.

Public comments:

Mike Cerise – 1309 Wall Circle, Carbondale and one of the owners of the Cerise Ranch Company. There is no problem with the antenna being on the Blue property and one thing these pictures don't depict is what happens to us. We are at the same elevation of this antenna and it's crowded over real close to our property. So we feel that we're going to have an impact with that antenna. The other thing that I think is being missed here, what is the growth pattern of Carbondale. Carbondale's growth pattern is to the south and you're putting an antenna far away from where the growth pattern is in order to get this range. I think this is the wrong property for this antenna; it should be sitting over on the Power's property or something closer to Carbondale. Right now you're setting it as close as you can get on this property to try to get close enough to Carbondale, where actually the Carbondale growth pattern is going to be to the south because that's what our 3 mile boundary shows, it that we will be heading towards the south. I know that because I helped write the Comp Plan in Carbondale. I think within 10-years this will be out dated and so

why don't they put it in a spot that actually services this two mile radius that they are looking for and it could be over on Nieslanik on the east mesa, it could be on Powers, or it could be up at the Crystal River Ranch, those are areas that are close enough to Carbondale instead of on this fringe. And if you move it to the south, then it even impacts us more. So I think they need to rethink this site and get it to a site that will actually service Carbondale in the future not just today.

Chris Coyle from the law firm of Balcomb and Green sent a letter to the County Commissioners and also extended appreciation to Mark Bean after he called and asked Mark to go out and visit the site and gave Mark the green light to go on the property that's owned by John and Lucy Fitch. The current location, if it goes in where it is currently depicted, will be right in the middle of John and Lucy's view from their home; the view itself is spectacular. The berm was put in there for the express purpose of blocking out all the buildings and various pieces of machinery, etc. that is currently situated on the blue equipment. From their home they have an unobstructed view of not only the juniper laden hills but also Mt. Sopris, the Crystal River Valley and Capital Peak and Garrett Peak. They just catch the top of those but it is absolute dynamite view and a significant, in my opinion, aspect of the value of their home for which they paid a fair amount of money, is based upon that very personal intimate view of that mountain. What is going to happen in my view and in theirs regrettably is that if that tower is put up, I don't know how much they're going to see, but they are going to see some of it and Mr. and Mrs. Fitch would be here today but they just returned from overseas night before last and didn't have the time or wherewithal to get here and asked Chris to speak for them. I would also tell you that I am presently the president of the Wooden Deer Homeowners Association and in that capacity I would share with you that I don't disagree with the fact that this tower is going to be a relatively small matter for the members of the Wooden Deer Homeowners Association about half of them; for half of them it's going to be a big deal and it's going to be down there, they're going to see it, if we end up with a co-location situation, which my letter addresses, then we'll really be in what I perceive to be a bad way because that is, when we bought the property, everybody was looking out there and thinking one of these days there will probably be a bunch of houses out there. One thing nobody counted on was that there would be communication towers or a communication tower out there. We counted on the fact that there would be houses but there's a building height of 25 feet, that is something you live with and like everyone else the old Nimby approach you get here, don't want anything to come in, because that's the way we want it. Well we're not trying to be unreasonable. What we are trying to be is at least mindful and know the Commissioners appreciate this that you do depend on zoning to protect what you bought into and while I respect the applicants and what it is they are trying to do here on the one hand, but on the other hand I'm requesting your protection as a homeowner and property owner in this area that we will be allowed to maintain that which we reasonable could have expected when we bought our property. We have other members of the homeowners association, lot owners, who may want to speak. They are here to express their concern and to support the homeowners objection in its current place, if it could be moved somewhere, maybe east, that would be helpful, certainly to the Fitches, I will tell you I have contacted the folks who live in the house just south of there which shows in the second picture that shows a large 2 story gray house and they also expressed their concerns over this but could not attend this meeting today. This is an unfortunate situation that has been expressed by the applicants but I don't believe should be settled at our, based upon our being for lack of a better term, disenfranchised of what it was when we bought into and bought our properties.

Applicant:

Mike Gamba - addressed the concern expressed by Mr. Cerise. The 3rd photograph might best look at that – the property line between the Blue and Cerise property was pointed out and assuming the buildings are the ranch houses for Cerise Ranch, their view from the Cerise property – 3rd photos- their view would be toward the hillside back of the tower and because of that, no photos were taken simply because in our opinion the most significant impact to any property owner is the Fitch property and any properties to either side are going to have a much lower impact because the background of the antenna is going to be the local Pinon/Juniper covered ridges. In regard to the Fitch property again I would suggest if they stood on their northern property line that's their impact; and this is photograph one again, guessing what portion of the tower may be extended, he said less than 10% is extending up above the Pinion covered ridge line. In the photograph taken above the Fitch property, it is clearly not extending above the Pinon ridge; as mentioned before, their view would be an average of these two photographs. We could do a visual impact study from their back window, if that was desirable or helpful but I would suggest by simply interpolating between these two photographs you could conclude that the top of the tower would not extend above that ridge line and at that point, the impact of this tower is largely nothing more than a utility pole. There is nothing to prevent Holy Cross Electric to come in and put in more electric poles. That is a use common throughout the County. To my knowledge I don't know that would require a special use permit.

Commissioner Houpt asked how tall is the average utility pole.

Mike – about 30 feet but when all you're seeing is that portion of it that the background of it is the cultivated fields, that's effectively what you're seeing.

Jim – might also say, talking utility poles and this is actually much smaller than a utility pole. The base of the tower which is bolted to a concrete pillar or a metal pillar is 17" but within a foot it goes down to 10" so the width of the pole is 10" at the bottom, which is smaller than a utility pole to up to 3.5" at the top; and again when you add coloration that the eye ignores, I think you look at this property now and you see the mountain, you don't see the utility poles, you don't see the machinery or the other outbuildings that are on the ranch, you see the view. And I'm thinking that after once its built to a color that the eye tends to reject, this gray color, it becomes very close to a non-issue.

Mike – reminded the board to make it absolutely clear that this tower can't just go anywhere, as Mr. TerLouw said, it requires about a 4 acre piece of flat plan because of the underground radials that extend away from it and so it isn't a matter of going out and finding a 20 x 20 foot parcel somewhere as might be considered, not necessarily talking to you as I am speaking to the adjoining property owners, it's a issue of going out and finding 4 acres that will forever not be constructed upon when you can grow crops on it and you can replant native vegetation on it, you can't put houses on top of the radials, you can't construct septic systems within it and that type of thing, so it's essentially 4 acres of forever undeveloped land and those types of locations in the Carbondale area are probably coming fewer and

far between, would be my guess.

Commissioner Houpt – asked Mike to respond to point of Carbondale growing south and whether this is going to really meet the future needs of Carbondale in this location.

Jim – the FCC has a real high standard of a radio station being able to reach a community. They are asking with the City grade coverage to be 22 millables per litter, you will hear on any radio of any quality for an AM 2 millables per litter, much a 10th of the signal coverage. This was decided back in the 30's and 40's when these rules were developed but that's the way things are and those rules haven't changed and we still have to meet that criteria. There will no doubt day or night that the people in Glenwood springs, the people 5, 10 miles south of Carbondale and they people in Basalt will be able to hear that radio station day and night.

Commissioner Houpt – so if you can hear it from that distance why can't you locate it to an area that is a few miles from that location?

Jim – again we meeting the rules and regulations of the Federal Communication Commission, they have set the standard that is has to be this 22 millables per meter and unless we meet that standards they will reject our application. And we know of no cases where they want a lesser standards, in fact the standard has been, they have rejected 50 but they have accepted 80% of population where the radio station is to allow a tower. Now other communities have also had that problem that had grown and the point is in this point of time where is the city, what are we covering, and that's what's the FCC is looking for and it's the unbendable rules of the FCC.

David Jerbis – live close by, live in the Wooden Deer Subdivision and have the same views every morning. I am curious about to know about AM radio, who listens to it – is it just to see advertising? Isn't that what fuels this whole process, is to fleece the people around you, I mean being too blunt but I don't see that it's necessary. Not that I'm a candidate to listen to AM radio but is there that much revenue out there to be able to generate from this tower so that you can pay Mrs. Blue and we all can get a new shinny red radio out of the deal? Just seems a little tainted to me, not very articulate either.

Chairman Martin – we got the point.

Jim TerLouw – in effect you're saying that AM radio is dead and no one listens to it. We have an AM radio station in Grand Junction, at times of day 10 to 15% of the people in Grand Junction who are listening to the radio are listening to that AM radio station. The biggest radio station in Denver happens to be KOA – it is an AM radio station, and it is the largest radio station in Denver and has more listeners than anyone else. In Los Angeles, KFI is an AM radio station and it is the largest listened to radio station there. So, there are two bans, AM and FM and we believe there is a service that we can provide to this community. And the AM band is, ... how many of you do not have a car that doesn't have an AM radio. A lot of people listen.

Mike Cerise – I'm trying to understand this 96% coverage versus 80% versus 50% and what you're saying is no matter where you put that antenna, people in Glenwood Springs will still be able to hear this radio station, but if you can get an approval at 80% why can't the antenna move 500 feet to the east and then not obstruct anyone's views? It might obstruct Mrs. Blue's view at her house, but she's the one getting the benefits so that would be okay, but I think that you could get down and rework those calculations and then we would all be okay, because I have no problem if it moves to the east, nor do any of us I don't believe, we just don't want our view plain blocked and don't want to look up and see a 78 foot tower. If it's back closer to the hillside over on the eastern side of their property, then we won't see it, it will blend into the hillside. And so I'm just wondering if those calculations should be redone and that tower moved to the east. Jim – I don't know if you're familiar with the domestic spring, this is back where there's a lot of elk and that site back there is what we looked at and that's what we tried to do first because it would have absolute minimal impact, it was in kind of a U-shaped valley but that site did not work, that was less the 50% of the coverage that the FCC requires. And so we had to reject that site. That other site which was between the hill, right by the Quarry where it narrows there, that's fairly close to neighbor there to the east, to Harold Blue's place, and that was way low, like 20% coverage and unsatisfactory and the FCC would not accept the application.

Chris Coyle – the one thing I wanted to be clear on is that the ValCosphere which is the piece that goes upon on top of the antenna is not going to be 3 ½ inches wide, it's going to be like 2 ½ feet wide and that's the sore thing that just drive a person bonkers when they get locked into it. If you don't see it, if it was already there when the property was bought, my suggestion is they might never see it, but I'm concerned that going forward that that will be one of those eyesores that will just, you know, endlessly grate and that's one of the reasons why we're here.

Mike – in response to that, the ValCosphere is actually looped wires, so yes, while the wires stretch out to about 3 feet or whatever it is, it's ¼" think cables – the ValCosphere is actually included in the digital photographs that we imposed upon these photographs, it's just you don't see it because – you won't see it if you're standing 30 feet away from it.

Mike Cerise – I'm trying to understand how you get these readings and how you determine what happens, maybe you could just quickly explain that to me, then maybe I would understand why if you move it 500 feet all of a sudden it doesn't work. Because is seems like you're right on the edge of that envelope where maybe you should be some place else.

Jim TerLouw – we hired Vir James and Associates, which is broadcast engineering consulting firm out of Denver, our engineer was Tim Cutforth and I have the maps here and these area all generated the FCC database on ground conduct activity, which I mentioned was a "2" which is the lowest in the state, and by using GPS coordinates or where this site is we could plod that exactly to the hundredth of a second as to where this site was and from there it's all computer generated. They have the data base that shows where the people are living, the homes, the census, census data, ground activity, terrain and it's done on a data base that our government provides.

Mike Cerise – did you look into these other sites like the east mesa or the Powers property or Crystal River Ranch?

Jim – didn't know them by name –

Mike – those are within a mile or less of the Town of Carbondale and they're all on flat same type of land that we're talking about.

Jim – no homes nearby?

Mike – no. And so I'm wondering, you said this is the only piece of property – this is the only piece of property available, I know that there are other properties in the Carbondale area that are a lot closer that might serve

Carbondale even better.

Chairman Martin – then we'd have the Nieslanik family in here, instead of the Cerise family. And I just wonder up on the hill as well, 108 Road which is above the first location you talked about, is the Colorado School and it would be to the south and to west on the mesa – the ranch up there.

Jim – yes, there's a plain up there. We talked to Sue Rogers and she said no.

Chairman Martin – I figured she would with the Conservation easement she has on there.

Commissioner Houpt – I'm not going to close this session because I think that anytime you have a changed use like this it's really important to spent the time to work with the neighbors to figure out the best location, to figure out if this the only location that is acceptable. And so if I made a motion it would probably not be to support this, so she suggested to schedule a time for you all to come back after you've had an opportunity to meet with the neighbors, after you've had an opportunity to look at other locations around Carbondale and can come back with something that is acceptable to the needs of the neighborhood in any area that you chose to locate an antenna on.

Chairman Martin – you're requesting the application to go ahead and have a neighborhood meeting to see if there is a preferred location of it rather than what they have done and if so bring it back, if not and they're unable to do so, they will stand with their application and we can make a decision?

Commissioner Houpt – I'm looking beyond that too, I want you to look at other areas around Carbondale as well, because I would agree there is at this point plenty of land that could potentially serve this same purpose if you'll looking for 4 acres and in the vicinity close to Carbondale. But I think it's really important when you're talking about putting an antenna up to make sure that you have others on board with you. How much time do you want?

Chairman Martin – would you even consider doing something like this?

Mike Gamba – just to simply be blunt here, I've been in situations like this before, when adjoining property owners are opposed to something, there's generally nothing the applicant does is going to change their mind other than going away and not doing anything. I would turn the question around, we've already determined that we won't get FCC approval if move this to the east on the Dee Blue property. We've determined we have looked at other sites in the Carbondale area, so I guess I'd turn this to the adjoining property owners and ask the question, with the tower located on this site in this location, what else could be done to make it more acceptable to them; and if the answer is nothing, go away then we're obviously we're not achieving our purposes.

Commissioner Houpt – so you're telling us that there is absolutely nothing you can do if you have to find another location, further to one side of the property or another location.

Mike - This is already located as close to the Cerise property as I'm sure the Cerise's would like and we've determined going east further into the Blue property will not get FCC approvals. So that's a given. Whether there's other locations in the Carbondale area that perhaps haven't been explored yet, I suppose that is a possibility but I guess with respect to this particular location I'm not sure there is a solution. We're pretty much have to be here, we've made every attempt we can to minimize the impact. I'm not sure that anything we do with the tower on this site in this location is going to get a yea vote from any of the adjoining property owners. That's what I'm suggesting so perhaps we postpone the hearing or continue it.

Chairman Martin – it would be a continuation to a date specific and come back and if there was not movement whatsoever from either the Homeowners Association or you or the adjoining property owner at this time, then you would stand on what you presented, feel that you have to have a yes or no vote on this particular site, but we're suggesting to see if you can work with neighbors to see if they are willing to go ahead and do so and we'll continue it to March 14th.

Commissioner Houpt – would like you to not only work with neighbors but really examine the needs one more time and figure out whether this really is the best place, the best location for this antenna and come back with that information as well.

Chairman Martin – hopefully the property owner will also be understanding, the neighbors be understanding and will give honest input and also trying to find a solution, and if that is possible, please bring it back, it will help us out tremendously. If not, we'll make a decision based on the information we've had.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to reschedule this to March 21st at 1:15 p.m. Houpt – aye; Martin – aye; McCown – absent.

Item H – consent agenda

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the consent agenda Item H; Houpt – aye; Martin – a

LoVa Group – Commissioner Houpt requested that the Commissioners write a support letter for a grant for LoVa Group – she just received the email today. This is another grant opportunity.

Chairman Martin questioned if this was a new section, an existing section, is just money for what we've already.

Commissioner Houpt will look at the email but thinks it is for the South Canyon portion of the trail.

Chairman Martin – this is the one we're having a contract with and discussion that we're still supporting in reference to maintenance and liability and a few others – is that just the money they are seeking?

Commissioner Houpt – it's another grant opportunity for them.

Chairman Martin suggesting going ahead and reviewing to make sure we're not doubling up on the same section or causing a conflict.

Commissioner Houpt – thinks it is bringing in more money in for that section.

Chairman Martin – let's review it, bring it back if you can.

Commissioner Houpt – yeah, we'll have to do that today.

Chairman Martin – today?

Commissioner Houpt – yes because they need to the letter by tomorrow.

Chairman Martin – Mr. Dragon knows better than that. He knows we can't do it and turn around in one day.

Commissioner Houpt – yes we can.

Chairman Martin – if the letter is not in conflict and also dealing with the same section of the LoVa trail, South Canyon Area, and only for more money on a secondary grant, that would be your motion to go ahead to support and I would second that. If not, then we'll bring it back and discuss and Larry won't get his letter of support because we'll need more information.

Haupt – aye; Martin – aye; McCown – absent.

ADJOURNMENT

Attest:

Chairman of the Board

MARCH 8, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 8, 2005 with Chairman John Martin and Commissioner Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder. Commissioner Tresi Haupt 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

COUNTY MANAGER UPDATE – ED GREEN

Policy Regarding Direct Sales to Employees – Carolyn Dahlgren and Judy Osman

A draft policy for any person or entity, outside of County government employees, wishing to sell legal goods or services directly to County employees may contact the Clerk & Recorder's Office for information regarding approved time and place for sales in the Courthouse. There shall be no vendor solicitation to County employees in County Administrative Buildings – Courthouse Plaza, Taughenbaugh, Road and Bridge Facilities, Landfill, Fairgrounds, Henry Building Administrative Offices, Mountain View Building

County employees wishing to sell items related to "not for profit fund raiser" or commercial products or services to fellow employees may contact the Human Resources Department for information regarding posting of notices on building bulletin boards. Such employees shall not engage in such transactions during paid working hours, but may do so during the standard lunch hours (12-1) and before and after work hours.

This policy does not apply to Garfield County Service and Supply Contractors, approved by the Procurement Officer or the Board of County Commissioners.

Discussion:

Questions posed for discussion included: Allow sales in parking lots? Can signs be posted on buildings? Can signs be posted on floors and in departments? Should Tim contact known vendors to inform them of policy?

Judy said if we go with the policy, would it be the Commissioners intention to allow sales in parking lots like if Mountain Man came and set up in the back of a truck, in a parking lot, would that be allowable.

Carolyn said in this instance they would have to have a license and secondarily the comments that we received was that we would end up with the same thing – it would just be outside the building instead of inside the building.

Commissioner McCown by just moving the location, the problem is still there and it would not be appropriate.

Chairman Martin suggested sticking with the previous arrangement and designating advertising boards.

Carolyn – no soliciting and how to make sure vendors know of this policy is what we are trying to arrive at today.

Commissioner McCown – we could put signs on the buildings – no soliciting to Garfield County employees.

Carolyn – we need to make it clear that it is okay for vendors to come in and talk to Tim Arnett.

Judy – we would not need signs on the different floors if we have signs on the doors.

Carolyn – the departments might like to put them up for a while on the doors coming into their sections of the building just to make sure those folks know we mean business. The elected officials are okay with this, it's some of the departmental directors within administration who have had particular concerns with vendors wandering around on their floors.

Commissioner McCown – if we post the front door, you can post any door in the building if you want to.

Carolyn – how about putting the properly made signs and then on the departments put up the policy.

Mildred – this is primarily talking about the Courthouse Plaza, the Taughenbaugh and those other buildings.

Commissioner McCown – the Sheriff's office, not the Courthouse because you have made different arrangements.

Judy asked if we could have Tim contact the known vendors to inform them of the policy.

Commissioner McCown – sure. If he has their addresses, send a letter.

Carolyn – the last is to make sure what we drafted is what you meant.

The Commissioners agreed it was.

Married Employees on Health Plan – Judy Osman

Judy submitted a draft policy recommendation: Married couples with no dependents, who are both employed by Garfield County may choose employee only coverage under different health plans (PPO I, PPO II, or PPO III) or shall choose employee only coverage under the same health plan, if the cost to the County is less than the cost of both employees maintaining coverage under one plan (Employee plus Spouse).

Married couples with dependents, who are both employed by Garfield County shall choose Employee plus Family and shall be covered under the same health plan, (PPO I, PPO II, or PPO III).

Discussion:

Judy stated that the County currently has no policy in place for employed married couples (with or without children) regarding our medical plan.

Currently we have employed married couples on two different medical plans, which can be a cost savings to the County if no dependents are involved. If dependents are involved, the County is paying out more money to have one employee on a plan for employee only and the spouse on another plan for employee plus children.

Judy – we don't tell them which plan to take but we would tell them if you are married, you have to be on a plan, employee plus family. You can still select the plan.

Commissioner McCown – not sure how you can impose this on an employee.

Judy – you can when we change July 1 in our open enrollment and we can change our policy and say if you're married at all you have to be on a plan covering employee plus family.

Ed said the employee saves about \$75 a month by having the two plans versus one.

Judy said the plan the employee who is saving this money per month has a \$1,000 deductible that's not costing him anything for it.

Carolyn – just because you happen to be married to another County employee why should you get that privilege that other folks are not.

Commissioner McCown said regardless of who you are married to, you are a County employee and no different than me, Don or you – you get to choose which insurance package you want. Doesn't matter if we don't ask you who you are married to.

Judy – wherever she has worked you always had to choose a plan and you couldn't choose two separate plans, couples couldn't choose two separate plans.

Commissioner McCown – the way he views this is they have chosen a plan, each employee has which is no different that the other 300 employees.

Judy was looking at how we were spending money.

Ed's concern is the \$5,000 to \$6,000 it will cost the County for one employee and his view is we don't need to spend that extra money. We are providing an excellent benefit to employees and there is no reason why a family shouldn't be covered under one plan, rather than two.

Judy explained that if they were on the family plan, they would only have to come up with \$1050 versus the \$1700 they now would have to pay out of pocket under PPO 1 and under PPO 3 - \$3,000.

Carolyn asked for direction from the Board.

Judy said we go into open enrollment in 6 weeks and everything needs to go to the insurance company therefore, the HR needs direction.

Jesse – this can only apply to employees because we have married couples with dependents throughout the County.

Judy – it saves the County money if you don't have dependents to have them have their own plan.

Commissioner McCown – if we're going to establish a policy, it's going to be once you're married, your under one plan no matter what it cost for the kids; we're not going to cut the kids.

Judy said it's where you have dependents that you can tell people that they have to be on one plan because you're looking at taxpayer's cost.

Commissioner McCown – not discounting anything you've done, but on one hand we're telling the employee one thing and the minute there's a child involved, then that policy does fit it.

Chairman Martin would like to discuss this further and do some research – we have a menu plan with three choices with different levels of commitment and it's up to individuals and family to make their budget work. The Board will review this in the next 30 days and we will be looking at their interest and the County's interest.

Judy said they will be going out to departments because of open enrollment in the month of April to do open enrollment.

The direction was to bring it back to the Board.

Letter from Mesa County – Tour of new Road and Bridge Facility

Ed reported they were impressed with the facility and the technical capabilities of that facility and the fact that it was cost effective to build and they are looking to do something similar.

Notification from the Landfill on upcoming dates for activities:

Earth Day – April 1, 2005 – allow residents to have one free pick-up load at the landfill

Household Waste Collection Program – May 21, 2005

Electronic Hazardous Waste – June 4, 2005

Household Hazardous Waste – September 24, 2005

These are on the Consent Agenda and they will be posted on the website.

Conference Call with DOE on Wednesday

Ed said this is to finalize their presentation to the Safety Council on the 24th.

COUNTY SHERIFF UPDATE – LOU VALLARIO

COUNTY ROAD 215 SPEED LIMITS aka PARACHUTE CREEK ROAD

Lou submitted a memorandum in response to the Board's request to look into lowering the speed limit on CR 215.

Lou stated in his memorandum that the Patrol Division cited concerns about the deterioration and topography of the road as well as the varying speed limit currently in place. The volume of traffic is increasing and most of them suggested lowering the speed limit.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to reduce the speed limit on CR 215 to a maximum of 45 MPH with an adequate speed reduction/acceleration zone entering or exiting the Town

of Parachute at 35 MPH and authorize the Chair to sign the Resolution. Martin – aye; McCown – aye. - Houpt – absent

Remodel of the Sheriff's office

Lou said this is going great and according to plans and somewhat ahead of schedule. There have been some small adjustments, but it is taking shape.

Animal Resolution

Lou stated that Don looked through it and sent back some comments and question. Lou plans to address those and return the document back to Don and hopefully the Board will have it before them shortly.

Sergeant Attacked by a buck deer – a buck deer attacked him as he was driving down the road; the deer rammed his car and the driver's door, put his head through the window and the staff person ended up with a lap full of antlers. No one was hurt – the deer was dead or killed shortly afterwards. A Doe ran out in front of him and he hit the brakes and stopped, then the buck hit him. The vehicle can be repaired.

The new Sheriff's vehicles are in and the troops like them a lot – the vehicles are real impressive.

School District 16 request

Chairman Martin had correspondence from School District #16 requesting their school acquisition fees of \$1235.82 to be sent to them.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Treasurer to release all of the school acquisition funds to all of the School Districts upon request from those Districts. McCown – aye; Martin – aye; Houpt – absent

Don said these funds are supposed to be used for site acquisition but in terms of monitoring, it's very difficult. It's not up to the County but private taxpayers could monitor those funds if they wanted to do so.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session – Deliberative Process regarding an Ex Session related to discussion of refinancing the Certificates of Participation for the Jail - Jesse Smith; CR 256; DDA litigation; Litigation with COGCC; Brief update on CBMS; Update Personnel Item from the Road and Bridge Department; Update on Meeney litigation; and discussion of potential litigation with Chicago Italiano and SUP

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 Martin to come out of Executive Session; motion carried.

Action taken:

DDA Litigation

Don asked for direction concerning the DDA litigation, the Court of Appeals has now filed its opinion and the Board is now aware of that opinion. The next step in the process is either to file a petition for rehearing at the Court of Appeals or not file such a petition.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the County Attorney to file with the Court of Appeal to rehear the matter.

Don – with further action to the Supreme Court, that would be a separate motion.

Commissioner McCown stated he would stay that action until we hear some action from the Court of Appeals.

Chairman Martin noted that he saw some technical missings on that appeal. McCown – aye; Martin – aye; Houpt – absent.

Hearing on the Divide Creek Seep in front of the COGCC, we have now had an opportunity to review the final proposed consent order which is in the form of a Memorandum of Understanding amongst all the parties for that case and asked for direction from the Board and if you elect in that direction to go forward with this draft, he requested authority of the Chair to sign any necessary Memorandum of Understanding.

Commissioner McCown stated that it addressed all of our concern, and made a motion to authorize the Chair's signature on this document and to be sent out to all of the other interveners for their signatures as well. Chairman Martin seconded the motion and added that he feels it does cover everything that we have discussed and they were willing to make changes; those interveners now need to step forward and also support everyone. McCown – aye; Martin – aye; Houpt – absent.

Refinancing the Certificates of Participation for the Jail

This funded the construction of the Garfield County Detention Center; the administrative staff is looking for direction as to whether or not the Board would like to put an RFP out to see if we can get proposals for such refinancing.

Commissioner McCown so moved that the staff be directed to put together an RFP with the conditions as they deem necessary for refinancing and that it be made available to various bond companies. Chairman Martin seconded and stated to make sure everyone was on the page. Martin – aye; McCown – aye; Houpt – absent.

COMMISSIONER REPORT

Commissioner Houpt - absent

Commissioner McCown - met Thursday with some members from EnCana to discuss some on-going projects they have, some future projects they have coming up; Saturday night, was the Demons and Diamonds 4H Fundraiser – very well attended – very good fundraiser. AGNC meets Thursday in Meeker at 10 a.m.

Chairman Martin – Met with the Salazar's in Grand Junction and also had a meeting with the Trails people prior to the Trail Summit on Thursday; left on Wednesday to go to Washington DC to attend the National Association of County Commissioners (NACC) – on the Board of Directors for the Western Interstate Region of Public Lands and

that took place on Thursday; a board meeting for 3 hours and discussed everything from what's happening on the Roan Plateau to the North Slope in Alaska and other issues – access to public lands – a demo enacted where you get to pay if you use public lands in certain developments; also had the public lands steering committee on Federal payments and the Subcommittee on Federal payments and understanding even more what our reporting requirements are not going to be under PILT and Forest Service Reserve Act as well as the Rural School Act – we have to report every year to the State Treasurer's office on the moneys and percentages of money we spent from PILT on certain projects under the different scenarios. Attended the Environmental Energy and Land Use Committee and Subcommittees and that was interesting on the development of energy – the change of land use dealing with Federal lands and the gateway communities/counties especially with what their new role is going to be and we are also recognized in the National spotlight as being a leader in cooperative agency status with BLM and Forest Service. They wish to use Garfield County as an example of how it can get along, not always smooth, but at least we are there at the table negotiating – they were very pleased that Garfield County is taking that lead. A highlight to that, we also received information that Garfield County, out of all the Counties in the nation is #43 – best place to live with all the other amenities and also how well we are run. This was a great recognition. Steering Committees on Gateway communities – how we play a very important role, that was the following day and it was a very important meeting. 10 to 12 actions per day from 7:00 a.m. until 8:00 to 9:00 at night. – It was worthwhile and will catch up to the staff with all this information.

Ray Combest Memorial Service will be held 5:00 p.m. on March 9th at the Community Center.

Chairman Martin recognized Ray as a good friend as well as a government employee and he did his very best to make things easy for Community Corrections and Probation. We will miss Ray a lot.

Ed said we are postponing the Energy Advisory Board until Tuesday, March 15th; the reason is we need Doug present to present the scope of work.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Authorize the Chairman to sign an Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement and Reduction Certificate #5 for the Sun Meadows Estates Subdivision – Mark Bean
- f. Approval of Special Events for the Landfill in 2005 – Kraig Kuberry and Marvin Stephens
Dates have been set for events as: Earth Day – Friday, April 22nd; Hazardous Waste Event #1 – Saturday, May 21st; Electronic Waste Recycling Event – Saturday, June 4th; Hazardous Waste Event #2 – Saturday, September 24; and the Electronic Waste Event held at the Fairgrounds and the other events held at the Landfill from 9:00 a.m. to 4 p.m.
- g. Liquor License Renewal for Fairway Café Battlement Mesa – Mildred Alsdorf
- h. Authorize the Chairman to Sign the 1) Authorization of Partial Letter of Credit Release/Reduction Certificate Number 4 and 2) the Acknowledgement of Partial Satisfaction of the Subdivision Improvements Agreement for First Eagle's Point Subdivision: Applicant – Battlement Mesa Land & Development Company, LLC – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Martin to move the Consent Agenda Items a - h. McCown – aye; Martin – aye; Houpt – absent.

REGULAR AGENDA

PUBLIC MEETING:

CONSIDER REFERRAL OF A SPECIAL USE PERMIT TO THE PLANNING COMMISSION FOR MATERIAL HANDLING OF NATURAL RESOURCES FOR A 6-INCH NATURAL GAS PIPELINE.

APPLICANT: CRESCENDO ENERGY, LLC – FRED JARMAN

Fred Jarman presented the background for this request saying a SUP application was submitted to install a high pressure 6-inch pipeline (gathering line) to convey unprocessed natural gas from the San Arroyo Plant in Utah to the South Canyon Compressor Station in Garfield County. The entire proposed pipeline is 10.2 miles long with half of the line being in Utah and the other half in Garfield County. Of the portion in Garfield County, approximately 5,000 linear feet crosses one private property with the remaining portion being located on BLM land. The pipeline will be installed in an existing pipeline corridor.

The proposed route that crosses private property is a property owned by the Flannigan Family which is zoned A/R/RD. The necessary ROW grants across BLM and an easement across the private property have already been obtained and submitted with the application. It is for this segment crossing private property that a SUP is sought for "material Handling of Natural Resources" and is the subject of the application.

Fred submitted the County's zoning map that shows the location of the subject property located in the far southwest corner of the County.

Staff Recommendation:

Due to the extreme remote location of the pipeline location, limited nature of potential impacts, non-existence of residential dwelling within at least five miles of the pipeline, the location within an existing pipeline corridor, and the fact that the property is entirely surrounded and isolated by very large tracts of BLM land, staff recommends the Board direct staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission. Shawn Norris – Cordilleran and Compliance Service in Grand Junction, Colorado and representing the petitioner, Crescendo Energy. The South Canyon Gas Plant is operated by Canyon Gas – that plant is in West Salt Creek for geographical location. He showed photos of the area and gave the Board an area of what the existing terrain looks like and where the pipeline is going to be.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to hear this request and not refer it to the Planning commission. Martin – aye; McCown – aye. Houpt – absent.

Executive Session – Colorado West Promotions Contract – Dale Hancock

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 Martin to come out of Executive Session; motion carried.

The contract will be coming back on the 21st of March.

PUBLIC HEARING:

ABATEMENTS – SHANNON HURST

ROARING FORK TRANSPORTATION AUTHORITY

JOHN S. AND NANCY R. SCHNEIDER

FOUR SPRYS INVESTMENTS, LLC.

RONALD J. DICKMAN

COLORADO COUNTY ROAD LLC

Shannon stated there were no notification requirements on these abatements.

Don stated the only notification is to the applicant themselves; they should know about today's hearing.

Shannon – correct; most of this was done by the Assessor's office but if we do need to notify, Mildred notifies them.

Discussion was held with respect to notification of the taxpayers for the abatement hearings. Don informed Shannon that it was part of the abatement process in Section 39-10-114.5(1) CRS and the applicants should receive notification of the public hearing.

Chairman Martin – from now on we'll make it a standard practice to notify all of those applicants for abatements.

Mildred stated that she has noticed in the past but only if there is a recommendation for denial. The agenda is noticed and this is how we have noticed the applicants.

Don stated that actually the applicant should receive notice and pointed out that in a practical matter you're going to grant the applicant's request anyway but to be safe we should notify them.

Shannon - All of these abatements today were initiated by the Assessor's office and not the applicant; they called and the staff filled out the abatement.

ROARING FORK TRANSPORTATION AUTHORITY

Schedule R590307

Abatement of tax - \$2,357.27

Shannon explained that this parcel was sold to the RFTA on August 11, 2004 so we need to abate taxes from August 11, 2004 through the end of the year 2004 since this is a tax exempt entity.

JOHN S. AND NANCY R. SCHNEIDER

Schedule R008097

Abatement of Tax - \$6,746.23 for 2004

These improvements were in the gated community of Prehm Ranch making it difficult to arrange for a site visit; the property was shown as vacant land even though the building was 40% complete on January 1, 2004. This lowered the assessment rate.

FOUR SPRYS INVESTMENTS, LLC.

Schedule R006639

Abatement of tax - \$1634.90 for 2004

Shannon – on this one the Assessor took external measurements and the interior had unfinished area on the second floor that staff was not aware of, so this resulted in a decrease in value for the year 2004.

RONALD J. DICKMAN

Schedule R330204

Abatement of tax - \$1,535.02 for 2004

Shannon stated the particular parcel was split into three new parcels and due to a clerical area; this one wasn't deleted so there's a double assessment.

COLORADO COUNTY ROADS LLC

Abatement of tax - \$2627.68 for 2004

Schedule R311409

In this case the property was changed to a residential use in March of 2003 but the Assessor's office was not notified until they received the tax bill; this resulted in a lower residential assessment rate and abatement. Abatement of tax - \$2627.68 for 2004.

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to abate the tax on Schedule R311409 for Colorado County Roads LLC in the amount of \$12,627.68 for tax year 2004; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to abate the tax on Schedule R590307 for Roaring Fork Transportation Authority for tax year 2004 for \$2,357.27; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to abate the tax on Schedule R008097 for John S. and Nancy R. Schneider for \$6,746.23 for 2004; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to abate the tax on Schedule R3006639 in the amount of \$1,634.90 for Four Sprys Investment, LLC for tax year 2004; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to abate the tax on Schedule R330204 for Ronald J. Dickman in the amount of \$1,535.02 for tax year 2004; motion carried.

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

ADJOURNMENT

Attest:

Chairman of the Board

MARCH 14, 2005
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 14, 2005 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

- ***2004 Employee Survey – Ed Green***

Ed stated the concept of a Balanced Score Card for the County was discussed but decided not to do that full blown this year.

The results of the 2004 Staff Survey were tabulated and the results were submitted, including employee comments.

Comments specific to Departments/Offices will be shared with Department Heads/Elected Officials in order to address necessary improvements or clarify issues. This is position and there was a 45% return. She still has some concern about being treated with respect and there is still a lot of work to do, however there has been a lot of progress. This information will be sent out department by department and they can have the comments particular to their employees and they can address them.

The main areas of concern addressed by employees are:

- ✓ Communication
- ✓ Salaries
- ✓ Lack of Staff
- ✓ Taughenbaugh Building
- ✓ CBMS (DSS State System)
- ✓ Courthouse Security (lack of)

Any unsafe practices mentioned in the survey were immediately addressed to remedy the situations.

Administration will use the results of this survey to assist them when planning and making process changes.

Ed will be sending out a letter as part of the performance of the department heads to make sure the problems are being addressed.

Commissioner Houpt was pleased with the in-depth survey and will be looking forward to a follow-up.

Commissioner McCown has a concern of the number of disgruntled employees we have.

Judy said two of those are no longer here.

- ***Chip Sealing Various County Roads – Marvin Stephens***

Marvin Stephens and Tim Arnett were present and the award was submitted showing a recommendation for United Companies for Chip Sealing various county roads at a not to exceed cost of \$687,864.23.

Commissioner McCown suggested the potential of doing some more roads since the bid was under what had been allocated for this particular project this year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid to United Companies for Chip Sealing various county roads at a not to exceed cost of \$687,864.23. Houpt – aye; McCown – aye; Martin – aye.

Marvin stated he plans to put this on the website and hopes to do a weekly announcement of where the crew will be working.

- ***Applying Hot Bituminous Asphalt on Various County Roads – Marvin Stephens***

Tim Arnett and Marvin Stephens were present and submitted the recommendation for the bid award to Frontier Paving, Inc. for furnishing all labor, materials, and equipment to apply hot bituminous asphalt for a not to exceed price of \$395,415.00; \$38.577 ton price.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid to Frontier Paving, Inc. for furnishing all labor, materials, and equipment to apply hot bituminous asphalt for a not to exceed price of \$395,415.00.

Marvin stated they still have some asphalt to go out to bid on Four Mile Road.
Haupt – aye; McCown – aye; Martin – aye.

- ***Annual Procurement of Gravel for Various County Roads – Marvin Stephens***

Tim Arnett and Marvin Stephens were present and submitted the recommendation for the bid award to 5 different companies located in various districts due to the price of diesel fuel and traffic issues.

A motion was made by Commissioner McCown and seconded by Commissioner Haupt to award the gravel United, Flag, B & B, Grand Junction Pipe, Western Slope Aggregate and Lafarge with no certain dollar amount, same price per ton noting these pits will be used closest to the projects. Haupt – aye; McCown – aye; Martin - aye

- ***Annual Procurement of Various Sizes of Culverts – Marvin Stephens***

Tim Arnett and Marvin Stephens were present and submitted the recommendation for the bid award to Grand Junction Pipe out of Carbondale for a not to exceed price of \$32,605.00 for various sizes of galvanized culvert and culvert bands. The represents an increase over last year of 20%.

A motion was made by Commissioner McCown and seconded by Commissioner Haupt to award to Grand Junction Pipe out of Carbondale for various sizes of galvanized culvert and culvert bands for a not to exceed price of \$32,605.00. Haupt – aye; McCown – aye; Martin - aye

Town of Parachute - Waive the Building Permit building fees for the new Water/Sewer Plant they are building. Request was made to the Building and Planning Department and it is the normal practice to waive the fees for a municipality. We will be doing some of the inspections.

A motion was made by Commissioner McCown and seconded by Commissioner Haupt to waive the fees for the Water Treatment Plant for Parachute. Haupt – aye; Martin –aye; McCown – aye.

Preliminary Exit Audit Meeting

Ed reported that the preliminary Audit findings are there are no major problems and they will issue a report with some administrative suggestions, one is to strengthen the way we receive money and some of those will go away with the implementation of the module system. Overall it is a good report.

COUNTY ATTORNEY UPDATE – DON DEFORD

d. Executive Session: Litigation Update; Legal Advice – Deliberative Process Documents on Road Plateau 256 – previous litigation with EnCana and OGCC

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

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

Don, Ed, and the Board were to be included.

Action Taken:

Proposed MOU as parties to the COGCC proceedings that resulted in a fine to EnCana and the requirement to perform public project, Don requested to be authorized to sign that agreement to the Board on behalf of Garfield County.

So moved by Commissioner Haupt and seconded by Commissioner McCown. Haupt – aye; McCown – aye; Martin – aye.

Pending application of Presco to commence increased density in the vicinity of the Project Rulison site

Don requested the authority to file a motion to intervene to block the increased density and to seek proposals from potential experts to bring back to the Board for consideration

Commissioner McCown so moved; Commissioner Haupt seconded; Haupt – aye; McCown – aye; Martin – aye.

APPROVAL OF CORRESPONDENCE REGARDING COUNTY ROAD 256

Don DeFord submitted a draft of a letter to Jody Green, President of Citizens for Access to Public Lands, regarding her misunderstanding of the position taken at the Access Committee on CR 256 and CR 257 which as that this road did not connect at its eastern terminus to either CR 207 or CR 232 and that little purpose would be served for any of the public agencies attending the meeting to pursue legal right to establish CR 256. Research has shown that the Commissioners holding office in the early 1980's formally relinquished control of a substantial portion of the subject roads to BLM and disclaimed any further interest of Garfield County in those roads. It was also determined that the FAA condemned a portion of a roadway that accessed off of CR 256 lessening its importance as a public road.

A motion was made by Commissioner Haupt and seconded by Commissioner McCown to authorize the Chairman to sign the letter to the Access Committee as presented in draft form; Haupt – aye; McCown – aye; Martin – aye.

COMMISSIONER REPORT

Commissioner Haupt – attended the NAACO Conference in Washington, D.C. last week; the trip was very worthwhile conference and she served on the Environment, Energy and Land Use Committee and had 2 full days of subcommittee meetings and found it extremely enlightening and also they gave her the opportunity to share what is happening in our area in Colorado. Resolutions that were passed onto the NAACO Board for support at the national level: support of historical easement tax credits and conservation easement programs; expansion of American agricultural role in energy production; Resolution citing liquefied natural gas terminals to remain at the local and state level; wildland urban interface fire protection; reduction of Meth; haphazard land use and growth management; and had several discussion about other Resolution that we either passed onto other communities or didn't make a determination. This was a very comprehensive discussion and many different perspectives at the table and a great forum to become educated on national and local issues. As a State we came up with priorities that we then took to our congressional offices including surface transportation reauthorization really encouraging our congress people to

move the Transportation Bill forward; the Help America Vote Act – we believed there wasn't sufficient time to comply since it's been the requirements have been long in coming and no money for it so we urged them to look at the fiscal note and also to make sure there was ample time to comply in it in a productive manner; public lands – maintain Pilt and reauthorize Forest/County safety netting; Social Services and Workforce Legislation; reauthorize the temporary Aid to Needy Families; Block Grant and reauthorize the Work Force Investment Act; unfounded mandates and preemption are always a major priority for every state; proposed budget reductions were discussed; maintaining the Farm Bill and Community Development Block Grant Funding, and with all of these we were pleased with the discussions that we had with either our elected representatives or staff and feel they were heard as a State and heard locally. She took photos and information she had received from local groups on drilling just to educate people; this was really a great opportunity to spend some time to educate people who are thousands of miles away on what's happening here. Full day meeting with COGCC on oil and gas noise regulations that we're rewriting. A couple more meetings and we may be there. Again the question of who regulates compressor stations came up and decided that it made sense since we were talking about oil and gas in particular that these noise regulations would cover compressor stations but with everything else having to do with compressor stations it was the County's responsibility. We need to make sure that we're seeing the sighting and building of Compressor Stations.

Don – in response this is consistent with the way we regulate compressors; we have required SUP for them; this question of noise is one in which we've gotten two different readings from the OGC, the current directors' position in writing is that they regular the noise aspects of compressors and their regulations do seem to say that.

Commissioner Houpt – they do and the question was always in permitting, not in noise, it was the permitting of compressor stations and was told that we only permitted them if there was a structure around them but what she is hearing is that all the other counties are having them go through the permit process regardless of whether there is a structure around them or not.

Don responded that Mark and he have looked at that issue after discussing this with Tresi and his position is we do require SUP for compressors recognizing the noise aspects of it, we may be preempted. There is a current proposal on the table down by Parachute now for multiple compressors are one site, all of which will technically be mobile facilities. They come in and go out on skids and they will be treated as SUP.

Commissioner Houpt – the speculation of whether or not the COGCC would regulate noise with compressor stations was brought up and those around the table with the exception of COGCC thought that this should be given to the counties but it makes a lot of sense to keep it in the noise regulations we're developing.

Chairman Martin – the CGC director was present and he said he has the authority and will take that authority and preempt all the counties authority.

Commissioner Houpt – on Friday, CCI in Denver. This week on Wed. at 1:00 p.m. at Glenwood City Council Rick Baca from John Salazar's office will be here to chat with people around Garfield County, elected officials and managers and we've invited Pitkin County and Aspen as well – this will go from 1:00 to 2:30 p.m.; Thursday - I-70 Intermountain Corridor Coalition meeting; and a meeting with Tom Morton following that and Friday – CCI meetings again.

Commissioner McCown – Associated Governments last Thursday in Meeker, Jin Evans reported on a trip to Houston that he and Gary Aho took and met with the folks at Shell Oil regarding and where they are going with their oil shale development and all indications are that they are continuing with the very small experimental facility that they have in place but within in next couple of years they are looking to upgrading that to a full blown R&D process. No time line; no firm commitment, but now they were adamant that it is still a very small research facility at this point, but the way things have been developing they are looking at increasing it. They are moving additional administrative personnel to Denver. Over the next few years we probably will be seeing increased presence from Shell in our petroleum community.

Chairman Martin – said he has been assigned to the Work Force Task Force and will be sitting down and going over all the information gathered on Wednesday in Denver – seeing if they need to start over or not or if we can open the position hearing from Wyoming, Idaho, Montana and revamping Colorado's if necessary – this is an ongoing process. Also he was assigned to the committee for the review of Pilt funding for the nation and will sit down as a working group to see how that is distributed and to make sure it is not undone. PILT is payment in lieu of taxes and the federal government to a country that has public lands within their borders, both BLM and Forest Service and there is a formula that goes out and responsibilities of reporting and also actions the County receives that they can or can't do with that money.

Ed – received an agreement from the DOE to present to the Safety Council on the 24th and all three Commissioners are invited from 10 to 12. That's on the I-70 Corridor. Also, the Mayor of Rifle, John Heir, Dale, Ed and Jesse are going to Denver on Tuesday to talk to the insurance company that has some interest in relocating to Rifle.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers -none
- d. Changes to Prior Warrant Lists
- e. Authorize the Chairman to sign the Resolution of Approval and Special Use Permit for "Storage" for a Property located at 0589 County Road 113. Applicant: Scott Fenske – Fred Jarman
- f. Authorize the County Commissioners to sign a letter of support for Advocate Safehouse – draft only

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – f, absent item c; carried.

**REGULAR AGENDA
PUBLIC HEARING:**

LOSS ANALYSIS – CTSI – JON WAGNER (County Technical Services Inc.)

Jon Wagner submitted the report and explained that they operate 3 insurance pools and Garfield County is a member of two – CAPP (liability issues) and Workers Compensation. The other is the County Health Pool.

They are non-profit and operate these insurance pools. 50 counties in the CAPP pool. Last ten years the claims have been way fewer than 100% of the money contributed by the Counties. The pool itself consists of the 50 members and they have returned almost \$50 million back to the Counties – Garfield County had nearly \$80,000 returned.

Last 5 years – 94 CAPP claims for \$374,000 with a high emphasis on the departments covering law enforcement, Road and Bridge and administration. Only 15 of the 94 were administration and that includes all elected and support staff except for Sheriff and DSS.

Law enforcement – most frequent claim is vehicle usage.

Nothing sticks out as a trend that risk management or training would help.

As for the claims involving vehicle usage, Jon stated that defensive driving classes have been suggested. He also recommended checking driving records when hiring County employees that will be driving County vehicles. And rid of all decorative candles on employee's desks – create \$1.5 million in loss to Powers County.

Workman's Compensation – 100% paid in and all counties share. Equity is \$4 to \$5 million. \$17 million in the CAPP pool. Garfield 233 claims for \$487,000.

91 of those were law enforcement related.

They see a lot of repetitive stress and cumulative trauma involved with overuse of a muscle group such as rotor cuff, tennis elbow and carpal tunnel. This is caused by repetitive use and can be a factor if improperly sitting while at the computer. Shifting of gears in trucks can create a tennis elbow.

Jon said there were no severity and no catastrophic claims.

Types of Claims in each of the departments – administration – cumulative trauma – slips and falls, pushing and pulling.

Safety Committee – he encouraged the opportunity to bring it back again – involvement by the employees.

Law Enforcement – Jon will be providing a loss analysis with the Sheriff – vehicle driving.

No coverage for prisoners or a child with Social Services. Before no fault left there was coverage for passengers such as mentioned. Medicare or Medicaid coverage for those passengers. There is liability insurance on the vehicles for injuries.

ROAN PLATEAU COMMENTS LETTER – RANDY RUSSELL

Randy Russell requested direction from the Board for the comment letter and was the Board going to provide a comment letter.

The Commissioners agreed they would provide a comment letter and confirmed that a great deal of discussion would be necessary to formulate the comments. This is an important part of the process and supported moving forward.

Chairman Martin noted that as a cooperator we do not have to submit a comment letter but in order to clarify our concerns and direction we would like to see taken, but the desire of this board is to do so.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to go ahead and do a letter of comment to the BLM. Houpt – aye; McCown – aye; Martin – aye.

As the perimeters of that letter, the Board has had numerous discussions, participated in public meetings and had public testimony, talked to our cooperators – BLM to Rio Blanco, City of Rifle and Parachute, etc. and there are about 40 to 50 items we need to go ahead and discuss

A decision was made for Randy to proceed with the letter with a variety of comments in bullet form with the concerns listed and at the March 21, 2005 they would go through the list and expound, develop, discard, as this Board agrees on.

Commissioner McCown clarified that this is a technical review and a bullet point may be all of the technical information or concern that we need to submit to BLM, but the fact that we submit even in a bullet point form, a point on a particular item be it traffic, oil shale, ACEC, whatever it may be as long as we present that particular item to BLM in our technical review letter then that is on the table for discussion.

Randy said it creates a marker for one on one or group conservation in the future.

Commissioner McCown is hoping that our comments will be brief and that's what will come out of the meeting next Monday.

Once the comments are given to the BLM they can further expound and discussion can take place in the public format with the round table with the other cooperators.

Randy will draft the letter for review at the April 4th meeting in time for the April 11, 2005 deadline to BLM. It was also decided to leave choices of language out in this bullet point discussion. The Commissioners will determine the language to be used.

The agenda time for the Public Meeting was set for 1:15 p.m. April 4, 2005.

CONSIDER AN APPLICATION FOR A CONDITIONALL USE PERMIT FOR AN AIRCRAFT LANDING STRIP LOCATED WEST OF GLENWOOD SPRINGS AT 9044 BLACK BEAR ROAD, IN THE MOUNTAIN SPRINGS RANCH. APPLICANTS: DAVE FORCE AND KATHRYN COOPER – MARK BEAN

Mark Bean, Carolyn Dahlgren and Dave Force were present

Carolyn Dahlgren reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits: Exhibit A – Proof of Certified Mail 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 –Application; Exhibit F – Staff Memorandum; Exhibit G – Review Memo – City of Glenwood Springs, Exhibit H– Letter from Sopris Ranger District dated 2-25-05; Exhibit I – Letter from Peggy Hill dated 2-20-05.

Exhibit J – letter from Members of the Mountain Springs Ranch Homeowners Association and Mountain Springs Ranch Road Rules dated March 13, 2005; and Exhibit K – email from Scott Frederickson at FAA Government dated March 14, 2005 to Brian Condie.

Chairman Martin entered Exhibits A – K into the record.

The Applicant requests approval from the Board to allow an Aircraft Landing Strip (1,100' x 80') and associated future hanger structure (80' x 50') for tow aircraft. The application indicates the use is for an existing unimproved strip with a grass surface for the sole use of landing two (2) private single-engines, four-seat aircraft for the use of the land owner and Applicant. The number of take-off/landing combinations has been a maximum of 8 times a day to none in two weeks. No fuel depot is proposed.

For this type and size of landing strip, the Applicant has indicated that the Federal Aviation Administration has no rules or permits governing the usage of the facility other than a light aircraft single-engine pilot's license. The Applicant currently has a legally issued FAA license: #2041469. No landing lights are required for the operation of this facility. The Applicant further asserts that the landing pattern for the proposed use does not encounter any dwelling units. There is one house 300 yards from the north end of the runway and two (2) houses ¼ a mile to the east and northeast of the proposed use which is the take-off portion of the landing pattern.

The Applicant is in the process of building a single family dwelling unit and expects a certificate of occupancy in the summer of 2005.

The property is at 0944 Black Bear Road off of County Road 127 and Mountain Spring Road southwest of Glenwood Springs. It is heavily wooded with a natural, long clearing that is 1,100 feet by 80 feet in dimension, which accommodates the home, the proposed hanger and the existing landing strip.

Exhibit I, Peggy Hill, Mountain Springs Ranch resident, has expressed concerns about low flying aircraft and the potential for a crash and a possible fire from a crash. She also expressed concerns about damage to the roads, if there was an increase in heavy truck traffic.

The applicant has indicated that water and ISDS for personal use will not be necessary for the landing strip; however a 5,000 gallon water tank exists on site with a gas powered pump with a 250 foot fire hose for fire suppression for the home and proposed hanger. No comments were received from the Fire District.

The applicant has provided information that indicates the proposed use will not encourage or require (for maintenance or fuel support) more average daily trips than exist at the current time.

The proposed use has been in existence and the remote nature and location of the property is sufficient to not adversely impact the proposed use.

As noted previously, Brian Condie, Garfield County Airport Manager has indicated verbally that a personal airstrip that has less than 10 operations per day on average is not subject to any FAA requirements. As such, the applicant's would not be required to file a form 7480-1, Notice of Landing Area Proposal.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **APPROVE** the Conditional Use Permit for an Aircraft Landing Strip with the following conditions.

1. All representations of the applicants contained in the application and made during the public hearing on the application shall be considered conditions of approval, unless modified by the Board of County Commissioners.
2. The landing strip will be limited to use by the applicants, unless it is used for emergency purposes by another person.
3. The number of airport operations will not exceed the number allowed by Federal Aviation Regulations Part 157 that does not require a Notice of Landing Area Proposal. If required by the FAA to file a Notice of Landing Area Proposal, the application will be brought back to the Board of County Commissioners for reconsideration and possible public hearing.
4. Should any of the communications facilities located at the Sunlight Peak Communications Site be required to be painted or illuminated by the FAA, as a result of this landing strip location being in operation, the owners of the landing strip will be responsible for paying for the cost of the painting or illumination required by the FAA.

Peggy Hill did voice concerns about low flying aircraft, fueling, and additional traffic. Mark did explain that no increase in traffic is proposed in this application.

Mark also noted that the concerns addressed in her letter were 1) safety and refueling on site and requested no refueling be done; 2) comply with the road rules; 3) aircraft for personal use only and 4) certain minimal height for flights except for landing and take off.

Brian Condie – FAA gives every owner the right to fuel their aircraft at the landing site however the restriction is no more than 660 gallons of cumulative types of fuel on site. Minimum flight is 500 feet from a structure or a person. This is for rural aircraft, for a city it is different.

Applicant: Dave Force – one request – he would like to let other people, his friends, land there and only at his permission. Presently Dave is fueling at the Glenwood Springs Airport. Other landowners have fuel tanks for their agricultural and recreational uses and he should be able to fuel his aircraft.

Public Comment:

Matthew Vanhooose – adjacent property owner – Dave is one of the few good pilots around here and can land where he says he will. Objections – not like to see a hangar up there but don't mind his fueling. He has the machinery to maintain the airstrip. There's a road going through there for access and cattle are roaming the Mountain Springs Ranch. The other issues are he does know about the safety landing procedures and the residents only have one way in and one way out. There is a tight landing strip. Will this interfere with future development? If it increases a lot, then there are some potential concerns. There's no fire protection. He feels Dave should have the right to use his property. Bonnie Vanhooose – if this sets a precedent; if he gets to land and take off unlimited, can there be times specific? Will this lead to runway lights, etc in the future?

Ed Walters – was notified. He is a neighbor directly to the east and is here to generally support Dave. The existing runway is a good thing and would like to see some conditions added for safety and signage on the road. We need a margin of safety and Dave's a good pilot. Dave can contribute to the health, safety and welfare of this community. Some conditions on the safety of his aircraft with regular checks.

Deak Price – some conditions worth considerations. He is on file with Garfield County to have splits of his property into 40 acre parcels to the south and someday much of the land in Garfield County will be occupied with homes. He would like to have some conditions on this perhaps a length of time in order not to prohibit development. He also doesn't want to have to take any of the trees out. The most dangerous problem is the road to his ranch; it crosses the runway. Doesn't want to see any more gates and the best part is they are cautious when preparing to cross the runway. Propane trucks or gasoline trucks come to these properties. The other thing is the owner of the landing strip would have insurance to cover losses if there's a cow in the way that would cause an accident. Hate to see this be in perpetuity and if someone buys property from his ranch, this might be an enhancement to the property or a deterrent. He also doesn't want the easement changed.

Jim Sears – Emergency Operations Commander for the Sheriff's Office – looked at staff comments and the main concern was the fuel storage and now a road crossing across the runway brings up another safety issue but this could probably be taken care of by signage.

Commissioner Houpt – would you agree that there should be a condition on fuel storage?

Jim Sears – a problem with any large amount of fuel storage up there.

Commissioner McCown – problem with a fuel storage – we can't regulate a farmer from fuel storage and Dave has testified that there are already fuel storage being used in the area. Has a problem with regulating use for one type of activity and not for another. There is also propane stored for residential use. All fuel storage is a concern, but not prohibited by law to do that. The concerns about someone else landing – this application is for the landowners and once additional usage is allowed, it becomes a problem. The regulations are in place for the landowner to use a private landing strip only; emergency landings are taken into consideration.

Carolyn – other aircraft landing would take this out of the County's private airstrip regulations and into the FAA regulations.

Joe Dice – Silt – runs cows in Mountain Springs – Dave flies over the landing strip and moves the cows away. The fence has been discussed along the south side and it hasn't been built. Dave is not a part of the Mountain Springs area. Cows are there for 4 months a year. Good thoughts – a lot of helicopter traffic and one hit on the mountain up there. Having a landing strip for emergencies would be a good thing and he has no problem with fuel storage. Confident that Dave would have it stored safely. Subdivisions when moving into the Ag country need to accept what is there. A fence, like a three wire, doesn't stop a cow.

Commissioner McCown – we would have to fence out cows if we don't want them on the runway.

Applicant comments:

Dave – on the hangar – if he does build a hangar, it will all be underground as his house is on a hill and the only part of the hangar that would be visible would be the door. The field he lands in has already been used by the fire fighting personnel. The cows are not a problem, when landing he has great site distance and will fly over them to shoo them off; he can also see vehicles on the road; he can cover a quarter of a mile and see if anyone is coming. Vehicles also have great visibility to pass through the easement safely. They can see the full length of that field, especially from Mr. Price's land coming from the east, they drop down from a steep rise and there's no landing near the road – probably 200 feet or more onto the north is where he is touching down. Airborne out of there you can see great. Commissioner McCown suggested placing a sign, "please check for runway activity" or "low flying aircraft" to let users know that activity is occurring.

Chairman Martin – noted that Dave has been using the runway since the mid 90's; about 8 – 10 years now.

Dave said he carries homeowner insurance with an umbrella and have insurance coverage on his aircraft.

Chairman Martin – also stated for the record that Mr. Price was talking about 35 plus acre parcels and thanks to SB 35 it allows development without coming to the Board.

Commissioner McCown reiterated that they can't allow other aircraft to land because it would become an airport.

Commissioner Houpt asked Jim Sears if he has concern for a fire plan.

Jim Sears – normally they don't ask the fire district to review something outside their fire district. He was okay without a specific plan for fire protection.

Ed Walters – heard about the sign and it should be two signs one at each approach and also suggested some fencing to keep the cows off the runway. However, if it becomes a point to fence it off, he would like an easy gate for his kids to operate so he is not inconvenienced.

Chairman Martin – this would be up to Dave.

Dave stated he has no plans for fencing unless required to.

Commissioner McCown – referenced the diagram submitted and suggested Dave could put an electric fence to keep cows off the runway. This would not entail any gates.

Brian Condie – noticed that the safety area must be there so don't put a fence right next to the runway. He noticed there are a bunch of barns up there and a lot of Quansi huts are made already and you can put tractors, trailers, cars and plane in the same building so if there's already barns up there, he didn't know that putting a barn or hangar to

house an aircraft would be a consideration. The other thing he understands for clarification on private landing strip but a private airport is open to the owner and the invitees so I think that is what Dave was referring to was a private airport instead of a private landing strip which is what he will have. The pilot is responsible for see a Lloyd which means tress grow up over the next 10 years or vehicles on the road – this is the pilot's responsibility. And the safety, always a potential for an accident whether it's Dave or someone else flying up in the area with a helicopter and so on so that is a concern, and the 40 acre parcel of land, some people might consider this a hindrance and some might consider it a benefit but that's up to those who buy the land.

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 Conditional Use Permit for an Aircraft Landing Strip with the testimony from the applicant as part of the record today and with the 4 conditions of staff adding number 5 – which would be merely a simply one that signs be posted on both ends where vehicles can access the aircraft warning them that the activity is taking place, to please be cautious and look. Commissioner Houpt most concerns were answered by the conditions and testimony. Good communication with neighbors and important to keep this up.

Chairman Martin if a hangar becomes an issue it will need a building permit and would come back to the Board as well. The landing strip goes with the property not the individual.

Carolyn stated unless the Board states otherwise.

Houpt – aye; McCown – aye; Martin – aye

Weed Mapping – CCI Meeting

Chairman Martin said we are going to call all of the weed managers and Eric Lane who's in charge of the State Weed Boards and have a work session that will probably be hosted by Garfield County. Rio Blanco and Moffat both voiced the same concerns at Associated Governments as well.

ADJOURNMENT

Chairman of the Board

MARCH 21, 2005 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 21, 2005 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

✓ *Purchase One 2006 2-Ton 4x4 Dump Truck – Bob Crompton*

Tim Arnett and Bob Crompton were present. The recommended award for One 2006 2-Ton 4x4 Dump Truck is to Glenwood Springs Ford for a 2006 Ford 2/Henderson, Mark 3 Dump Body for \$39,950.00.

Bob said by purchasing this truck it will save on repairs on vehicles at least for the first three years. This will be better for big events as we can have something to count on.

Cost analysis – this issue came up because there were two trucks and one was to go to the Fairgrounds – this didn't occur. It is being used at the Fairgrounds. The cost analysis was submitted. Total savings \$52,000.

The tractor for the Road and Bridge would not be purchased for 3 years if they purchase this dump truck.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the bid to Glenwood Springs Ford for a 2006 Ford 2/Henderson, Mark 3 Dump Body for the Fairground in an amount not to exceed \$39,950.00. Houpt – aye; McCown – aye; Martin – aye.

✓ *Paint Striping Various County Roads – Marvin Stephens*

This was withdrawn by Marvin Stephens due to some incorrect numbers.

✓ *Bond Release to Evergreen Operating Corporation – Mike Vander Pol*

Mike stated that Evergreen Operation Corporation submitted correspondence requesting that we acknowledge satisfactory performance under the terms of our road use permit or overweight permit and further that we release their surety and bonding company from all obligations provided pursuant to that permit. Mike stated that his department has reviewed the permit and it is his opinion that there are no potential claims that may be asserted by the County against the company and recommended release of the bond number RLB0056998.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the release of security for Evergreen Operation Corporation bond number RLB0056998. Houpt – aye; Martin – aye; McCown - aye

✓ ***Airport T-Hangar Conceptual Proposal – John Savage***

Applicant: Savage/Moore/Tamburello (Colorado Limited Liability Company consisting of John Savage, Sally Brands, Dr. Tom Moore, Greg and Ann Tamburello).

The applicants proposed to build the first new small (under 12,500 lbs) general aviation hangars at the Garfield County Airport in almost 20 years. We feel that small general aviation needs have been underdeveloped at the Airport to the ultimate detriment of the airport and community. Small general aviation provides a substantial economic base for the FBO's and a constituent base for support of the airport. Development of the West GA Area will require a substantial investment in infrastructure over and above the needs of the initial hangars for which there is current demand. Therefore applicants propose a phased development plan that will enable us to amortize those upfront costs over a larger project and to build as market demand dictates.

The plan includes initial construction of a 320' x 54' x 14'6" (2 block hangars and 10 T-hangars) hangar building for small general aviation aircraft. 3 bays will be used by the applicants, one (1) other is informally committed; the balance will be sold or leased, as the market dictates. Additional buildings will be constructed as market demand develops as block hangars, T-hangars and/or shade hangars.

John stated he hadn't been involved in flying until last year. This is a wonderful airport and Rifle is as good a basic operation as is except for the lack of general aviation for small planes.

Small general aviation is on the boom now and Garfield County is ready for this. This is a ½ million dollar project.

The project would be completed by the first of October of 2005. They are looking to the County for some upfront costs for infrastructure costs. Taxiways and entrance roads will need to be built and if the County is unable to do this, they may have to and then work out a repayment schedule for the County. The existing road with minimal improvement – goes through the general parking area is acceptable. The security system set up is very good.

John Savage stated his concerns about the lease terms where the property reverts to the County; his time frame in this County, the investment in the family philosophy is a lot longer term than a lot of peoples and a 40 year lease where the hangar reverts to the County, these are assets for their families and kids and Brian responded to this that his idea is a 20 year lease with two ten renewals and the hangars are still ours at the end of 40 years with the presumption that they could renegotiate another ground lease is acceptable. A punch list actually ought to be more than a 10 year frame. Your obligations to maintain buildings at the Airport are an on-going daily obligation and monthly, yearly, quarterly, and that's the kind of operation they expect to run. His concept is that owners, general aviation personal owners should get a break on the land lease rate. Conceptionally, if they are leasing to other people they should pay the same lease rates as FBO's do; but still owner occupied ought to get some kind of break. This is a huge capital investment and they are taxpayers and it seems they should have a little different treatment than revenue generated business out there.

Greg Tamburello thinks this is a big investment and the upfront costs should be adjusted in the lease process. The big issue was the lease with the County and the County responded with a couple renewal periods. This is a big investment and they should be able to have some time to get it paid back. The cost incurred up front on this with the construction, the payback is going to be at least 20 – 30 years.

Commissioner McCown – on the issue that general aviation owners should be given a break, he asked if this was going to be condominized where each individual hangar space will be owned by an individual, the building and the lease will be born by an association controlled by you and your group that's investing in the infrastructure, so how does this owner operator break on the rate fit in?

John – The details haven't been worked out, but if we are leasing, the building developer still have an ownership and would be running that entity and they would be the lessee and would be responsible to the County and there would be some kind of an internal association if you have a combination of owners and lessees. That would be internal; the County would still be dealing with the ownership entity. If you got to a point where all the hangars were sold to owner occupied, then the business owners hangers association would become the lessee and that's who the County would deal with.

Commissioner McCown was in favor of the hangars and we have needed it for a long time. On the lease break, if it's owned by a party of four and the County has several units, you're basically doing the same thing as Corporate Air and the Jet Center – you're renting space. It's not an owner occupied, it is from your four airplanes and if the four partners each has an airplane he can see that, but the other eight units we're talking about here would be a similar lease to what the jet center and corporate air would pay because it's a commercial venture. You're leasing space.

John proposes that at the end of the year, your lease is paid in advance, so the first year they would pay based on all lease space and then at the end of that year then they would look back and say x space was owned, x space and reflect or make that correction/pro-ratio on the next year's lease payment. Carolyn, John and Brian can work out the details. These condo/hanger associations are done routinely and shouldn't be a problem if we do the paperwork.

Commissioner McCown – what you're asking us today is a basic concept approval to move forward with this and then John will bring back the details back to the Board for final approval, but this will at least let John and his group moves forward in the planning process, etc.

Carolyn stated if the Board is not interested in his project they need to know that now.

Commissioner Houpt acknowledged that this was important but wanted a sense from Carolyn and Brian the lease rates – it wasn't long ago that we adopted lease rates and how does this fit in with the policy we adopted.

Brian – the lease rate is \$.18 cents per square foot per year so on this building if it was a full rate it would be \$5,903 a year. If we cut that in half, that would be \$2,950; but before we get to the importance of that, we have to get back to the hang-ups of this project, mainly the infrastructure. Brian did some research to come up with some numbers, talked to Bill Bailey with United Paving to obtain some numbers to put in the taxi-way. Next year our public parking is scheduled to be overlaid. We can top that top 1 ½ of Rotomil and just build the road up with it and save a lot of money and fill. So if we do the road next year it will be \$58,000 but it will be less expensive

with the Rotomil. As far as the taxi lanes, we don't have to build that to FAA standard because it is for aircraft 12,500 pounds and under so we can use the road standard on that and he gave me a general estimate between \$76,000 to \$110,000 for the taxi lanes. They would need to go up this year. So whether John Savage or the County put these in, it's important, because at that rate, if we charge the full lease rate, it's 13 years before this Association would pay the first month rent; if we cut it in half, it's 25 years before they would pay a lease rate. John will probably put in another hangar so that will come down. The taxiway project is also eligible for FAA funds, at 90% but our next available year is 2011.

Once the taxiway is in place, maintenance would be at the cost of the County. The lessee would pay and maintain the apron in front of his hangar which is 20 feet and then the building itself.

Brian stated we have worked a lot with economic development and will report on his trip on April 11th at the BOCC, but one of the important factors in marketing is starting in our own community so this would be one thing we could do to start in our own community.

John Savage – One concept he failed to mention was to have an option on future hangars. If they take the leap off and break it out and open the door, then they want the first crack of new buildings and leasing of future spaces. It will be time limited and there will be some type of first right of refusal; someone else comes in and wants to build a hangar, they will have a short period of 30 – 60 days, we build it or release it. Brian held this solicitation last spring and some interest and then no one but John came forward. They want to build this into 3 – 4 buildings over the next 5 – 10 years.

Commissioner Houpt wanted to see this in writing with some number.

Brian reminded the Board that Corporate Air has a first right of refusal next door to them. We will still market the other side of the taxiways that we put in, it's the County's taxiway and we can still market it, but just give the courtesy to John to either put it in or work with the individual. As long as the hangars are going up he's happy. He would like the County to put in the infrastructure at least look at putting this in ourselves and would like authorization for an engineer to at least look at this and get a firm cost on it. The roadway – would like to tack it onto the extension for next year. Water – in talking with the fire district, we need a fire hydrant every 500 feet for each building so by 2010 we might need to extend the water line at a cost of upwards of \$30,000. Power – we can run a junction box, the main junction box to support 4 – 5 hangars then each individual hangar can pay the cost to tie into that junction box. Sewer extension - Brian has talked to Bill Sappington from Rifle on this and don't know yet.

Carolyn commented that this impacts our pre-annexation agreement with Rifle if we are going to use City Water and Sewer credits under that agreement. This is another big infrastructure issue as we have tried to move away from ISDS at the Airport.

John Savage – the problem is the whole hangar can't flow back to the existing city sewer. You will either have to do a lift station or their concept is to do a temporary ISDS further west and after several buildings are put in to extend the sewer line down to the west end of the Airport and hook in at the bottom of the hill.

Brian – until then the Airport office has the hallway down the side to walk off the main office and make that available to the public for a public restroom on the field. It might be 3 – 5 years before the 3rd building goes up; it might be next year. These are some things to be aware of. The lease rate – it's in best interest of the County be sure we have a punch list and we're able to renegotiate the land lease rate. So after the first 20 years, that was Brian's recommendation and John agreed with that. The maintenance will be on-going but a punch list gives us the opportunity to make sure it stays up to the standards we want. Also, they retain ownership of the building they can sell it, renew the lease at the end of that term or haul it away. As far as the lease rate, John will do all the calculations. The details need to be worked out and Brian asked to proceed.

Commissioner McCown – supports this and commends John and his group for the proposal; he is comfortable working with a local group and he made a motion that was seconded by Commissioner Houpt to approve this conceptionally and that they move forward with negotiations and bring back a finalized contract. Houpt – aye; Martin – aye; McCown – aye

Infrastructure – Brian and Carolyn; John will run the numbers to see if this works.

Direction was given to Carolyn regarding her question about whether the Board wanted Brian and her to come back first with the infrastructure discussion or wait and hear all at the same time.

Direction – whatever works in the best timeline so we can get this off center? If we need to do the infrastructure first, bring that back to us and it will still allow the negotiations to go forth rather than waiting for all of it.

Brian stated they will work on the infrastructure and that will give John the ability to run the numbers to see if it will work.

DOW — due to potential litigation

Carolyn asked for an emergency executive session due to potential litigation where both the DOW and the County could be named defendant. Jesse has to be at a meeting at 9:00 a.m.

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.

✓ FAA MOA & AIP Documents – Brian Condie

Brian submitted a letter from Leroy F. Hurley, Contracting Officer – ANM-56 Acquisition Management Branch of the FAA stated the FAA is changing the method of documenting FAA owned navigational and communication aids which are located on airports to provide greater manageability and ease of use. They are converting the individual leases under a master Ground Lease to a Memorandum of Agreement. The MOA will reference the most current Airport Layout Plan to identify navigational facilities' placement rather than legal descriptions, and will use a separate form to list the most current facilities that reside on the airport.

The MOA was submitted and a request for the Board to authorize signature, then return to the FAA regional office for counter signatures. This MOA will verify that all of the FAA owned facilities are listed.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the copies of the Airport Improvement Plan agreement for transfer of the entitlements. Houpt – aye; McCown – aye; Martin - aye

Brian requested the Board authorize the Chairman to sign the memorandum of agreement with the FAA to keep their navigational facilities on the Airport, basically they will maintain them for the benefit of the County and we won't charge them ground rent.

Commissioner McCown made a motion to authorize the Chair to sign the MOU. Commissioner Houpt seconded. Houpt – aye; McCown – aye; Martin – aye.

✓ ***Out of State Travel Request for Tim Arnett – Dale Hancock***

The out of state travel request is for Tim Arnett, Purchasing Director to attend the 60th Annual Form and Products Exposition in Anaheim, California July 30 – August 3, 2005 at a cost of \$1300.00. The purpose of the travel is professional development, gain new ideas by networking with purchasing peers and with vendors about new products. Tim will also receive 3 recertification points.

Tim is using his own personal vehicle and this would be very valuable

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the expenditure of \$1300 for professional development for Tim Arnett to attend the conference. Houpt – aye; Martin – aye; McCown – aye.

✓ ***DOE – Oil Shale – Salt Lake - 30th of March – Travel Request.***

Doug explained that DOE Oil Shale Advisory Committee will be meeting on the 30th of March in Salt Lake. He asked if there was an interest in having someone attend. The estimated less than \$500 in cost.

Commissioner McCown stated that Jim Evans and Gary Aho are going from this area with the history and the interest in the oil shale development.

Commissioner McCown moved to authorize the money for the trip to the Oil Shale Forum in Salt Lake City for a not to exceed \$500 in cost; Commissioner Houpt seconded; Houpt – aye; McCown – aye; Martin – aye.

✓ ***Julie Olson – Advocate Safehouse – Candlelight Vigil related to Sexual Assault Awareness***

Julie requested to use County property to hold a Candlelight vigil for sexual assault awareness at the flagpole either on April 18 or April 19.

The Board did not have any objections.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice Negotiation strategy with insurance company considering their relocation; Mag chloride – procurement strategy; a personnel issue - post reorganization that requires your input and legal advice; execute oil and gas leases; advice on authorization and consideration to execute the Community Housing Fund IGA; Direction to Staff regarding 1041 Regulations; all of these are dealing with negotiations with contracts; potential litigation – request for the BOCC to become involved in potential land use litigation from the HOA of Ukele acres; and the prospect of hiring technical expertise with Presco – all of these involve legal advice under Section 24-6-402 (4) (b) and (e).

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:

Direction to Staff regarding 1041 Regulations – Boulder County Ruling and CU

The Board will take no action at this time. The recommendation is to stay exactly the way we are and wait for our public hearings coming up with new land use regulations later in the year.

Direction to the County Attorney's Office for purchase of approximately 2 acres to widen 306 Road

Commissioner McCown made a motion to authorize the County Attorney to move forward on negotiations including the Road and Bridge Supervisor, Marvin Stephens. Commissioner Houpt seconded. Houpt – aye; McCown – aye; Martin – aye. A survey has been done and it has been reviewed by the County Surveyor.

Authority to enter into a contract with Dr. Thyne to provide on-going consultation to the County Attorney's office and to the Oil and Gas Auditor

Commissioner Houpt – so moved; Commissioner McCown – second. Houpt – aye; McCown – aye, Martin – aye.

Carolyn stated for clarification that the Board has already authorized Mr. DeFord to negotiate a contract with an expert up to an amount of \$25,000 to deal with the Rulison Shop Hearing before the Oil and Gas Commission, now scheduled for June, 2005. This was to hire someone to help and possibly to present expert testimony at that hearing, but also to do document review for the Board in preparation for that hearing.

The Board also made note that a greater authorization may be needed if they decide to go on with this. It also depends upon whether DOE is going to participate or not.

Authorization to Execute Oil and Gas leases

T.7S R.96W Cr. 300 in Part of Section 33 & 34;

T.6S R.93W Section 21; and

T.8S R.96W Section 10 – EnCana Oil and Gas - ex

A letter was submitted from Robert F. Hoinghaus, landman with Oil, Gas and Minerals out of Austin, Colorado explaining that he has been engaged by EnCana Oil and Gas to acquire an oil and gas lease from Garfield

County covering the County's interests in the above captioned lands. EnCana proposes to pay the County \$400 as consideration of the lease and the lease has a five year primary term, an on-eighth royalty and has a no surface use clause.

Don requested, if the Board wishes to move forward on the lease, that a motion be made to authorize the signature of the Chairman on the lease.

Chairman Martin said he has been talking with a couple of folks in the County, our Assessor and the Oil and Gas reviewer and we'd like about another week or so to review that to make sure that we are getting best possible and that it doesn't affect too many people – the contract itself is reviewed. It is a standard form and understands it's 1/8th royalty and understands that it's \$400 - \$500 in there but things we can negotiate because he knows there is more than 1/8th royalty coming off of a lot of folks, just to see what we have and how it will affect our neighbors. He knows we have a no surface occupation issue on our County Roads, it's only dealing with the County Roads and what's under there, the deeds were supplied, etc. but he wants to do more research. Mainly a better rate of return, better than 1/8th return. In percentages there are other companies that are doing other percentages and all he wants to do is a chance to review this at a greater time rather than 2 days to read this.

Commissioner Houpt supports this request.

Commissioner McCown – don't begrudge the waiting but feels you are not going to find another entity that will bid solely on property under a County Road when they are not in that field developing Oil and Gas.

Chairman Martin – wants to research the different areas and lay it out a little bet better than just an isolated sketch of a road and wants to see where all the adjoining properties are, the drilling plan.

Commissioner Houpt also had concerns on adjoining property owners.

Chairman Martin said that Moffat is doing the same thing – they are negotiating with EnCana on the same type of issues. They've come up with a different type of approach than the standard form that's executed here. He will investigate this himself and will bring it back April 4th.

Commissioner Houpt – would like to have a brief report on what John finds.

Authorization to Hire Outside Legal Counsel to Represent Board of Adjustment re: Appeal of Bernie & Martha Long and Variance Request of Ravana Family

Don requested to hire Steve Carter to represent the Board of Adjustment; McCown so moved; Houpt seconded.

Houpt – aye; McCown – aye; Martin – aye.

Consideration and Authorization to Execute Roaring Fork Community Housing Fund IGA

The IGA creating the Roaring Fork Community Housing Fund was submitted with a request to authorize the Chairman to sign. The request also included getting regular payouts on the Garfield portion of their contribution for the RFCHF of \$27,000 as three payments, \$9,000 in March, August and November to insure a viable cash flow.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chairman to sign the Roaring Fork Community Housing Fund IGA; Houpt – aye; Martin – aye; McCown – aye.

Authorization to Execute Letter Agreement with Western Colorado Congress and Grand Valley Citizens Alliance – EnCana Request

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the letter. Carried.

Directions to staff on Mag Chloride bid for County roads that needs to go out quickly because we need to start putting Mag Chloride down in April

Commissioner McCown made a motion to authorize staff to proceed with the Mag Chloride bid, the 100% Mag chloride and no other additives and that any Mag Chloride that is placed on a county road will be ordered by Garfield County and paid for by Garfield County; Garfield County then assuming the responsibility to bill any other entities that are purchasing Mag Chloride for our roads. McCown – aye; Martin – aye; Houpt – aye

Carolyn clarified for the public that we are not talking about putting 100% Mag Chloride; this is actually a mixture with water.

Commissioner McCown said he was speaking in theory of a product as a composite mixture and sometimes that is 30% Mag Chloride and 70% water – no other additives other than Magnesium Chloride.

Chairman Martin – some people put tree sap in it to harden it and we don't want any of that – it causes more problems that cost to us.

COMMISSIONER REPORT

Commissioner Houpt – disappointed on advertisement on the I-70 corridor presentation at 2:00 p.m.; hope people see the information somewhere. Thursday – Ed set up transportation on material shipments at Events Center in Rifle – about 40 to attend – thanked Ed for putting that together. Tour with CDOT – go into the tunnel – afternoon after the presentation – tour of Glenwood Canyon to see if they are making the right choice.

Commissioner McCown – DOE Events – COM Board at 12:30 and cannot make the tour.

Chairman Martin – Wed. 23rd – White River National Forest Center – Community Center; RETAC in Denver – new rules on ground ambulance. Took 99% of the suggestions and re-wrote – now Garfield County is the author of the rules. Last week – CCI meetings and steering committees.

Mildred will be out of the office from noon to the rest of the week. Going to Oregon.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Authorize the Chairman to sign a Division Order from Bill Barrett Corporation
- f) Authorize the Chairman to Sign the Resolution of Approval and Plat for the Wilks Exemption from the Definition of Subdivision. Applicants: Edward and Gloria Wilks – Fred Jarman

g) Authorize the Chairman to Sign a Resolution Concerned with the Approval of a Conditional Use Permit for A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g, absent b and c; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION

AGING SERVICES – DEB STEWART

Deb Stewart submitted information on the Senior's Nutrition Program, The Traveler – five year comparison; The Traveler's report for 2004 and a survey response; and a strategic planning elements for the Colorado Mountain Office of Senior Programs.

Diana Martinez – **Center for Independence** – Grand Junction with a satellite office in Glenwood Springs – outreach living coordinator providing services to 13 counties – assisting people with disabilities since 1982, provides the following services for people who are blind or visually impaired: information and referral, advocacy, demonstration of magnifiers, sun shields, kitchen aids, talking books, watches, clocks, and calculators; peer counseling; support groups, recreational, daily living skills training, sighted guide and mobility training, presentations and in-service trainings and volunteer readers. She received a part time assistant in order for her to get out and serve more clients. Goal is to have an individual live in their homes and avoid Nursing Home care.

Michelle Moore - **Columbine Homemakers for Independent Living**, Director

Thanked the Commissioners for the extra funding for 2005. Some highlights for 2004 include, serving 108 participants from Aspen to Battlement Mesa, providing over 315 hours of homemaking services a month with 4 staff; 8 in Pitkin, 1 in Eagle and 100 in Garfield County. Able to keep 85% of our seniors and disabled adults out of nursing home for one year longer with this care and observation, information and referral pulling other agencies in to keep them home. Same staff and no turnover in well over a year. 10 of the participants went to Ravenswood, the new homemaking agency in the family that's been here for about 1 year and they accept Medicaid so those clients who could barely afford \$6.00 an hour went to Ravenswood and their services were for free. In November, we won the award for excellence Number one in the State of Colorado in Human Services Seniors so that was very exciting. The Lamar Foundation gave the award. The cost of the program is still down, the Board provides some administrative tasks so she can do three days of client care and two days of director – it was running between \$30 and \$35 an hour and they are now \$26 - \$27 an hour. The challenges in 2004 – not enough funding and to hire new staff to take on more clients, so now they are averaging about 330 hours a month and do need to seek new avenues of funding so we can grow. There was a waiting list started at the end of 2004. 2005 goals are to find new ways for new avenues of funding – looking for new Board members to help raise funds. If anyone is interested, please call Michelle at 948-1402. At present, they have 76 clients. Sarah Oliver is the volunteer and writes all the grants. Very supportive board. Columbine Home Health is supportive in the mission statement for the homemaker services. Both Columbine Health and Catholic Charities have offered office space. Michelle has been doing this out of her home.

Lynn Krueger – **Columbine Home Health** - Social Worker – they are a home health agency who visit in the home with nursing, home health aid and their mission is to keep the pioneers in their home longer before having to go to Nursing Homes or Assisted Living residency. Very busy with patient care – 90 to 100 participants at this time.

Kate Thomsolomgworth – **RSVP program** – Kudos to all the seniors – 32 years in Garfield County – in 1973 they had 200 volunteers and now up to 500. Gives them another purpose for living – they can give back to the community. A packet of information including a fact sheet showing 69,492 hours in 2004 and translates in over \$1, 000,000,000 in services. She said they are seeing the future with more baby boomers and their desire for volunteer services. Computer services, legal services, etc. In 2005 they will be looking for more volunteers 55 and older. Training volunteers and working with them – partner with Red Cross on Homeland Security.

Deb Stewart – **Director of Senior Programs** – thanked the Board for the time and effort to oversee and look at budgets that relates to services for seniors and the funding support for the seniors. Deb hit the highlights for the 2004 program year.

Meal sites – impressed with the reports.

Expanded survey of the Traveler – survey results were good.

5- Year comparison of the transportation and meal sites indicates that growth is going to the west end. They are looking at this, things change. Medication Card: seniors can document their medicines and keep in on one prescription card. This has been very successful – one of the senior volunteers came up with this idea.

They are holding pilot classes in Rifle – one in on fall proof and balance; it's an 8 week session and the seniors pay for this – it is teaching them how to protect themselves from falling. The other class is on Education in Nutrition - eat better and read nutrition labels.

Senior Wellness Program going well.

Spanish for transits – Video for drivers – training video – collaborate with RFTA. This is an issue and important to train their people. And she showed a video that was 9.5 minutes long in conjunction with the City of Rifle rode and Jim Bell with Channel 13 who rode with the Traveler for one day to let the Commissioners know what goes on in the Traveler.

Deb discussed an issue with the Commissioners on co-mingling the special population and seniors. The state will go to a state reimbursement and none of the special populations will be eligible for funding; this is creating a need to reevaluated or look for additional funds. Special populations with Mountain Valley – no mandate to serve the special population. Serving the disabled gives more grant points. Special groups can apply to the same foundations that she does.

Commissioner McCown – the state funding for this program is miniscule – mandates with no funding – concern with area on agency – less than 10% funding.

Deb is suggesting a task force to work on a plan for transportation no co-mingling with senior and special populations. 14% of what they do is under the age of 60 and most are developmental and disabled. Gray issues of

disabled individuals that can qualify for senior housing; some who have had strokes and are living with family but not yet 60. This is about 14% of Deb of what they do; 85% currently of what they do is over the age of 60. Commissioner McCown asked if there were any other avenues of funding for this 15% that you are giving services to and can't go-mingle funds. Glenwood is interested in putting some funds toward the special population - about \$10,000. Deb is figuring it could take \$28,000 to \$30,000. The task force can look at this information and help decide what to do.

Commissioner McCown stated in the past we have discussed trying to alleviate some of the pressure of the program by doing several things; number one taking over the ownership of the busses so the insurance would be cheaper, help with maintenance and it's time to bring those back to the table for some points of discussion especially since the on-going cost of operations are increasing given the price of oil.

Commissioner Houpt likes the idea of a task force to have a better sense of what partnerships are out there in this region.

Commissioner McCown volunteered to be the BOCC representative.

\$9,000 Grant for a New Bus

Commissioner McCown cleared up a point of contention regarding the issue that Deb came to us for a \$9,000 grant for a bus. The Commissioners appropriated that and we do feeling that we had the purview to do that out of the Human Services Fund that were left over at the end of 2004. Deb caught considerable heat from the other entities within Human Services and very sorry to hear that and wanted to clear this up by making a motion that those funds be re-appropriated out of the general fund and put that money back in the fund for Human Services and that will be all encompassing in the funds that are appropriated in the Human Services Grant period.

Commissioner Houpt seconded the motion and wanted to also say that when she had talked to staff about this funding she was told at that time that it was going to come out of capital instead of that grant money.

Ed said that was their understanding earlier.

Commissioner Houpt – that was the information she had and didn't think it was appropriate to take it out of the grant money and glad this motion is on the table to keep it in general fund and then any money left over that was appropriated for the grant monies should go to Human Services.

Commissioner McCown said he still believes it was an appropriate use of the money and doing this merely so there's no dissention among the members of the Human Services Group. This is a completely appropriate use of the money and furthermore I feel that a portion of that money needs to be withheld every year for special needs when people come to us, because once those grants are made and issued to the Human Services Commission they can't re-appropriate, so if anyone comes in with their handout and we have no money, you send them to Human Services and they say they don't have any money, all of ours has been appropriated. So it is an appropriate use of a portion of that money.

Commissioner Houpt – I think it's a flaw in the system and I think there is a lack of communication because there was the impression given at one point that those monies that were reallocated to the Human Service Commission would go back to that group to figure out what to do with those monies and then we spent the money on the bus, so I do see how that confusion occurred and we need to clarify what that process is going to be. If was as a Commission think that it's important to identify a certain amount of money every year for emergency services, I'm fine with that, but I was under the impression that those monies that we reallocated would go back to the Human Service Commission to make a determination on how those monies would be spent. She supported purchasing the vehicle for Deb out of capital funds at that point. Those were just different monies and everybody had different information. This motion will clear that up but it's my understanding that the money will come out of the general fund, there will now be money in the amount of (Ed provided - \$19,386) in the Human Service Commission fund and are we then going to take this back to the Human Services Commission for them to an assessed need and make some recommendations to the Commission.

Chairman Martin – we have two members on that selection committee at this table – Ed Green and Larry McCown and there's a process there; we set this aside at one time to make sure the needs of this year are met as well as having a contingency and that discussion of contingency for on-going projects throughout the year needs to remain there in my opinion; otherwise you spend 100% and then an emergency comes up or a new program, or something comes up and the program needs assistance and the money isn't there and that's why we always have some kind of contingency. So I support having some kind of contingency and not spending 100%. He apologized to Deb that the Board put her in the boat that they did, he was under the impression that it was understood that we were going to assist you because you needed a little extra help and that's where that contingency money comes from, but unfortunately we can't all get along and understand that. As far as 100% of the money being under just the Health and Human Services Commission and for them as a Commission to go out is wrong, it's a selection committee a process that it goes through which involves Ed and Larry as well as the final decision made by this Board.

Commissioner McCown – what it would have entailed just to clear that up is a rewriting of the grant process from all those people that have the opportunity to draw from this grant fund for \$19,000 and it was his intention and still support it that this amount would just be added to the grant process this year and we start reviewing those in June or July. This money will be added to that grant total at that time. If the Human Services group wants to go out to all of the entities and resubmit grants, reconvene the hearing board for the \$19,000 that they will get prior to the August 1 date, but it would be in their best interest to add that to the pot of money when they apply annually again this year and that be just added to the fund.

Commissioner Houpt – I think there are a couple of things that we need to clarify, we are going to add the entire \$19,000 back to the pot for the next grant cycle. If the Human Service Commission has recommendations to us on what level of money you guys would like to see in our emergency fund that we hold onto after grants, please come to us with that recommendation and assume now that we will have additional monies because of that reallocation for the next grant cycle.

Chairman Martin – unless spent this year.

Ed – unless there's a crisis.

Chairman Martin – if so then that disappears.

Deb stated that it wasn't that we were in a need issue, it was a capital request and it was an assumption that was going to be a capital purchase and with the rules on capital it threw a kink in everything.

Vote on the motion: Houpt – aye; Martin – aye; McCown – aye.

Advocate Safehouse – thanked the Board for the support letter for the Emergency Shelter Grant.

BOARD OF SOCIAL SERVICES

Approval of EBT/EFT Disbursements for February 2005

Disbursements for the month of February 2005 totaled \$281,794.75 for allocated programs and Child Welfare and non-allocated programs with Food Assistance and LEAP totaling \$228,557.69.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chairman to sign the EBT/EFT Disbursements for February 2005 for \$281,794.75. Houpt – aye; Martin – aye; McCown - aye

Consideration and approval of Out-of-Home placement Contract

One out of home placement contract for a not to exceed amount of \$13,190.35 for Client I. D. G108965 at Hand-Up Homes.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the out of home placement contract for a not to exceed amount of \$13,190.35 for Client I. D. G108965 at Hand-Up Homes. Houpt – aye; McCown – aye; Martin - aye

Program/Allocation Update

Anticipating about \$5,000 in TANF. The child welfare re is over \$395,000.

The child welfare – page 2 over the last two years we have overspent – we're within budget this year. The number of placements is the difference. January of 2004 we had 93 and now we have 54. They are intensely focusing on keeping children in the homes and several factors are involved. There is both a change in philosophy and change in the need. They are looking more closely at the length of stays and core service programs developed over the year and now able to see the impact.

Commissioner McCown is very interested in this as the dollar expense is tremendous.

The Core Services manager will be present at the next meeting to explain however Lynn stated that court expansion grants for mediation and life skills in the home are making a positive impact. Providing community services to youth in the home is the best thing for the children and the families.

Core Services allocation is under spent; substance abuse figures are not reflective of the 4 counties; and the computer system from the state is not letting them pick up the other 3 county figures. Psycho therapy – they have pulled back and now they are doing more in-home departmental type of services. Hopefully with the new plan, they can look at more creative ideas with outside providers on how to best utilize the dollars.

CBMS update: Lynn said today they found out that a male was included on a pregnant program - this is an example of some of the problems being encountered.

Joint HHS Committee meeting on Wednesday and 28 legislatures were present. Gov Owens allocated \$365,000 for a consulting firm to evaluate the CBMS and report on what went wrong with a \$200,000,000 computer program. The state is realizing there are problems and that they need to fix them.

Thursday – Joint Budget Meeting and it was reported that all 64 counties are hurting. They were very responsive – \$8.4 million to the State dealing with the system itself looking at the design flaws, the defects in the application, the decision table and to make the system work for the counties and approval of the benefits. The request went if for \$5 million to assist counties on just the CBMS implementation, continuing problems that everyone is facing but she didn't think that was approved. Ms. Hammons and CDHS is reviewing this amount to see if this needs to be more but the JBC is responsive and considering it.

The \$8.4 million is actually going to the State CBMS project for actually dealing specifically with the system itself and trying to look at the design flaws. The defects in the applications and the decision table problems, just continuing to make the system work for the counties and for the approval of benefits to lessen the hecticness.

The overpayments: Lynn said she received an agency letter that was signed and said that Counties will not be responsibility for the overages but she didn't think there had been any determination from the legislature; the information is still pending for who is going to eat that costs. No determination has been made.

Chairman Martin said we know two things – it's not going to be the US government and not the recipients so it's either the State or the County. It depends upon administrative errors and how they're classified as to where it will be going and who will be paying.

The activity with the plaintiff's is still ongoing in the courts.

Updates: State Cleansing Report for Garfield County was reported to be 99.4%; however Garfield County was not the first County to get cleansed. We have a few trouble cases so we're up to 99.7 now. Lynn and staff very appreciative of the acknowledgement by the Board on the work that was done. Kiowa, San Miguel and Delta were the first to get cleansed.

Allocation report: regular administration line – this is where the food stamp technicians; Medicaid techs, and aging, financial medical and financial programs are over about at \$91,000 overage in the line. Many are overspend in the regular administration line item. The State Legislature is looking at this but there's a direct correlation between regular admin funding and the CBMS implementation – statewide.

Lynn said they will be looking at some pass through monies this year, we have been closed out before at about \$50,000 and we'll probably be closed out with \$40,000 to \$50,000 coverage. That means we can hopefully get about 33- 34% reimbursed on that overage.

Providers appreciate brunch – April 10th for Child Care and Foster Care providers.

Appreciation for Staff – Luncheon - April 22nd – it will be catered - recognition of the hard work for the CBMS conversion.

BOARD OF HEALTH

WIC Contract with CDPHE

The WIC Contract increase is for \$15,433.00; makes the new contract dollars to \$186,520.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chairman to sign the new WIC contract amendment; motion carried.

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

Public Health Position Reclassification

Secretary/Receptionist and recommended that the title be changed to Clerk II and the pay grade should be changed from a Pay Grade 1 to a Pay Grade 2 for Benitez and Marco.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the position reclassification as requested by the Public Health Director effective March 21, 2005. Houpt – aye; Martin – aye; McCown – aye.

Program Updates

Mary submitted a letter from Michael L. Beasley, Executive Director of the Department of Local Affairs stating that the Community Services Block Grant initial allocation has been approved in the amount of \$18,987.00 for FY 2005-2006. Anticipation is that the department will be receiving an additional amount of \$20,607.00 provided by federal funds when they become available to the State. She said they asked for \$38,000 and received \$39,594 to support the prenatal case managers.

CSBG – a form letter will be presented to the Board later; this is for the increase for \$1,594.00 increase of the Community Services Block Grant. Commissioner Houpt so moved to authorize the Chairman to sign; McCown seconded. Houpt – aye; Martin – aye; McCown – aye.

Year end reports were submitted to the Board showing the number of cases they had seen, the outcomes, cases still moving forward and also a client is highlighted giving the Commissioners a demonstration of the effectiveness of the prenatal nurse/case manager program.

All Hazard Emergency Conference – March 28 – 30th in Grand Junction – Mass Casualty – 3 days of training and end with a table top on mass casualty on Wednesday. Mary and Jim Sears will attend.

Program Updates were given.

Health Care Program for kids with special needs continues to grow in all clinic areas. This has become a regional clinic in Garfield County in the Glenwood Springs office and they serve clients in Pitkin and Eagle County. She welcomed the Commissioners to attend one of the clinics; they are able to do echocardiograms and enables children and infants in the area savings in not having to travel out of area.

WIC – received an excellent report; had a monitoring visit last week and staff will be attending a State Conference in April – they've been asked to present some of our creative ideas they have incorporated in the WIC program.

CIS - Colorado Immunization Information System, the staff will attend training on a new immunization program consisting of an electronic system called "CIIS" The hope is in the future to be expand this to providers as well. Replaces the flu shot cards. In the future the schools will be able to utilize the system – this is the first step but will be a full system.

Car seat checking program – set dates each month to check these.

Staff involved in a **Statewide Safety Fair** at the Community Center this fall.

Channel 9 Health Fair – staff volunteers. **West Nile** booths will be at all the health fairs.

Employee Wellness Fair will focus on improving lifestyles.

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

PUBLIC MEETING:

CONSIDER WHETHER OR NOT TO REFER AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN AIRCRAFT LANDING STRIP (HELIPORT) TO THE PLANNING COMMISSIONER FOR THE TURNBERRY RANCH, LLC.

Mark Bean submitted a memorandum to the Board requesting consideration of a project involving a Conditional Use Permit to allow for an Aircraft Landing Strip, a heliport, for the Turnberry Ranch, LLC. The staff recommends that this be heard directly by the Board without referral to the Planning Commission.

This is located in the upper Cattle Creek area; it was a noticed violation and this is the remedy.

The Board advised Mark that they would hear this directly and asked him to schedule it.

PUBLIC MEETING:

ROAN PLATEAU COMMENT LETTER – RANDY RUSSELL

Randy submitted the cover letter and introductory points for discussion and action by the Board:

Brian Hopkins at BLM saying that the related Anvil Points EIS has gone to a final version with a 30-day version; BLM is on the agenda for April 4th for a presentation with consultants and they can address any final conversations and analysis they were asked to do about issues at the County landfill. He distributed the CD's on the final draft. This deals with the Anvil Points clean up reclamation. This is something the Commissioners asked to come forward a while ago and went along with the transfer of ownership and requirements. It has implications for the spending of severance taxes fees, royalties prior to the distribution of money to the states – Federal Mineral Leasing Act.

As a background, we are cooperating partners with the Bureau of Land Management in the review of the Roan Plateau Resource Management Plan Environmental Impact Statement. After well over two years looking at previous drafts, and going to informational meetings, and hosting our own public meeting to gather comments, and one or more of the Commissioners and staff attended the Rifle public meeting and the public meeting held by the Resource

Advisory Council in Battlement Mesa over the course of the public comment period. We have come to the point, should Garfield County desire to make sure that some of its technical concerns be included, in the content analysis that will be undertaken by the BLM's consultants, once the public comment period has closed, we are under some obligation to go ahead and get those in by the deadline that everyone faces in the public comment period. He pointed out that Garfield County will defer it's final comments on the final configuration of a final alternative until after the Commissioners have had a chance to go through that content analysis as provided by the consultants and then probably undertake a series of meetings with the other cooperating partners and BLM to whittle down and discuss and see if some consensus or broader sense of appropriateness can be applied to a final alternative that most or all of the parties can live with. Then and only then will Garfield County decide whether or not to come out with a final formal comment letter on the alternative that's moving and being moved by BLM to be considered as the final Roan Plateau Planning Area Management plan. The public comment period is essentially exhausted as of April 11 and there is only one other time this document hits the streets and that is after final alternative has been drafted. It then comes back out for what is called a 30-day Governor's review period. After the close of that period, the BLM is entitled to go back and make any revisions or corrections that they deem to have been salient and important as a result of that very tight review time and come out with a final document and go ahead and do a notice of decision making and post that in the Federal Registrar.

To give the BLM some thoughts, comments and concerns, to be chewing on now, as opposed to later, mostly as a courtesy to them to let them know where we are coming from and also the other participating partners, we are undertaking today, to help staff, Randy Russell, try to draft a near final comment letter to the BLM which will be crafted in the next day or two, returned to the three Commissioners for their review and in lieu of having any other public meeting between now and April 4th, the Commissioners will email Randy with any editing concerns in the letter and submit the near final letter for the Board in their packets for April 4th.

Randy explained that last week, we tried to look at the range of issues as concerns to Garfield County. This also went out to the Garfield County Departments – Road & Bridge, Engineering, County Attorney, and Sheriff. Mark Bean assisted with the power point.

Discussion Outline of Content Elements

Items 1 – 6 – the Board has no problem

1. Appreciation for continued partnership in the process
2. Understanding of the process as it continues
3. Current Comments are Technical, Final Comments are Reserved
4. Reference to Public Meetings, comments, BLM participation
5. Commend BLM staff for work to date
6. Areas of Context and Analysis were dated
 - a. Magnitude of Current Regional Drilling Not Discussed
 1. Drilling rates and industrial infrastructure capacity
 2. Workforce in place
 3. Energy production needs being currently met
 4. Industry projections for near term future development
 - b. Present and likely future housing and traffic impacts

OVERVIEW OF GENERAL DOCUMENT AND NEPA ISSUES

7. Case of Need (Outside of Transfer Act) not clearly presented
 - a. No projection production levels for immediate region
 - b. No discussion of phasing of utilization of public resource for sustainability over longer than 20 year term, or deferral within 20 year term

The Transfer Act needs to be clearly presented.

Chairman Martin would like to reword – it says the Transfer Act needs to be clearly presented. At that point, we can ask all the questions in reference to our sit down with everyone else there and bring the questions out in that discussion and not have all the other questions you have from there. Because we raised the question, we're able to go ahead and discuss it at length with the rest of the team. If we raise this question saying that the Transfer Act needs to be clearly in document, all these other questions that you have asked, can be discussed at length within the group and you don't have to put that in your technical review, basically you've opened the door and that's what the formula is. Commissioner Houpt – this prepares them so they will have that information in front of them when we sit around the table and feels it is important to include. Chairman Martin – saying it clearly needs to be presented. We have question on that. Randy said that 7 and 8 with the exception of going beyond the 20 year term are probably combined. No. 8 contains the two questions he would like to see us ask.

Commissioner McCown – were you planning to omit a and b under No. 7 if you just omitted the wording, “case for need outside the Transfer Act not clearly presented.

Chairman Martin – yes. Randy hadn't planned to do away with them but to make them very succinct.

Commissioner Houpt would like to see them left in. Commissioner McCown has a problem with b. He said he was not sure the phasing to me is a moving and not sure it's in the best interest of wildlife or anyone else concerned that this phasing is needed. There's been practical arguments made on both sides that this time of year, when there is no wildlife, if there is any drilling activity on top, it would be the appropriate time to do it and stay out of the areas where the wintering is taking place. He wasn't sure we should push for a phasing mandate that would prevent Randy said he hadn't intended to do that, the only staff comments on phasing,

which is coming up later, is that we don't believe a trigger to go on top is necessarily going to induce more rapid development on the bottom than would otherwise take place. As a County, that phasing issue is so complex that he did not see us having a definitive comment about that issue at this point and time. Commissioner McCown – we're talking apples and apples on the phasing, it just depends on how it gets written up and presented back to BLM as a technical point. Randy – this isn't about phasing, it was if you take BLM's analysis of the trigger point to go on top as being 15-16 years out, the top only starts getting developed in year 2017 or 18 so the level of impacts that are described for the top are minimal. At that point you'd hope that they would say if the top doesn't start developing, within a two, three or four year period at the end of the RMP, let's take a look at what will take place on the next 20 year term. Commissioner McCown – this management plan is good for 20 years. Randy – when we lease the top, we're leasing it for 40-50 years. What are the implications of that lease?

Commissioner McCown - this management plan is good for 20 years; a lease cannot exceed the management plan because then that would rule the management plan null and void. Randy – once they have a lease, they have a property right; essentially if they prove it up and establish the fact that they've gone in there and they've proved there's a commercial drillable resource for extraction, they've got that leasing for essentially perpetuity. Commissioner McCown – that would depend on the length of the lease that BLM negotiates. Randy – doesn't think BLM has any choice under their rules now. Commissioner McCown – thinks they do. Randy – this is a good one to bring up.

Commissioner Houpt – in fact if Randy's point is correct, then the question is how do we measure that impact once the 20-year management period has expired and that's all this is about. This isn't phasing, or....

Commissioner McCown – it will have to be renewed, another plan will have to be in place. Chairman Martin – There is a process that BLM can go through if that question comes up to amend their plan. Randy said he wasn't being as clear as he could be. If anything is leased under this plan, its good forever; the next plan can not take it back. It's not like coal, or oil shale, it's not like the other minerals where you can go in and modify – these oil and gas leases are, once proven up, good essentially forever.

Chairman Martin – well you have that right now because you have production on top right now. 7 wells are producing now on top of the Roan Plateau. So at that point, those rights are there and they'll never be diminished, I don't think so. Randy – in the plan, they're not talking about kicking those wells off. Chairman Martin – they can't. Randy – my understanding is not, but it looks like this is a good legitimate question to ask because we obviously need to share a common answer before we go walking in a room with other partners and the BLM. Commissioner Houpt wants it to stay in there.

Randy – along with the ability to limit the years? Doesn't think they have the capability to cap the level of production either. The Board wants both of these asked and on the table.

Public resource versus sustainability – where is Randy going there? Randy – that would be access to the gas which is available to be drilled on top. This RMP is for 20 years and Commissioner McCown thinks Randy is asking them to address longer than 20 years.

Randy – only in that it talks about total impacts to the top in their own planning scheme only having had 3 – 4 years of development up there because that's when the trigger kicks in.

If the trigger kicks in when the lease is developed, it's a whole different scenario. Randy – correct and it's more likely to kick in 6 to 8 years. Commissioner McCown – Randy is under the opinion that once it's leased they cannot control the numbers that are drilled under the lease agreement. Randy – the rate of drilling. The number of wells – it is not clear that the BLM has the ability to do that. Commissioner McCown has a problem agreeing with that.

Randy just wants to ask the question and get it clarified for all of us. He was told by BLM staff that they don't have that tool. The trigger is the first time they've ever used that anywhere. The triggering process. The activity starts the day the lease starts, but Commissioner McCown said they have the ability to control the number of wells and Randy is saying they don't. Randy said they have the ability to control of wells and the number of pads, the phasing of the development of those, he doesn't think they have control over. Let's go find out. This answer was posed to the BLM staff and Randy is relaying what he heard.

Under (a) – No projection production levels for immediate region – how big a region – everything in western Garfield County being contingent? Randy – typically western Garfield County and maybe southern Rio Blanco where it impacts our roads.

Commissioner McCown – not just for this RMP, we're talking outside of that. Randy – the case for the need to lease gas on the NOSR was not clearly presented because it didn't talk about all the other proximate leasing that's now going on. Commissioner Houpt – in our previous letter we had asked for it to be put in context and this just is a follow up question for that so that the need – Commissioner McCown –we would feel better if we knew the number of active wells in Garfield county – we have that. Commissioner Houpt – the need can be measured by the activity is right now – Randy – putting in a different way – the extreme – if this industry is hot, and they're drilling everywhere, why under the sustainability clause in FLMA would you add a bunch of additional leases now to available land for the industry as opposed to wait 20 years? Commissioner McCown – because the need is now possible – oil is higher than it's been in the history of the world. I would consider that a need. Randy – but would you also say they are drilling as fast as the number of rigs allow them to drill?

Chairman Martin – possibly, but also the consumption rate is 26% greater than the production rate. And at that point does that make your argument of not or do you even want to get into that kind of an argument.

Commissioner Houpt – the question is can they even keep up with production if they keep opening areas at this point in time and we had asked for a response to this specific question earlier and because of that, it's fair to follow up on that question. Chairman Martin – we're getting out of the scope of the technical review.

Commissioner McCown – lets leave 7 a and b and strike 8. Because it's going to be up to the solicitor to determine the Transfer Act and its legality; and it may not come before the RMP is done. They will follow whatever the solicitor says, no matter what. It's a moot point.

Commissioner Houpt – it would be advantageous to have that answer before we meet around the table in order to know the perimeters are. Commissioner McCown – do we have the luxury of putting it off until we have that? I don't think so. Chairman Martin – agreed.

Commissioner Houpt – some people believe that the range and scope of the alternatives imply an opinion.

Commissioner McCown – that's one argument and if the solicitor says that is our opinion, that's the final result unless it's litigated in a higher level. Things don't stop why that happens. Commissioner Houpt asked the downside of including 8 in our letter?

Commissioner McCown – a continuing delay. If there is some way we had the authority to stop the process until we got it, I do. Randy suggested that we say, we would appreciate a definitive finding prior to getting together and that BLM should recognize it's cooperating partners are at a disadvantage in reviewing a lot of the alternative choices without that and leave it at that. Chairman Martin – it goes back to same wording, the Transfer Act needs to be clearly presented and not put on there and discussed. That is No. 7 and that answers the other questions that are here. Randy considered 7, 8 and 9 being combined here. Chairman Martin – in one sentence and we open that up and we can form those questions because they know those questions are out there and we've discussed those and they know there are other people that have had deferring views on Transfer Acts, etc. – that opens the door so they can go ahead and give their clearly defined interpretation of the Transfer Act and what's going to take place.

8. Certain Transfer Act provisions, and implications, not made explicit

- a. BLM's analysis of whether or not a final alternative can preclude any new leasing in NOSR 1, while allowing it on NOSR 3, is not explicit

On to number 9 - Alternatives formation discussed

Combine 7 8 and 9 – No, this is picking an alternative and Chairman Martin doesn't want to go there.

Commissioner McCown – parts of all alternatives – we have not picked an alternative, we have said the final could be parts taken from any number of alternatives.

Do not put it in there because we've made that comment.

Commissioner Houpt – make a more general statement because it's the range that we're recognizing; although certain alternative are not in there, and we're not taking a position on alternatives, there's nothing presented that wouldn't be a legitimate option. Commissioner McCown – be careful and not talk specific alternatives but the alternatives presented by those other than the BLM if the portions that were pulled out were other than no drilling on the top and used, then that's going to be a satisfactory issue. That's the question. So there are parts of all entities than can be used but we have to very careful and not go to a specific alternative.

Randy – keep these 3 succinct as possible and just a series of questions with a suggestion that the sooner some determinations are made for the benefit of the process, the better.

Chairman Martin – no because we've been part of all alternatives. Randy – we haven't been part of interpreting the Transfer Act. That the solicitors general's job. Chairman Martin – that's going to be their ruling and that's what they are going to go by. We can suggest and talk about in the Transfer Act and have a clear discussion on it and express our points of view, but again they are going to have their guidelines they already have – Department of Interior to follow. Randy – the staff concern is that the BOCC finds themselves in this process with the cooperating partners and the BLM and suddenly somewhere around half or 2/3rds of the alternatives that suggest that no drilling on top are taken off the table.

Chairman Martin – we can agree or disagree and present our argument – what is the final decision, this will be what Congress makes. You can argue your points and that's what the Roundtable is for and to support that with all the information and history that you can supply.

Commissioner Houpt – through their actions and the various plans that have come out, they've already made the determination that there is that flexibility and that sums that up.

Commissioner McCown – doesn't agree necessarily. The thing is, we're invited guests to participate in this process and it can go forward without us being participants. If we fail or if we reach a deadlock and cannot move forward with a consensus with the cooperator group, this can move forward without us and I don't think we need to lose site of this ever. And the fact that something may be taken from the table, it would meet with a lot of public ridicule – could it be done, probably. Randy – his concern in the language in here, this is very explicit, no alternatives will be considered that does not allow significant drilling on top of the Plateau and so they've made a foundational case for the ability to take those off the table and if we think there's enough pressure that we don't have to make an issue out of it, then we don't have to make an issue out of it. Commissioner McCown – how would that change the questions we are asking if that option were based on what they've already gotten for sources?

Randy – for one thing, if Randy were ever to be directed to come up with a staff version of a preferred alternative, given all the discussions that take place down the road, it would preclude me from looking at an alternative that did not have drilling on top, as it would anyone else who's entering into that final discussion and conservations. Commissioner McCown – this is what the final result will be. Commissioner Houpt suggested that Randy come up with some language tying all these together. Commissioner McCown – we can come together today and agree in theory on bullet points but how is it editorialized and how it's written up is where the rubber will hit the road and if there's another 16 page dissertation he may have to cut it up considerably before approving it. He wanted to narrow down as many as possible, even if they're left in a bullet point format.

Commissioner Houpt – doesn't care either and long as there is some understanding on how the background is and doesn't care if it's 25 or 7 pages as long as we get our point across. Be concise. She doesn't want to start scratching things out just to save pages. Chairman Martin – it isn't our only time and this is only a technical review of the issues that we need to clarify if we wish to clarify anything. We can still take our concerns, still have the same latitude as we do, at the table at the final alternative – this is not a mandatory thing.

No. 8 – decision Houpt – yes it does; Martin – no I don’t think so. McCown - no

9. Alternatives formation discussion

- a. An assertion by Garfield County that Alternatives presented by the public, suggesting no new drilling on the Plateau top, are legitimate options for consideration (EIS hints that they may require an Act of Congress) (refers to the public’s alternative)

No. 9 – Martin – this one doesn’t need to be there either as it is giving perimeters to an alternative that we said we wouldn’t do. Houpt – it’s recognizing what has been in the discussion in the past. McCown - it’s an assertion that Garfield County is supporting alternatives presented by the public suggesting no drilling on top of the plateau are legitimate options - we don’t know that. Houpt – why can’t we made a determination in our mind that it is a legitimate option to have no drilling on top even though we’re not taking a position of it.

McCown – can’t say it is because we don’t know what BLM solicitor’s opinion is going to be on the Transfer Act. Martin – technically it can’t be – simple there are 7 producing wells up there as well as 63 other wells that were drilled by the Department of Energy. Therefore, drilling has taken place and no drilling allowed up there is to do away with 7 active wells.

Houpt – we’re not talking about what’s in place. Martin – if it says no new drilling, that’s an alternative that’s been presented and we say no to it. We’re going to keep our minds open and if there’s a case there then that will be determined upon the solicitor general and their interpretation of the Transfer Act. Houpt – this is just a response to wording that’s in this document that our staff was asked to analysis and anytime you have a document in front of you and something comes up that you’re concerned about; you bring it to their attention.

McCown – the public’s alternative was not in this document. That’s all he is referring to – the public’s alternative. Randy – “Because of the specific language of the Transfer Acts cited above, selecting an alternative that does not consider making a significant portion of NOSR 1 available for oil and gas drilling may require additional legislation.” Houpt – okay, it’s just a response to the wording in that report; maybe we need take out any reference to an alternative.

Decision on No. 9 Martin – no. Houpt – in my opinion it’s a response to that sentence Randy just read and support leaving it in there. Martin – I say no. McCown – I say no.

10. Funding for management, monitoring and enforcement no fully discussed

- a. No estimates of FTE, vehicles, equipment, maintenance and supplies are provided for the various management, monitoring and enforcement options.
- b. No discussion of what can be funded through lease stipulations and fees is provided.

Discussion – this is an important one, this is one we took also and idea in reference to the federal mineral leasing act and the money being held to help monitor and to enforce alternatives, the Department of the Interior is looking at this and it’s a pilot program and it’s a possibility and need to keep it at that level. Randy – this in only in the Hubbard Mesa analysis that the BLM really comes forth and frankly says, by the way we have no money to do it, again in talking to staff, in this case there is a little more leniency in the kinds of language you can apply to lease stipulations. Martin – we did have a discussion and that was with the powers to be in saying we had a written proposal to take funds that were set aside under the Federal Mineral Leasing Act – use the interest alone to manage and enforce the land plan and that’s being considered in Washington; as a pilot program, we can include it in our question on technical reviews saying that we do have an alternative to that of funding of monies for monitoring and enforcing and that’s all we need to say up there. Randy – the interest on what’s being sequestered. Once that’s over and done with, what does the BLM have to work on as an on-going pot of money to maintain monitoring and enforcement of these stipulations? McCown - 50% of the royalties to BLM. Randy – he understands they don’t get to keep that – that goes. Martin – this is the proposal and why we want to discuss it to go ahead and make this a pilot program. Randy – we have called it out correctly, they haven’t shown us a funding mechanism that will allow their people to enforce these stipulations. McCown – this is a difficult thing to ask someone to do; the forest service has to submit a budget and they have to justify additional management, supervision, enforcement and that’s how the forest service will get funding out of this – there will be no direct line of funding from any direct activity that is taking place on Roan Plateau be it fishing, hunting, oil shale – it comes directly back to the Glenwood office that manages that area. Randy – and to the extent they can not guarantee that kind of management and monitoring; the stipulation should be held. McCown – they are not given the luxury of not managing it with what they have, which may be little or nothing. We can’t change the funding source to BLM. Randy – staff comment – there are stipulations they can put on leases that do tie the money to site specific monitoring and management and those aren’t discussed in here, so that it is possible to do that, we should call out the fact that we would encourage it – that’s part of the lease. McCown – they can control that but can’t control the number of wells? Randy – we never said they can’t control the number of wells, we said they can’t control the timing of their development. Martin – make sure these is a comment that says, the funding of any management program monitoring and enforcement needs to be there and discussed fully. McCown – no problem.

11. Royalty and Severance Taxes

- a. Projections based on production levels missing
- b. Current analysis of funds already received needed
- c. Diagrams of distribution allocations needed
- d. Delineation of projects and costs inherited from DOE needed
- e. “Bonus” payments not defined or discussed

Martin - summed up and to say the Federal Mineral Leasing Act needs to be fully disclosed so everyone understands it and answers every one of these questions. Randy – the Bonus payment – the one time lease bonus payment – discussed in Battlement Mesa. McCown – that is yet to be determined. Thinks

there was a bonus paid on the first route of NOSR's lease but not nearly this size. The number, how determined, not sure. Randy – does it have the same stipulations attached to it as the regular payments? Leave in Number 11. Houpt support that. Martin and McCown – okay as well.
Leave no. 11 in

ITEMS FOR CLARIFICATION, FURTHER EXPLORATION OR DISCUSSION EXPANSION

12. Population Projections

- a. Cautionary language from Garfield County regarding Demographer's projections and likely changes

Randy will send those – State demographers are low – they need a note saying they are low and just a heads up

13. Oil Shale Implications

- a. BLM's interpretation of the Transfer Act on consideration of oil shale development needs updating.
- b. A fuller analysis on drilling precluding later development of oil shale in situation needed Needs to be expanded because the oil shale is very limited and only in one alternative it's even mentioned – fully discussed and expanded on. McCown – some definitive language of oil shale in the Transfer Act, the development of oil shale definitely benefits the local governments in the region more than the development of natural gas. Leasing this for oil shale land reinvents the oil shale trust fund and that money is disseminated locally. The bigger problem is some Oil & Gas activity should it occur on top would preclude further development on oil shale on its face by the directional drilling if a program of underground mining was replaced to develop the oil shale. Randy – ask the question, get a more definitive sense of those constraints before we all sit down and come to some final conclusion. McCown – would like to see the possibility of developing the oil shale in a room in pillar fashion and then going in the rooms and drilling the oil and gas. McCown – has a decision about oil shale. Randy – we don't have enough information to act intelligently until you tell us more about whether this precludes it or not. McCown – we would be remiss if we didn't say the County has an interest in the development. Martin agrees. Houpt – I think we can take a position on oil shale until we know what it looks like in this context but do think that it needs to be looked at in this context but not willing or ready to take a position on how she feels about oil shale production up there. Martin – it's not in there and it needs to be expanded and we need it – what was missing – the answer – oil shale and all of the possibilities.

14. Projection Methodologies

- a. Well Drilling and Production Rates

1. EIS Does not recognize present rates and capabilities
2. RFD Study does not recognize present rates and capabilities
3. Industry and Environmental sources agree projections are lot
4. Flat rates averaged over 20 years will not mirror likely impacts
5. Study Area triggers may not be realistic
 - b. Workforce increases already far exceed current EIS projections
1. Conflicts for housing, other economic sector infrastructure
 - c. Traffic projections (highlighted only, specifics below)

Okay to ask the question. Houpt – important to raise the point because they're projections are consistent with today's numbers. Randy – to the extent the final would be used as a planning document, all he is suggesting is to stress that they get up to date and up to speed.

Item b – McCown - living in the heart of that he is not seeing housing conflicts; there are vacancies all over the area and none to question.

Agree to strike item b.

c – goes with our traffic projections

15. Triggering Issues

- a. Pace of development on valley floor not likely to be influenced by access to top. (No 'gold rush' implied in phasing).

McCown – struggling with this one – the triggering is advantageous for activity to be postponed. Whether or not this needs to be in there – first time to his knowledge that any triggering or phasing of a lease has ever taken place. Houpt – but is it appropriate and back to the statement that we deleted of no drilling on top, this is along the same lines and if we start talking about supporting triggering, then we're alluding to an alternative and not appropriate. McCown – take it away – not supporting triggering. Martin – take it out. Houpt – what we're saying is that it is not appropriate to put that issue in this technical letter and later we'll talk about the pros and cons of triggering. McCown – no doesn't even see it coming up again. Houpt and Martin – yes it will come up again and we can discuss it at that meeting but not put that in our technical review because it's an alternative and still open to discussion. No comment on it.

Martin – yes, Houpt – yes; McCown – no - remove

16. Economy of Scale Issues

- a. Agree with industry concerns that logical blocks and phasing of leasing should represent economical and efficient economies of scale

What is a logical block – take out – vague – haven't defined a logical blocks
Take it out.

17. Anvil Points and Telecommunication Sites

- a. Continued access to and improvements of the Anvil Points site
 - b. Special consideration for future telecommunication facility citing where intrusion and visitation are minimal
- Omit no. 17.

This is a good point to discuss on the Anvil Point reclamation.

18. Impacts to County Roads, State Highways and Municipal Intersection

- a. The EIS has no complete inventory of road segments and intersection likely to be impacted by specific drilling on the NOSR
 - b. The EIS has no cumulative impact analysis on roads or intersections based on drilling projections on the NOSR and surrounding area.
 - c. There is no cost estimate provided by road segment or intersection, based on alternative development scenarios and likely drilling rates on the NOSR
 - d. The EIS recognizes that discussions will be undertaken regarding ownership and maintenance responsibility, these should be completed prior to 'Final'
 - e. Charts, graphs and narrative assumptions about traffic impacts should be sourced.
 - f. Narrative on 4-181, and assumptions about trip rates in Table 4-34 need correction
 - g. Any agreements about the use of the JQS Trail, for each segment of access to the NOSR, and on the NOSR, need to be resolved prior to Final
 - h. Alternative access roads, and traffic mitigation strategies need to be explored
1. BLM or Lessees responsible for all new roads and access
- i. Traffic management techniques, need to be presented as possible lease stipulations
- Complete ownership of all roads – covers this – a – i stay in.

19. Grazing, Water Development and Management

- a. Placement of water development activities
- b. Competition between Stock and Wildlife

This stays in.

20. Impacts to Privately Held Lands

- a. In holdings and proximate property owners
- b. A discussion of values and how those may vary over time

Stay in - a and b

REINFORCEMENT OF VALUES AND CONCERNS

21. Support for Ongoing Multiple Use efforts by the BLM

- a. Wild and Scenic River designation
- b. Enhancement of Cutthroat Trout populations
- c. Biological inventory findings
- d. Incorporation of appropriate wilderness characteristics
- e. ACEC designations
- f. Grazing and water supply studies
- g. Recreational Management options in the Hubbard Mesa area

Stay in

22. Incorporate Areas of Wilderness Characteristics where appropriate

Stay in incorporate into one

23. Incorporate Biological Areas of Concern, for rare plants and plant communities

Fold in with above

24. Ensure that management areas, proscriptions, etc. are geographically coherent, and easy to understand and enforce

Stay in

25. Visual impacts are of the highest concern

- a. No degradation of the visible cliffs
- b. Mitigation of impacts to foreground from I-70, Hwy 13
- c. Reasonable efforts on the rim road to minimize visual intrusion

Stay in

26. Watershed Impacts are of the highest concern

- a. Parachute Water supply
- b. Absolute and highest protection for trout refugia streams - can't get absolute on the protection – highest possible. Hought – don't say possible. Take out absolute and possible - all agree

27. Gas lasing Impacts should be evaluated in light of all multiple use benefits and values

- a. Traditional commercial outfitting and guide activity
- b. Hunting and fishing opportunities
- c. Informal self exploration
- d. Motorized use of appropriate trails
- e. Seasonal use for winter sports
- f. Organized recreational event

Boiler plate – County supports all these values – go on record did in 2003 – reiterating our original letter.

28. Weed Control Measures will be applied in any circumstance, to include:

- a. Road and Shoulder maintenance – comment - on BLM Roads present and future. In the NOSR and accessing it. Present and future – on roads in the impacted area – access roads as well that are directly impacted by the activity – if the weeds are maintained inside the BLM, there will not be a problem on the County and State roads. They will not migrate from there is they are control on BLM roads. Houpt okay as long as it doesn't limit us – Martin and McCown - agree.
- b. Pad area maintenance
- c. Vehicle treatments
- d. Reclamation and restoration stipulations
- e. Monitoring and enforcement

Specific with the elements should be and the other is funding and enforcement.

29. Phasing and Capping options should be explored

- a. The BLM should incorporate caps on drilling rates, if there is a consensus that development rates in any given area might overwhelm infrastructure.

Let's find out from BLM – alternative question – when this comes up from nothing to all out - Give a tool in negotiating the most logical and best alternative – nice to know if they are in there. Houpt - Infrastructure – talking about impact on infrastructure; right to go to the table with this.

Randy – going back to several comments heard in Battlement Mesa – concerned about creating a gold rush on the valley floor to get to the top. Some information discussions with Rifle - they are more concerned about the valley floor impacting them than the top – this has direct impact on their intersections and if the level of drilling activities heats up and peaks, all those impacts at those intersections are going to felt before any money is freed up to flow because of the sequestering so they get into a real lag issue. McCown – unless the bonus appears and can be applied. Those are open questions per Randy and that's where this is trying to go. What is it that we can do? McCown – is this going to be a consensus among BLM that going to be monitoring the activity or a consensus among Garfield County, Rifle, Parachute and BLM – who will be involved. Randy – it may very well be a consensus among the industry as well. We heard them say that they don't think a gold rush kind of scenario on the valley floor is healthy for anybody. This may be a win win to level out the curve. McCown – lots of demographics involved and the availability of drill rigs – 38 of which are in our County.

30. The BLM should explore specific integral phasing within the Study Area

This is in response under separate cover by John Martin about a phasing of activity. Martin – this dealt with the impacts on the watersheds and wanted some specifics about why you would want to do any development in these set back area – any development – leasing, grazing due to the sensitive areas – fish – biological inventory – be more specific about what you would allow.

McCown - How related to phasing? Martin - if you are going to expand the grazing, wildlife, any kind of drilling; water development, transfer, gives us more of an idea of what is taking place – this was an open discussion. G1 and S1 plants in certain areas and how they were going to protect those; also waterfalls, gardens. This is protection.

Martin – whether to allow a phasing on any kind of mineral extraction, included oil shale and oil and gas. McCown – phasing into the alternatives was based on Garfield County's request. Houpt – don't talk about it in phasing in terms of later impacting protected areas. Martin – take it out. McCown – agreed to take it out. Commissioner Houpt – a list of things to add and discuss today but they all fall under the category of alternatives and she will save for later discussions. One was – the fact that the phasing as constructed didn't protect any values – miscommunication on the phasing and what it will accomplish – in her mind – divert attention to phasing on top. If we're not talking about the other two points discussed earlier. Randy – it does protect values. Houpt – it doesn't protect specific area.

Randy will hopefully get this back to the Commissioners within 2 – 3 days. Appreciates the work session – this should severely shorten the exploration of editorializing.

PUBLIC HEARING:

CONTINUED HEARING TO CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT FOR A “COMMUNICATIONS FACILITY” FOR AN AM FREQUENCY ATENNA. APPLICANTS: DEE BLUE and MARANTHA BROADCASTING - MARK BEAN

Mark Bean submitted a letter that he received on March 15, 2005 stating that Jim TerLouw of Marantha Broadcasting and Dee Blue, the property owner, respectfully withdraws the Special Use permit application for a communications antenna on the Dee Blue property. They will actively search for a suitable alternate location to place the antenna and following completion of the search, they may submit a new application.

I-70 MOUNTAIN CORRIDOR – GARY SUITER and JEFF NELSON

Gary is an independent consultant hired though Northwest Colorado Council of Governments (NWCOG) to facilitate a series of meetings with the I-70 Coalition. Background – The I-70 Coalition was formed through the Rural Resort Region under NWCOG and it's a consortium of 30 cities and counties along the I-70 corridor, some are off the I-70 corridor for the purpose of reviewing and providing input through the elected officials, primarily on CDOT PEIS. Colorado Department of Transportation, Programmatic Environmental Impact Statement.

The I-70 Central Mountain Transportation Corridor Coalition was formed to prepare a Regionally Preferred Alternative for the Corridor that could be presented to CDOT. The Coalition consists of Garfield County, Pitkin County, Eagle County, Summit County, Grand County and Clear Creek County, covering Dillon, Leadville, Idaho Springs, Granby, Vail, Breckenridge, Avon, Empire, Kremmling, Silverthorne, Montezuma, Silver Plume, Glenwood Springs, Georgetown, Red Cliff, Frisco, Walden, Winter Park, Grand Lake, Gypsum, Fraser, Minturn, and Hot Sulphur Springs.

Gary said they are not in the 90-day review period. Highlights of the Plan include:

The I-70 PEIS (Programmatic Environmental Imp

- o From Glenwood Springs to C-470

- Compares different alternatives
- Compares environmental, socio-economic and travel “impacts” in terms of different alternatives
- Since all “impacts” are alternative specific, we will spend most of our time explaining the alternatives.

The public comment period ends May 24, 2005 and the final PEIS is scheduled for early 2006 with a record of decision in mid 2006 but there might not be a single alternative.

The study shows that in 2025 the weekday volumes are projected to be similar to 2000 summer and winter weekends. The purpose of the proposed action will be to determine the future capacity, mode of choice(s) and general location(s) for the future travel demand of the I-70 Mountain Corridor.

There will be a meeting on May 5 & 6, 2005 to discuss all ideas and craft a Regionally Preferred Alternative to propose to CDOT during the comment period.

The White River and Arapahoe/Roosevelt National Forests are two of the most highly visited forests in the United States and Tourism is Colorado’s second largest industry. Colorado ranks 1st in the nation for overnight ski trips with 224 recreation site within ____ miles and 15 of 26 major Colorado ski resorts are accessed via I-70.

All alternatives were evaluated in the DRAFT PEIS:

- No action
- Minimal action
- Transit
- Highway
- Combination Transit and Highway
- Build Highway/Preserve for Transit
- Build Transit/Preserve for Highway

The preferred grouping selection criteria:

- To increase capacity, improve accessibility and mobility and decrease congestion
- Measured by the ability to accommodate projected 2025 baseline travel demand

The cost:

- The measure for economic reasonableness is defined as any alternative less than or equal to \$4 billion in capital costs

The CDOT “Preferred” Group of Alternatives

- No action
- Dual-mode in bus Guideway
- Diesel bus in Guideway
- Six lane highway, 55 mph
- Six lane highway, 65 mph
- Reversible/HOV/HOT Lanes
- Build six lane highway/preserve for transit

No Action Alternative

- No highway capacity improvements
- No transit improvements
- Currently programmed Independent Projects
 - a. Black Hawk Tunnel
 - b. Central City Parkway
 - c. Transit Center Improvements in Frisco, Silverthorne and Breckenridge
 - d. Hogback Parking Facility Expansion
 - e. New Eagle County Airport Interchange
 - f. State Highway 9 Frisco to Breckenridge
 - g. Tunnel Operations Enhancements
 - h. On going maintenance
 - i. Advanced radar improvements at Eagle County, Hayden and Aspen Airports

Commissioner McCown asked what percent are traveling through Garfield County, what percent do we need to serve between Idaho Springs and Denver, between Eisenhower Tunnel and Denver, between Vail and Denver – where is the capacity needed and how many people are passing on through.

Gary – usually they sort out those classes of travelers and some include freight, commuters, travelers, etc.

Chairman Martin said they broke it down to either commuter, job related, tourist if happens to be going from segment to segment – Glenwood Springs to Eagle, Glenwood Springs to Vail, Vail to Grand Junction and they also did a study that did license plates, they did time studies, day studies, all of that transportation information is within there and originally it was from DIA to actually the Glenwood Springs exist but because of cost it started getting shorter and shorter and then they did decide that it was going to be a certain investment area, driving tax dollars and that would be from Morrison exit to Eagle County Airport.

The advanced Guideway System estimated capital costs - \$6.15 billion; CDOT wants to stay at \$4 billion.

Gary showed a power point presentation of the various scenarios proposed.

Public Comments:

Mike Blair – observations – some comments to be considered – we will need a quick fix to accommodate traffic that’s coming on now, we do need to plan for the future but include in the quick fix, more lanes or whatever, some provision for future development whether it be additional lanes, or different modes of transportation because within the 25 years there will be a lot of new technology that would make transportation systems more efficient and maybe less costly and it just should be planned for. To include in the alternatives some space in the

middle or on the side part, overhead rails, whatever it might be. Conduit or spaces for towers/columns/ some inclusion for future technologies.

Wonder if folks will accept a 55 mph speed limit while new construction – 55 will be too great a limitation of folks to drive the interstate.

Lastly – the point about utilizing the systems if they are built just for tourist then this is short sighted because he thinks folks will use those both ways; Glenwood or Rifle would use that system to commute to the Denver area for recreation, business, or to connect to other modes of transportation and vice versa – why folks wouldn't use it to commute to this area for jobs.

Tom Jankowsky – Sunlight Mountain Resort – on I-70 on Sunday at 3 pm and 5 pm and not pleasant; but it scares him to think that this may be the way it is everyday. For our resort about 20% of business comes from Denver and they experience the traffic on Sunday night already and this is a concern. For him he likes the 6 lanes or the HOV lanes those seem to be the best for his business. Concern about a train going to Eagle and stopping and doesn't help the tourist in Glenwood Springs.

Commissioner Houpt – could this have a positive impact on the traffic for us if it takes traffic the additional cars off the highway even if you're not expanding lanes.

Tom – this is an unknown and concerned that you spend the dollars much more than the 6 lanes or HOV side as far as expense and still don't know if it will take the traffic off the highway or if you are still going to have that gridlock. Will people ride it?

Chairman Martin – based upon the studies, the survey and the percentages of the different modes of transportation for mass transit is figured at 6 – 8% of the cars.

Tom – the customers coming now to Sunlight are looking for a least expensive way to use the facility.

Karen related that Aspen did an EIS plan and this is what CDOT is planning for here. Mass Communications – doing more tele-commuting from home. Everything is based on educated assumptions. No known technology in 25 years; in LA phone billing system where it's like a tolling system, you're billed for time and how many miles you travel on that system and you get a bill in the mail, so if you use it during peak hours you get charged more and in essence that's the HOV reversible lanes are and she has seen this used in the LA area and it's been successful. For commuters especially they use the HOV and rather pay \$3.00 each way every day than sit in the more congested traffic. Carpool people got through free when you use the transit lanes and it's a proactive approach; get people in the mentality of different modes of traffic – different rates for the toll highway – creative ways to keep the traffic down.

Commissioner McCown – has a tendency to look at these things too black and white and something tells him at the end of the day this is going to be looked at and be analyzed comparatively as to need and that need is going to be C470 and this high at Glenwood Springs and that's how the money will be applied and the money will run out of money at east of Vail. We will be living with a 4-lane system where we're at and the congested areas of getting people out of the City of Denver to the ski areas will be addressed but we're still going to be facing gridlock in 2025 and it won't do anything for Sunlight Ski Area. This is scary – squeaky wheel gets the grease. The voters live in District 1.

Chairman Martin – the assumption is that the priorities of the activities are going to remain the same but continue to inflate, etc. There may be a shift in activities; skiing or the mountains. This may not be the place to come in 25 years.

Karen stated that Mick Ireland has said that Denver was fighting for all the money, and pointed out that do all people move to Denver just to stay in Denver, or do they move to Denver just to use the mountains on weekends and he points out how Pitkin County is a donor county. There is a lot of pressure because the voters are there, but there are still a lot of reasons why these communities should be considered more. The votes are not always the thing – they try to look at all the issues.

Commissioner McCown – concern - I-25 and you see sound attenuation walls going up all along that and they belong to CDOT; you ask for them in Garfield County and they have to belong to Garfield County. This is a prime example in how justice is applied, if you will.

Karen said that was based on the time the studies were done, they said they were needed on those project but not needed here and again it's based on for noise studies particularly is the density of the housing next to the highway.

Commissioner McCown relayed that here they won't even take a bond – if an entity wants to built them, they will not allow it. If the county accepts them.

Karen – that's the same policy statewide – all sound walls put up there were done on projects, not independently. They were built by CDOT under federal regulations based on the noise studies. Karen – will work with Gary on the questions the Board has and submit them

Commissioner McCown – after hearing some of John's comments today – a lot of the studies have been done before.

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

ADJOURNMENT

Attest:

Chairman of the Board

APRIL 4, 2005
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 4, 2005 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, County Attorney Don DeFord, Carolyn Dahlgren and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

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

COUNTY MANAGER UPDATE – ED GREEN

a. Sole Source Justification for CMC- Ambient Air Screening Study Support – Doug Dennison

Tim Arnett and Doug Dennison presented the justification stating this is the only known service that will meet the specialized needs to perform the intended function. Doug submitted a memo to Tim Arnett stating why CMC is believed to be the only source for these services. Initially, Garfield County had submitted a grant application to the Colorado Department of Local Affairs (DOLA) through the Energy and Mineral impact Grant program. Because of the matching funds requirements of that program, Garfield County made the decision that seeking support for this study from CMC's Natural Resource Management Institute (NRMI) was essential to keeping the overall cost of the program as low as possible. Their cost for this support was approximately 40 to 50 percent less than what Garfield County would obtain from consulting firms. The DOLA grant was not awarded to the County and the entire cost of the program is now being borne by the County, therefore it is essential that the cost of the program be as low as possible while still meeting the technical and quality requirements of the study.

One of the key focuses of this program, in addition to evaluating air quality in the County, was to provide an opportunity for involvement for teachers and students from local schools. This involvement was key in Garfield County's ability to obtain a \$10,000 grant from the Colorado Department of Public Health and Environment (CDPHE) for start-up costs related to this study. The involvement of local schools and other local organizations is essential to garnering public support for this program and the results that are produced. CMC is uniquely qualified to assist with the integration of local schools into this program via their established ties with these schools and their mutual interest in providing real-world and continuing educational opportunities for science students. Additionally teachers from local schools participating in the program will be able to obtain continuing education credits from CMC for training courses provided to them as part of this study.

Commissioner Houpt clarified that in the proposal Doug would be having additional meetings with public input and some further analysis for proceeding would be addressed.

Doug said electric power is needed for the sampling sites and in the western end there are few locations – further east off of the I-70 corridor have been looked into. The particulate monitoring is very expensive.

Commissioner Houpt wants to look closely at weighing more particulate monitoring.

Doug stated that monitoring equipment has been installed at the Courthouse, Henry Building and New Castle Library thus far and Doug is looking into other sites.

Commissioner McCown is hopeful that they will monitor the air pollution that comes into our State from the Utah border as well.

Doug – the health department has talked about putting monitors along the western border.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract for \$85,000 for this year with Colorado Mountain College for the Ambient Air Screening Study. Doug will come back with the type of plan by the end of this month. Houpt – aye; McCown – aye; Martin – aye.

b. Finance/Accounting Department Organizational Structure – Patsy Hernandez

Patsy Hernandez and Cathleen Van Roekel were present.

Ed stated with the conversion of GASBY and the new accounting system and recommendations made by a new team of auditors prompted this reorganization in staffing in the Accounting Department. The old system integrated into the system has taken a great deal of time and additional functions that were once out-sourced have been brought back in-house- i.e. Payroll. The auditors have recommended a need to evaluate all policies. There is not enough resources to do this and therefore submitted the proposal to increase staff.

Patsy Hernandez submitted the request to approve changes in the Finance Department Organizational Structure stating the Finance Department is not sufficiently staffed to accurately handle all of these functions without all staff members consistently working many extra hours each week, especially exempt staff; therefore the request is to consider adding two more staff members to the team. The addition of these two people will allow us to provide exemplary financial and accounting service to all of Garfield County, without the burden of long hours and undue stress as has been the case for many months.

This adds a finance director and a third accountant II.

Commissioner Houpt – will this be a structure that will work well for the next few years. Patsy said there are some new things with the accounting system and she is hopefully this will work well for the next couple of years.

Commissioner Houpt made a motion to hire a Finance Director and an Accountant II as presented in the proposal by Patsy Hernandez. Commissioner McCown seconded.

Chairman Martin commented that this move is enlarging out government but recognizes that the need is present and the Accounting Department needs to be efficient. Houpt – aye; McCown – aye; Martin – aye.

c. Signage on CR 329 (spruce Gulch) – Jake Mall

The Road and Bridge Department requests permission to change the yield sign on CR 329, Spruce Gulch, at the entrances to CR 320 (Rifle Rulison Road) which is a Y intersection with limited visibility and top signs would be a better traffic control device than yield signs. CR 329 (Spruce Gulch) will see a significant increase in drilling activity in the coming years and a major increase in truck traffic.

Chairman Martin requested that Jake give the oil companies written notice of the stop sign and there will be a time for getting used to the change but that the Sheriff will enforce the new sign.

Marvin stated they will leave a permanent, stop ahead, sign up for good.

Commissioner McCown moved to authorize a stop sign placement at the Intersection of CR 329 and CR 320 to be stopping traffic on CR 329 and CR 320, both sides and the Chair be authorized to sign any necessary Resolutions.

Commissioner Houpt seconded. Houpt – aye; Martin – aye; McCown – aye

d. *Permission to Install Underground Power Line within County ROW on CR 342 by Holy Cross Energy – Jake Mass and Marvin Stephens*

Jake Mall, Marvin Stephens, and Buzz Quaco from Holy Cross were present.

Holy Cross Energy is requesting permission to install an underground power line with approximately 225 feet of overhead line will be removed and run underground within the County ROW on CR 342 (Fairview Road) from an existing pole at the intersection of CR 331 (Dry Hollow Road) going north for 3198 feet on the east side of CR 342.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to

Approve the power line installation in the County right of way in CR 342 with the conditions as noted in the handout. This will be completed within 30 days, but it doesn't start for 14 days.

Buzz stated that EnCana Oil and Gas will be doing the digging and as much as possible they stay within the Holy Cross power line. They will put in the conduit and vault system and once that's in the ground, Holy Cross will come back and pull the cable. They are working on another project in conjunction with this one. It's called C2 – it's at intersection CR331 and CR 342 and they are not in the County road right of way, they're digging on private property there. When they complete that one they will do this one for Holy Cross. They will require them to have flaggers.

Commissioner Houpt – if they're working on an EnCana project in coordination with Holy Cross, they have to have permission to do that as well.

Marvin agreed if they come on the County right of way, yes they will.

Buzz stated they will have an inspector from Holy Cross on the project watching but it won't actually be excavated by Holy Cross.

Commissioner Houpt – the approval Holy Cross is seeking today does not include EnCana if they are doing a project in the County right of way in conjunction with this project. Buzz clarified that EnCana was not. Houpt – aye; Martin – aye; McCown – aye.

e. *Purchase Of Service Agreement*

Dale Hancock submitted the Purchase of Services Agreement made this 21st day of March with Colorado West Promotions to provide services as an independent contractor for a not to exceed \$35,000 for the 2005 Garfield County Fair for a concert featuring the band Lonestar or another BOCC approved performer of similar notoriety for presentation on Saturday, August 13, 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to sign the County Fair contract with Colorado West Promotions; Houpt – aye; McCown – aye; Martin – aye

Ex Session – Ed stated that he has several items to be discussed in Executive Session: Negotiation issues as far as incentives to prospective a new business –the second relates to negotiations strategy related to the proposed Child Advocacy Center and will need Lynn Renick and the 3rd deals with the Board's negotiation position with respect to a specific vendor and will need Patsy Hernandez in this one.

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou Vallario had to go to Denver and requested this item be taken off the agenda.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice; Item 4a – BOCC report on Oil and Gas leases and correspondence under policy discussion.

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

a. *Consideration/authorization for Chair to sign Renewal of Purchase of Services Agreement with Sullivan Green Seavy, LLC and the Norris Dullea Company*

Model State Land Use Code and for Garfield County.

Don presented the renewal agreement and adding that the cost of the renewal agreement term is for \$49,200.00. This will be from January 1, 2005 and ending December 31, 2005.

Mark Bean was present and presented the situation. There are a few things that the Building and Planning have asked extensions for as well as Norris Dullea. We were able to get some additional money from the State to provide for some additional documents that will go into this and enhance the document ultimately.

Mark stated they have been working the last 7 months with staff and consultants and comments have been provided. Very close to the end of that process and the goal is to have this to the BOCC the first part of May. The proposal for public comment will be the later part of summer or the first part of fall.

Don framed the motion requesting the Chair be authorized to sign the renewal of the contract.

Commissioner Houpt so moved; Commissioner McCown seconded. Houpt – aye; McCown – aye; Martin – aye.

b. *Discussion Re: Ground Water Protection Overlay Zone District*

Don stated there were discrepancies between the legal description and the mapping area on the Ground Water Protection Overlay Zone District in the vicinity of Rifle and this needs to be rectified through preparation of a proper legal description and then noticed in the normal rezoning process. Don requested direction to the Building and Planning Department to retain any necessary expertise in the form of the County Surveyor to prepare the legal

description and move forward with that process. Commissioner McCown so moved; Commissioner Houpt seconded; Houpt – aye; McCown – aye; Martin – aye

c. Consideration/authorization for Chair to Sign Contract for Professional Services (2005) with Science Based Solutions, Inc. – Expert Advise Re: EnCana Oil/Hydrogeological Study

The Contract for professional services with Geoffrey Thyne, PhD was submitted. Don explained that this was for preparation of a RFP that encompasses appropriate milestones, objectives, findings and a critical path consistent with the Preliminary Plan for the Garfield County study to address the potential impact of the planned drilling we should consider a component that would characterize the geology in the potentially impacted areas. It would include starting systematic collection of water resources data for the County.

d. Consideration/authorization for Chair to sign Contract for Professional Services with Science Based Solutions, Inc. – Expert Advise Re: Presco/COGCC

The Contracts for professional services with Geoffrey Thyne, PhD was submitted. Don explained that this will provide professional expertise including expert evaluation, advice, preparation of any necessary reports, and any expert testimony necessary at hearings. in the matter before the COGCC., Cause No. 139, filed by Presco, Inc. requesting to drill buffer zone surrounding the Austral Oil Hayward #25-95 (R-E) well in Section 25, Township 7 South, Range 95 West, 6th PM in Garfield County. The contract amount is for not to exceed \$25,000. The term of the agreement beginning on the 1st of January 2005 and conclude on or before December 31, 2005, no matter the date of execution. Time is of the essence in this Contract.

Don stated there were two pending ligations with the Oil and Gas Commission and one initiated last year involves enforcement action in the vicinity of Divide Creek and the more recent one this year involves issuance of permits in the area of the Rulison Nuclear test site. For both of those we need expert advice to the county staff and to the Oil and Gas Commission to assist them in their deliberations.

Don listed two contracts but would like authority to do one contract with Dr Thyne for an amount not to exceed \$60,000 to provide expertise in cover both pieces of litigation.

Commissioner Houpt so moved; Commissioner McCown seconded. Houpt – aye; McCown – aye; Martin – aye

Policy – In regard to a Policy concerning Letters of either complaint or commendation regarding members of the County staff

Don stated the direction he is seeking is to discuss this issue with Administration of the County and develop a provision in the Personnel Code and Manual that would provide direction on the appropriate chain in which such letters or correspondence is to be tendered.

Commissioner McCown so moved; Commissioner Houpt seconded; Houpt – aye; McCown – aye; Martin – aye

COMMISSIONER REPORT

Chairman Martin – Return Report on Oil and Gas Leases with EnCana

Chairman Martin stated his research on the leases of minerals under County Roads in Garfield County to see if the lease itself was competitive and found it was an old lease revamped a couple of times but his conclusion is after research and consultation is that we really shouldn't be signing any leases because we don't really own the rights underneath our roadways. He recommended that the Board not sign any leases and it be our policy to send them back to the different oil companies.

Commissioner McCown – this was also with the concurrence of the County Attorney and his research on the same issue and we would ask that a letter go out to all of the energy companies that we have on record asking them to no longer forward us leases for signing if it involves those particular areas under our County Roads.

Commissioner Houpt – it's very clear that we don't own those rights.

What's facing us right now is under our roadways a different issue presented by properties under tax sales. On those with different cases of Case law it appears that we need to auction those rights rather than use them.

Chairman Martin wants to follow that case law and if we acquire any property with a severed mineral right or property with mineral rights, through taxation that we need to follow statute and auction that off at the end of each year instead of holding onto it, collect the money, put it in an account that goes nowhere and that there may be other entities out there from School Boards to Special Districts that entitled to some of that money.

Don will provide the case law citation ruling of the Colorado Supreme Court in two separate cases in the correspondence that he sends to the other energy companies.

Chairman Martin thanked the Board for allowing him to do his research.

Commissioner McCown so moved the direction given to Don; Commissioner Houpt seconded; Houpt – aye; Martin – aye; McCown - aye

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 Plats for Tracts 42 and 43, Antler's Orchard Development – applicants are Paul and Terrie Samuelson – Fred Jarman
- f) Authorize the Chairman to sign MOU with Colorado State University Cooperative Extension.
- g) Authorize the Chairman to sign the Final Plat for the Clark Subdivision – Mark Bean

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g absent b and c; carried.

COMMISSIONER REPORT

Commissioner Houpt – Tuesday, Blue Ribbon Housing Panel in Denver; Thursday, I-70 Corridor Coalition and Fri and Sat. meet with the Community Integration Initiative; Sunday – Child Care appreciation brunch from 12 – 2 – April 10th, Hotel Colorado.

Commissioner McCown – Associated Governments in Palisade on Thursday in addition to the others that Tresi listed.

Chairman Martin – Out of town on Friday and came back on Sunday. Rep. John Salazar in town but was out of town; meeting the Attorney's and John on the Ground Ambulance Rules and Regulations on Tuesday at 1:30 p.m. – this is the upcoming adoption and discussing this on Tuesday, the 21st in Denver. Meeting – 12th of April with Pitkin County from 10 a.m. until noon to discuss particular issues; also had conversation with Rio Blanco and they wish to go ahead with a joint meeting with Moffatt, Rio Blanco and Garfield on issues and finalize this meeting. Had a request from the various municipalities to attend one meeting on a quarterly basis and would like to set up with the three Commissioners that each Commissioner attend at least one Council meeting a month at one of the communities; STACK on April 8th in Denver from 8 a.m. to noon - Transportation for the State on the reorganization and re-prioritization of the 7th pot and Strategic plan. Passed an opportunity to go back to Washington on the PILT Bill that does not affect the Rural School Act.

PUBLIC MEETINGS:

ANVIL POINTS EIS PRESENTATION – BLM – STEVE BENNETT

Steve Bennett from BLM, Associate Field, John McClure working and Terry Hudson, Ecology and Development, Brian Hopkins.

Purpose of this briefing is to update the BOCC on the clean up – comment period through April 16th.

There are **four areas of Shale Pile Cleanup** – Terry Hudson presented

1. Engineering Evaluation/Cost Analysis (CC/CA)
2. Removal Action Design
3. Construction
4. Closure and Monitoring

The Objectives include:

- Describe site and chemicals of concern
- Determine potential threats to human health and the environment
- Present reasonable removal action alternatives for comparison
- Recommend a preferred removal action
- Satisfy the CERCLA and NEPA requirements for documentations

The EE//CA activities include:

- Addressed shale pile and impoundments only
- Detailed topographic mapping of shale pile
- Geophysical investigation
- Drilling and sampling of shale pile and impoundments
 1. Environmental analysis
 2. Geotechnical analyses

EE/CA Results

- ❑ Arsenic waste shale averaged 54.6 mg/kg vs. 10 mg/kg in surrounding soils
- ❑ Instability of shale pile
- ❑ Waste shale is homogeneous
- ❑ Volume estimates range between 65,000 – 113,000
- ❑ -113,000 cubic yards used for cost estimating

EE/CA Remedial Action Objectives include:

- Prevent or reduce:
 - Human and ecological exposure to arsenic and other metals of concern
 - Potential migration of arsenic and other metals found water and surface water
 - Potential migration of arsenic and other metals by wind

EE/CA Activities

- Five Alternatives Considered
 - o No action and beneficial re-use screened out
- Comparison of Three Alternatives – a detailed analysis was completed on the three alternatives
 - o Stabilization and closure in place
 - o Removal to on-site repository
 - o Removal to off-site commercial landfill

EE/CA Alternatives –

- *Stabilization and Closure in Place*
 - o Achieve 3:1 and 4:1 slope by excavation and compaction
 - o Extend pile to accommodate shale
 - o Cover shale pile and revegetate
 - o Control site access and monitor
 - o Estimated cost: \$4,280,000

EE/CA Alternatives

- *Removal to On-site Repository*
 - o Design and build on site landfill
 - o Excavate shale materials and place in landfill

- Cover landfill and revegetate
- Reclamation of former shale PILE AREA
- Control site access and monitor

Estimated cost: \$4,215,000 for plant Site location

EE/CA Alternatives

- *Removal to Off-Site Repository – this is the preferred*
 - Excavate shale materials and place in off-site landfill and two transportation methods
 - Estimated cost: \$8,763,000 for West Garfield Landfill

Current EE/CA Status

Draft EE/CA released for public comment

Preferred alternative in the On-Site Repository

Next Tasks

Finalize EE/CA based on public comments (by May 2005)

On-site Repository design (by July 2006)

Removal Action (by December 2007)

Reclamation Activities (by December 2007)

Long term monitoring (5-30 years) – depends on the Colorado Department of Environment

Commissioner McCown asked if there is a possibility that this area could be leased again for future oil shale development – BLM is partners with the whole operation with R & D Facilities according to the meeting held in Salt Lake last week, it this facility going to be one of those since it was one of those.

Steve said he hadn't heard any interest in that at least at this specific site right now, but what they are considering in the Roan Plateau plan would allow some research/lease tract type stuff in the various alternatives for oil shale development.

Commissioner McCown as far as releasing the funds that are being held hostage that have been garnered from royalties, will this clean-up phase create a release of those funds or will it still hinge on the fact that the mine and the road has to be reclaimed, so those funds will still be held?

Steve – as far as he knows right not, there's no provision to release those royalties until the project is totally done and there's a second provision in the legislation that required a payback provision to the government for the cost of developing the gas wells at DOE, so it's a two prong issue – when they get this done they still have to have enough money to reimburse the government for those facilities.

Commissioner McCown clarified that it won't be released in proportionate shares. It will all be held until everything is done off in the future.

Steve – that is how it would work. There are folks working on getting a stage release of those funds, but it would possible require some amendment by legislation. They ran some calculation on when they thought the amount of money would accrue in that account to pay back both this work plus the payback provision that is associated with gas wells out there and at the rate royalties are accumulating on what was leased in 1999, they estimate by 2007 there would be money there to pay for both projects and reimburse the government. The plan includes all clean-up including the road and site. Other than the shale pile there are very few other environmental issues out there. They just completed the investigation that says there is not much in the nature of contamination of soil, ground water or anything else that's not related to the shale pile, so the rest of it will be fairly simple. It comes down to physical hazards, safety of mine entry and the other is the water plant at the river which is abandoned with the train crossing and those have to be dealt with as well. These are easier to clean up and easier to do than the environmental portions. Preferred Alternative – was this based on environmental issues or cost?

Steve said the process includes environmental issues – construction, exposure to the public, and exposure to the workers. Removing the oil shale material away from the creek and moving it on top of the bench was a more reasonable thing to do.

Ed asked if there were any other constituents in the oil shale approach threshold, and what were they?

Steve – Arsenic, beryllium and this exceeded the EPA site screening levels averaging 1.2 mg per kilogram; aluminum, calcium, copper, mercury, potassium, silver, sodium, and biennia that were found at concentrations exceeding 3 times background, which is commonly used rule of thumb for a screening level also. These are in concurrence with the previous studies done by Dinomac in 1998 and CEPHE in their 2000 report.

As to the liner, it is unlikely that any of these chemicals would be a factor. The liner that a cost estimate was provided for was a clay liner. All design criteria will be in the next design phase.

If Garfield County wants to submit any formal comments, they will be glad to consider them.

CONSIDER A REQUEST FOR AN APPLICATION FOR SITE APPROVAL FOR CONSTRUCTION OF A NEW WASTEWATER DISPOSAL LIFT STATION FOR SPRINGRIDGE RESERVE. APPLICANT - PAT FITZGERALD, GLENWOOD BROKERS - SPRINGRIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORPORATION - REPRESENTATIVE

Fred Jarman, Carolyn Dahlgren and Pat Fitzgerald were present.

The City of Glenwood Springs has signed off on the site application.

Fred stated this is the "Greenwald Property" on Dry Park Road (CR 125) approximately 1 mile from the intersection with Four Mile Road (CR 117) in the Dry Park Valley.

The owners of the Springridge Reserve PUD have requested the Board of County Commissioners authorize the Chairman to sign the Site Application required by the Colorado Department of Public Health and Environment (CDPHE) for the proposed List Station for Springridge Reserve development. The purpose of the lift station is to allow the residential units approved in the Springridge Reserve development to tie into the City of Glenwood Springs wastewater treatment central collection system by way of a force main from the development to the City system.

BACKGROUND

As you will recall, the Board approved the PUD in May, 2003 and subsequently approved the preliminary plan in December 2004. The development plan includes dividing the 484 acre property into a Residential Area comprised of 81 clustered residential lots which range from 0.7 acres to larger than 4 acres in size encompassing 150 acres and a Reserved Area to include 309 acres to be designated as open space to remain undeveloped. As part of both the PUD and preliminary plan, the Board approved the proposed central wastewater service as provided by a pre-annexation agreement between the developer and the City of Glenwood Springs. The County has previously reviewed and approved the engineering of the system as part of the preliminary plan review. The schematic in the photo below shows the approximate location of the lift station in an open space tract on the north portion of the property.

RECOMMENDATION

Staff recommends that the Garfield County Board of County Commissioners acting as the Local Planning Agency recommend **APPROVAL** of the site application for the Lift Station and force main for the Springridge Reserve PUD finding that the proposed lift station is consistent with the long range comprehensive planning for the area in which it is located and is managed to minimize the potential adverse impacts on water quality.

The plan is to have this completed by the end of 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the site application and force main for the Springridge PUD. Houpt – aye; McCown – aye; Martin – aye.

PROVIDE AN UPDATE ON LOVA TRAILS PROGRAM AND REQUEST A WAIVER OF THE ADMINISTRATIVE FEE FOR THE SOUTH CANYON TRAIL PROJECT – LARRY DRAGON

Larry Dragon, Mike Sawyer, LoVa Board member and Randy Russell presented.

Randy submitted a memo to the Board stating that LoVa would be presenting an update report regarding progress on the South Canyon Trail project. LoVa will also be requesting a waiver of the \$10,000 fee that Garfield County has put in place to act as the Local Agency Applicant for the management of projects with CDOT funding. As you will recall, the County Policy for those projects covers noise barriers, trails, and any other project where CDOT requires a unit of local government to take the lead on project management. Staffing efforts by the County for these projects is significant. LoVa would apply the waived fee as \$10,000 of project match towards South Canyon Trail funding obligations.

We should also discuss matching funding in a more general nature with the LoVa representatives. CDOT has kindly offered to move the funding for their second Enhancement award for the South Canyon Trail forward in time from 2007 to combine with their first Enhancement grant (awarded now, probably to be utilized in 2006). This will be very helpful for project funding in general. But, it also moves forward the local matching requirement that LoVa had originally anticipated asking for in 2007. A general discussion of this issue would be helpful at this time.

Commissioner McCown stated that in regard to the \$10,000 fee waiver request, the County is bearing a tremendous amount of responsibility on this project and didn't want to set a precedent for future waiver requests for fees. He wanted LoVa representatives to be aware of his position on this. There is still a problem on the CDOT right of way and doesn't want Larry to expect this for future requests.

Mike Sawyer, LoVa Board Member – commended that this progress is immense and the work is good quality; LoVa thanked Randy Russell, Don DeFord and Jeff Nelson for the cooperation.

Things are moving along very well and hopeful to do some preliminary construction the latter part of summer. The trail could be completed in the construction season for 2006.

The County Attorney has spent more time than he hoped reviewing the contracts and removing specific language.

As soon as the CDOT contract is signed, they hope to submit an RFP for design and engineering that Jeff Nelson has worked on. They would like to get it out to take advantage of summer and winter in order to complete it.

Mike said for matching funds, they are going for grants and have as their top priority a more comprehensive plan and strategy to raise matching funds. Contemplating a solicitor to be brought in. The bulk of the trails funds ended up on the Front Range.

Larry gave a brief update on the connection in Glenwood Springs saying the City has talked about the connection out of Glenwood Springs and where they were headed with the trail, that there is a possibility that they could utilize the southern portion of the West Glenwood Sanitation District's property. They are doing some construction this year and came to LoVa with a proposal that they prepare a flat bed for us for the trail along the southern border above the north side of the river. This would be a remarkable way to begin the trail. There will be a lot of fill provided by the work they have that would be used utilized to help get up to the guard rail on the west side of their property, a rather steep embankment. The City of Glenwood who has contributed \$35,000 this year toward the match; they are considering ways to connect with their trail system at the end of the Gilstrap property and looking at various options there and discussing this at the River Commission meeting this morning.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to waive the \$10,000 fee for LoVa. Houpt – aye; Martin – aye; McCown – aye.

FINAL EDIT AND SIGNATURE FOR THE ROAN PLATEAU TECHNICAL LETTER – RANDY RUSSELL

Randy submitted the technical letter derived from the BOCC meeting held on March 21, 2005 where the Board discussed the 30 bullet points and determined those that should be included in the letter.

Randy stated he had drafted the letter, emailed it to the commissioners for revisions and corrections, and today, the final draft was ready for the Board to move forward.

The Garfield County Board of County Commissioners submits this letter as their technical review comments on the Roan Plateau Planning Area EIS.

Two areas of concern remain:

Comment # 2 still does not appear to have consensus, and has been reworked so that it is more of a question rather than an assertion. On review of the March 21 Minutes, it was to have been provided as a short 'place marker' for future discussions, but not as a 'position' by the County.

Comment #7 about oil shale should not assert that the technology for Oil Shale is now viable, nor should it assert any position on Oil Shale development by the County, and it has been reworked.

Comment Letter

We very much appreciate the opportunity to continue as Cooperating Partners with the BLM and other area jurisdictions, and we further appreciate your participation at the Public Meeting Garfield County hosted on February 2, 2005.

This review is limited to technical comments, findings of a general nature and questions and concerns about specific EIS elements. The Board of County Commissioners will withhold comments or any preferences about alternatives beyond these generally accepted findings.

We sponsored a Public Meeting on February 2 to receive comments on the EIS, and attended other meetings, hosted by the City of Rifle on January 12 and the Resource Advisory Council (RAC) in Battlement Mesa on February 9. Some comments and observations reflect and reference presentations from these meetings. We look forward to the full comments Content Analysis and reserve final comments on both technical concerns and general observations until after review of that larger pool of information.

These comments will be distributed to the Cooperating Partners, and the BOCC would appreciate receiving copies of comments from the other Partners as you receive them.

The Garfield County Commissioners would like to commend the BLM and the many local BLM staff persons who worked long and hard in the preparation of the EIS document. For a project of this size and scope, the preparation of a readable and organized EIS is no easy task. We find the EIS to be readable, understandable and well organized within the limitations of the complexity of the topics and the breadth of material that needed to be covered.

GENERAL OVERVIEW COMMENTS

1. Some areas of analysis and context contained within the EIS are dated. These are of specific concern where they provide foundational information and context for potential impacts at any rate of drilling under any alternative. Key among these are regional drilling rates and the available infrastructure for future drilling rates, the workforce in place now, current energy production from the immediate region (western Garfield County) and estimated future rates of exploration and production from that same region.

2. FLPMA contains significant sustainability criteria for inventory and analysis. Current context, along with production and drilling rates in the immediate region, suggests that the statement for the need for timing and extent of drilling on the NOSR may need to be re-examined

3. A general discussion about ongoing funding for management options was lacking in the EIS. More detail is needed. The narrative about Hubbard Mesa alternatives, states that no funding would be available. More discussion is needed.

The document needs to show revenue to BLM to assist in management for the designation or continued management of Wild and Scenic River sections, Areas of Critical Environmental Concern, Areas with Wilderness Characteristics, Watershed Management Stipulations, and other management strategies that carry with them funding requirements. This is an enforcement and maintenance issue, demonstrating that resources are available (regardless of alternative) to deal with transportation enforcement issues, vandalism response issues, emergency response, monitoring and reclamation issues, and funding for site closure and eventual reclamation. The document should detail management funding impacts from such designations, or the lack thereof.

Garfield County would suggest that unless revenue for monitoring and enforcement can be obtained and stipulated in agreements from potential users, or from some other guaranteed source tied to increased development, no alternatives can be properly evaluated in the refinement process where success hinges on such management and enforcement.

What revenue will be available to the local BLM staff to hold in the area for use in the area? What mechanisms can be used to guarantee such revenues?

4. The issues of 'Phasing,' 'Capping,' and 'Triggering' are represented frequently in the comments received by Garfield County and in our own internal discussions. It isn't clear to the County whether the BLM can stipulate "rates" of drilling as part of a lease or stipulations to that lease. It also isn't clear if the BLM has the right to substantially modify or change that lease in the future.

Examples:

a. Once granted a lease, during the life of this RMP, is that lease subject to any substantial changes made in a future RMP or by an RMP Amendment?

b. Does the BLM have the ability to control or 'cap' the rate and pace of development through lease stipulations?

We would appreciate clarification on this set of issues prior to engaging in work on the development of a final alternative.

ITEMS FOR CLARIFICATION, EXPLORATION AND EXPANSION

5. Royalty and Severance taxes were not adequately covered in the EIS. In previous discussions and critique, Garfield County had suggested that public revenue streams from extractive activity on BLM lands be detailed with diagrams showing cash flow from that extractive activity to the federal government and state and local governments as well.

Projections from revenue sources should be provided based on probable levels of leasing and development. Revenue streams from current leasing and funds accumulated to date should be more clearly discussed. The projects and cost estimates for those projects to which the funds are to be applied, should be made clearer. One time "Bonus" lease payments were not addressed in the EIS, and it remains unclear as a result whether those bonus payments would be applied to remaining DOE and clean-up obligations, as one time bonus lease payments were not defined or dimensioned, nor was the magnitude or distribution of these payments.

6. The EIS contains population projections generated by the State Demographer's Office in the Department of Local Affairs. Garfield County is now in the process of modifying those projections with the Demographer's Office. Changes should be reflected in the final document, as those projections will likely increase significantly.

7. The Transfer Act was passed, and to some extent the EIS was developed during a time when Oil Shale activities were quiescent and production from that energy source was deemed to be non-viable. With Oil Shale development once again being explored for economic feasibility, the potential for Oil Shale research and production on or in the Roan Plateau must be addressed in the EIS.

All agree on this comment.

8. Garfield County notes that certain projection methodologies utilized in the EIS consisted of flat rates, extended over the 20 year life of the RMP. No attempts were made to conduct sensitivity ('what if') analysis where some of those rates could predict probable impacts. Sensitivity analyses would be helpful in projecting overall impacts.

9. Road and Bridge issues, comments, and concerns:

a. The EIS made only a limited inventory of intersections and road segments. A final alternative analysis would need to be more in depth on this issue.

b. The EIS made no real attempt to look at cumulative impacts including various levels of activity on the NOSR and activity generated on surrounding BLM and private lands.

c. No attempt is made to estimate costs to local, state or other federal agencies or institutions to remedy the impacts to road segments and intersections. Sharing of such cost could be rightfully allocated to various development scenarios on the NOSR.

d. There is no definitive explanation of ownership, or maintenance responsibility, for key road segments in the EIS (JQS Trail, Rim Road). The County recognizes and appreciates that the BLM has initiated discussions on this set of issues, and will assist the BLM in coming to closure prior to entering into final alternative discussions.

e. Charts and graphs relating to traffic projections and narrative should be sourced. The BLM needs to correct narrative on page 4-181 where the 20 year projection date should probably read "2023" rather than "2003," and correct assumptions about trip generation rates in Table 4-34 where trips estimated from drilling are off by a factor of 10, reducing that number from 3093 to 309.

f. The County supports efforts by the BLM to work with industry and private property owners to develop alternative access routes that are sensitive to the values and constraints identified in the EIS, where traffic impacts may be mitigated, and such mitigation strategies as bussing, carpooling and seasonal closures.

g. The County's longstanding position on the JQS Trail is that it shall remain open, but that it not to be upgraded to accommodate anything heavier than pick-up truck sized traffic.

h. It should be noted that any upgrading made necessary by scenarios within the EIS that cause additional traffic on existing access points on County Roads, intersection improvements, construction and maintenance of new roads, and enforcement of road closures and uses, should be the responsibility of the BLM, or its lessees, unless otherwise negotiated.

REINFORCEMENT OF VALUES AND CONCERNS

Garfield County suggests that the following values and concerns apply to the determination of any final alternative for the RMP, and are submitted now as a Cooperating Partner to aid in that future discussion:

10. Garfield County wishes to support and wherever possible encourage the continuation of recreation activities, and historic cultural and economic utilization of the NOSR. Such uses would include, grazing allotments and outfitter

and guide allotments. Further, we suggest that any alternative chosen respect those historic uses and minimize impacts to historic grazing practices and back country recreation and hunting activity that currently exist now and are likely to be developed as a future resource.

11. The interests of private land owners, both where there are in-holdings and lands abutting need to be given the highest consideration. Management decisions made should incorporate their future desires and result in mutually beneficial decision making.

12. Garfield County wishes to stress that we strongly support and endorse the current management efforts by the BLM to promote and enhance the unique qualities of the Roan Plateau. These include work on Wild and Scenic River designation, enhancement of the native fish populations, management of stream health, grazing and water development improvements, Areas of Critical Environmental Concern for a variety of values, and incorporation of the Areas with Wilderness Characteristics and Biological Inventory findings into current and future management practices. All of the inventory work and analysis, in all of these important areas, need to be applied as "screens" and factored in any final alternative analysis.

13. Where it has been shown that the NOSR supports globally rare and significant plant species and significant associations of plants and habitat, the highest levels of protection should be applied to those sensitive areas.

14. Garfield County supports further intensive focus on Hubbard Mesa as a Special Recreation Management Area. We recognize that Hubbard Mesa represents a troublesome 'Urban Interface Zone' for the BLM, where increasing urbanization and traffic makes it difficult to manage an area for traditional land values.

15. Garfield County affirms its longstanding position that the highest possible values be placed on visual protection for the Roan Cliffs, and foreground intrusion along the I-70 and Highway 13 corridors, and where possible along the Rim Road on top of the Plateau, should any activity be allowed there.

16. The highest levels of protection should be given to watershed protection where either the protection of the Cutthroat Trout population is at risk or the Town of Parachute water supply might be impacted by any action.

17. Garfield County supports the broad concept of multiple uses, and suggests that values are both qualitative and quantitative in looking at options for the utilization of any public land or resource. The preservation of culture, custom and tradition, and the recognition of both existing and potential future uses, all need to be given prominent consideration in land use decisions. As a result, Garfield County will look for a final alternative to incorporate traditional outfitting and guiding, hunting and fishing opportunities, grazing, informal back country non-motorized utilization, motorized use of appropriate roads and trails, seasonal use for winter sports, and appropriate accommodation for recreational events.

18. Weed control measures must be given the highest consideration for any alternative that allows further intrusion into the NOSR. Garfield County urges that such a weed control plan include, but not be limited to, regular road and shoulder maintenance on all BLM roads and access roads to be permitted, well pad area maintenance provisions, vehicle treatments, reclamation and restoration stipulations and ongoing monitoring and enforcement.

19. While emergency management and fire issues may be covered in individual lease stipulations, the final alternative should lay the groundwork for determining the range and extent of those stipulations and responsibilities for the BLM, Lessees, and other agencies to prepare for, and respond to, emergencies created by any more intensive use of the NOSR.

SUMMARY

Garfield County has refrained from submitting specific comments on areas of general concern where the County has no specific staff expertise to contribute to the immediate analysis. These areas include air quality, water quality, wildlife impacts and mitigations, and specific comments on appropriate buffers or preservation areas. The County awaits comments on these areas from other knowledgeable sources to assist in findings and recommendations, but holds these areas of concern as having the highest importance in the future deliberation process.

Many of these issues and concerns can be resolved or clarified quickly, and the County looks forward to receiving those clarifications through continued interaction with BLM staff and the cooperating partners on these ongoing discussion areas.

We look forward to a positive relationship in this important decision making process, and please feel free to contact us if you have any questions about the issues or concerns raised in this letter.

BOCC Discussion

Chairman Martin submitted comments but they were internal. Commissioner McCown indicated that he would support those comments.

Chairman Martin stated that it was too wordy, too many things that he disagrees with the way it's presented and still like his presentation the best excluding No. 2 which was to have an explanation or justification of why we needed to drill on the NORS 1 and 3. The other one is in the Comment on No. 7, he was not asserting that there's technology

that says that oil shale has to be developed now, other than we open up the discussion because it was not in the document.

Randy stated the internal comments were not submitted for the public as he felt those were internal. An agreement on Comment No. 2 could not be reached between the three of the Commissioners and still needed further discussion in the public to either include or delete. On Comment No. 7, Chairman Martin's version has actually stated something to the effect that now oil shale has proven to be viable – Randy felt it important to edit that and not to take a County position that we think that's viable just that it's being explored and its feasibility is something that's in doubt but back on the table.

Commissioner McCown asked if Randy had received his email comment that he supported John's letter. That would be one vote; John submitted the letter – that would be two votes.

Randy – except for item number 2 and the rewording on item 7, there isn't more than 20 additional words.

Commissioner McCown – noted there was consensus.

Commissioner Hought didn't agree that it was consensus but realizes that the majority rules. The letter has been condensed beyond where she would have agreed to go. She fixed some sentences and recognized both supported this type of letter which is pretty condensed down; she didn't see huge changes that Randy made from the letter proposed by John. At this point, she is fine with it at this point because knowing that numerous groups have submitted comments and issues that she would like to have seen in our letter but are being covered by other groups and believes that what we have here is a compromised between 3 people who are trying to put a letter together to identify the technical concerns we can all agree on.

Commissioner McCown stated that he can live with Randy's recommended changes to number 7 taking out the assumption that oil shale is viable. From day one he has always said there was a tremendous lack of concern about the possibility of oil shale development on the Roan and thinks this will address his concerns that it be pursued and at least addressed further in the EIS.

Commissioner McCown and Chairman Martin agreed they could live with Randy's wording on number 7.

Randy – this gives BLM a sense of where we are now.

As a cooperating agent, every item is still on the table and can be brought up for further discussion. Nothing is final, even with this letter. He predicted a lot of stuff would come in before the deadline on April 11th that addresses a lot of these technical issues and also have the benefit of the Department of Natural Resource comment letter as a fellow participating partner.

Commissioner Hought recognized that the Mule Deer Foundation addressed some concerns in the management plan for air quality monitoring and water quality. She stressed her concern also in taking a position at this point on the management plan because the Commission has looked at this through true information that have been provided in the meetings they have attended and staff recommendation and personal digesting of the plan, but there will be some great information brought forward by not only all of the participating partners but all of the other comments that will be send it – there are thousands of comments and it will be very helpful to come to the table looking at that analysis. Commissioner McCown made a point of stating that going further back, he and John were on the Board at the time the original alternatives A – F came out, the local governments jumped on alternative F and it was not there for that purpose. It was merely one of several alternatives to see if the range of alternatives was even board enough to review the concerns of the Roan Plateau analysis and everyone jumped on it as an alternative far too premature to even be considered as an alternative. The press may not agree with us, we are following the protocol by not taking a position or selecting an alternative and moving forward as a cooperator with open minds to try to come up with some type of an alternative that works for everyone.

Chairman Martin stated he read the article on Thursday of last week on the editorial demanding that the County take a position because we were shirking our duty and denying the voice to the citizens in this particular issue. It was interested because John was on it since it began and have been reporting on it, so he wrote a letter, hand delivered it and explained it point by point, why we didn't take a position and interestingly the following day that there were letters condemning Garfield County Commissioners for not taking a position and he also noticed that his letter hasn't been in the paper explaining so he offered to the viewers that this copy of the letter is available in his office if you like to see what this Board decided to do. This is the point – once again the Board takes the position that we are neutral because that is what our contract requires us to do.

Commissioner Hought – this Board would be working with incredibly limited information if we took a position at this point and as you know from the public discussion taking place, there are different priorities and concerns and we are benefiting a greater population by waiting until the Board has all the facts along with the analysis in front of us.

Direction: Commissioner McCown made a motion stating that after the considerable editing, he can support Randy's final draft and moved the Board sign the letter to the BLM. Commissioner Hought seconded; Hought – aye; McCown – aye; Martin – aye.

Commissioner Hought thanked Randy and said this is just part of the discussion process.

GREATER SAGE GROUSE DOW MANAGEMENT CONSERVATION – JOHN TOOLLEN AND JOE GUMBER

Dean Rigs, Joe Gumber, and John Toolen were present.

The Greater Sage-Grouse is a species restricted to sagebrush rangelands in western North America is declining across much of its range.

CDOW plans to begin a Local Working Group to develop a conservation plan for Greater Sage-Grouse in the higher elevations areas of Roan, West Parachute, Piceance and E. Douglass Creeks, essentially the central and western Roan Plateau area.

CDOW was approached last fall by representatives of EnCana and Williams Energy asking about grouse and the possibility of forming a local work stoup. An ad hoc group of CDOW, BLM and the industry has been meeting since November. A number of companies in the gas industry have contributed a total of \$23,000 to pay for helicopter surveys of sage grouse mating grounds this Spring. These flights will begin April 14th.

Staff has made plans for a facilitator to bring coordination rather than leading – not taken this to the Wildlife Commissions per se. DOW doesn't want to see this bird get listed on the endangered species. Commissioner McCown – CDOW is dealing with a relatively small number of property owners in the defined area. Having a seat on the Northwest RAC they are very aggressive in supporting Sage Grouse habitat and have programs in place. They already have a program for their land. They have made a presentation too the Rio Blanco County Commissioners and they have offered to participate in signing the letter and the request today is for this Board to sign a letter announcing the public meetings and they would also like to have the Garfield County have a County representative on the work group. Commissioner McCown stated he would be in favor of signing a letter but would like to see it first. The concept of the letter is supporting the public meetings to ask the questions and address the concerns and solve the problems. In concept the Commissioners support the concept.

SELECTION OF AN ALTERNATE MEMBER TO THE LIBRARY BOARD – JACI SPUHLER

Jaci presented a memorandum to the Board regarding the selection of an alternate member to the Library Board. The request before the Board is to appoint one of the three applicants to replace Chuck Dixon who resigned March 22, 2005.

Jaci explained that Nella Barker moves up from alternate to a regular member leaving this vacancy. Those applicants for the vacancy include: Greg S. Russi of New Castle; Laura M. Wassmuth of Glenwood Springs, or Laura Hardman of Glenwood Springs.

Jaci stated she didn't have a preference and that it was a difficult decision.

Commissioner Houpt would like to appoint Laura Wassmuth.

Commissioner McCown made a motion that Nella Barker be promoted to a regular member and as appoint Laura Wassmuth as the alternate and requested that Jaci send letters to the two others. Commissioner Houpt seconded the motion. In favor: Houpt – aye; McCown – aye; Martin – aye.

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

ADJOURNMENT

Attest:

Chairman of the Board

APRIL 11, 2005
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 11, 2005 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

○ ***GA Taxiway Scope of Work – Authorization – Brian Condie***

Ed stated the decision of the Board would be whether the County would be the entity that pays all, a part of or if the developer would be the one to pay all or part of the costs for this project.

Brian submitted the engineer's cost estimate for the T-Hanger Grading and Paving in conjunction with the discussion with John Savage's group on March 21, 2005.

The total estimated cost for the work was estimated to be \$206,220 with the County's share \$108,045 and the Developer \$98,175 if that option was approved.

The RFP was submitted for a design-build project at the Garfield County Regional Airport consisting of grading, drainage and asphalt paving for a T-hanger building pad and the associated aprons and taxi lanes.

Discussion:

Ed said we have \$5.5 million in the capital fund and it will go to \$2.5 million at the end of the year.

Commissioner McCown said the County solicited the T-Hangers and the County should pay for the infrastructure up front.

Commissioner Houpt agreed it makes more sense to pay up front and not wait until 23.5 years for a payback from the developer.

A was made by Commissioner McCown and seconded by Commissioner Houpt to approve the estimate of \$117,180 for the grading and paying of the taxi way. The \$117,180 is an estimate only and the motion included going out to bid. In favor: Houpt – aye; McCown – aye; Martin – aye.

○ ***Supplying and Applying Magnesium Chloride to Various County Roads – Marvin Stephens***

Tim Arnett and Marvin Stephens submitted the recommended Board action to award the bid to GMCO Corporation to provide Magnesium Chloride at a cost of \$243,049.96 for application to various roads submitted in an attachment through out the County.

Anyone who wants to put Mag Chloride on a road can purchase this from the Road and Bridge. There were two bidders. Samples will be pulled and Marvin will explain the procedures about putting our Mag Chloride on any County road.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the bid for applying Magnesium Chloride to the various County Roads as submitted by Marvin to GMCO Corporation at a cost of \$243,049.96. In favor: Houpt – aye; Martin – aye; McCown – aye.

○ ***Procuring a Tire Shredder and De-rimmer for Garfield County Landfill – Marvin Stephens***

Tim Arnett, Kraig Kuberry and Marvin Stephens submitted the recommended Board action to award the bid to DESCO Manufacturing Inc. at a delivered cost of \$38,339.00 to the Anvil Points Landfill for a portable diesel tire shear/de-rimmer.

Marvin stated DESCO will deliver to the site and demonstrate the cutting operation and the de-rimming operation. If the machine does not meet all the requirements set forth in the bid, we can send it back.

The rims can be recycled. This machine will be paid for in less than 3-years based on the amount of tires they are cutting up now.

Marvin and Kraig have discussed having a pit just for tires in case there is some invention for recycling tires. Cut up and buried is what will be done right now.

The idea of allowing this equipment to be used by other landfills was discussed and Tim Arnett mentioned the huge liability involved with the use of the shredder.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid for the tire shredder and de-rimmer for the Garfield County Landfill to DESCO Manufacturing Inc. for a cost of \$38,339.00. In favor: McCown – aye; Houpt – aye; Martin – aye.

○ ***Install Pipe in Existing Irrigation Ditch within the County ROW on CR 266 – Kraig Kuberry***

Michael Erion, Marvin Stephens and Kraig Kuberry were present.

Michael Erion, one of the applicants, submitted a request to install 2100 feet of 8-inch pipe and 550 feet of 6-inch pipe in an existing irrigation ditch within the right-of-way of County Road 266. Additional pipe, structures and sprinkler systems will be installed on private property.

The project is being undertaken in conjunction with the Natural Resources Conservation Service (NRCS).

The existing irrigation ditch runs in the County right of way. Because it is more than 1,000 feet is why they have to come before the Board of Commissioners.

Kraig did inspect this and there will not be a disturbance to the right of way. This will actually help our right of way as it is eroding at present. Michael explained there were some big trees and plans have been made to go around these trees and no disturbance will be made.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the placement of an irrigation ditch within the County right of way on CR 266. In favor: Houpt – aye; McCown – aye; Martin – aye.

Proposed Agenda of Topics to be discussed at the Pitkin County/Garfield County was submitted. The meeting is scheduled for Tuesday from 10 a.m. until 12:00 noon here at the Commissioners Room 100. The Commissioners agreed the list would need to be prioritized when the meeting begins.

RETAC Council

Ed attended a joint meeting of County and Emergency Managers last Friday and there will be a CCI meeting on April 21, 2005 and it was suggested as many Commissioners as possible be at the RETAC council meeting. The State has seen fit to part out the State into segments for RETAC, Emergency Management and for a couple other cuts in Emergency Management dollars so we are looking at four segmentations of our area all with different County representations and it doesn't make sense. We need to settle on one set of boundaries to develop an appropriate strategy for obtaining as much funding as possible.

Commissioner McCown added that will entail the Homeland Security boundaries, RETAC boundaries which we had a lengthy discussion with Eagle County.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice Presco Litigation and EnCana Litigation concerning the Public Project and legal advice concerning two items coming up at 10:15 p.m. –one is concerned with the use of County Landfill and the other is execution of an Emergency Agreement. Carolyn – one update on the zoning violation already authorized for litigation.

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

Attorney, staff and administrators will be needed.

Action taken - Presco

Don stated the only action would be to have the Chair authorized to sign a letter to the Department of Energy asking for their participation in the upcoming hearings on Presco's application.

Commissioner McCown so moved; Commissioner Houpt – seconded. Houpt – aye; Martin – aye; McCown – aye.

Presco Public Hearing

Donna Daniels asked when the Presco Hearing would be held - the Board said on June 6 and 7th here in Glenwood, possibly in the Board of County Commissioner meeting room.

COMMISSIONER REPORT

Commissioner Houpt – the Community Integration Initiative Friday night and Saturday and it was very well attended and some great ideas and information came out of that and it was well attended. The 2nd phase of that project which is funded by the Colorado Trust and various other jurisdictions in the area will move forward to put a program plan together. Tuesday, we have the Joint Meeting with Pitkin County Commissioners from 10 a.m. to 12:00 noon here; the Human Service Commission in Rifle on Wednesday from 10:00 to 12:00 noon; on Thursday, an RS 2477 meeting in Denver and CCI meeting on Friday.

Commissioner McCown – AGNC met last Thursday in Palisade and he ran copies for the other two Commissioners of material that was handed out; Greg Neice is the representative from Mesa County and made their facility available

every Friday if you don't want to drive to Denver, they are doing teleconferencing out of Mesa County – this is available to anyone to avoid a trip to Denver for CCI; a Community Meeting at Town Hall Saturday in Battlement Mesa, initiated by Senators Ron Teck, Jack Taylor, and Al White – very poorly attended due to it was not well advertised. For this week, the same items that Tresi mentioned.

Chairman Martin – last Tuesday we had the staff meeting with the other elected officials of Garfield County and very well attended and a good conversation exchanging information and ideas and it is our effort to communicate with all other elected officials in Garfield County. An Energy Advisory Board meeting at the Senior Center in Rifle on the 7th; STACK meeting in Denver on Friday the 8th; attended the Child Care Provider Awards on Sunday, the Brunch and it was extremely well attended at the Hotel Colorado. Upcoming - Review of the Ground Ambulance Licensing Proposals and probably go forward so Ms. Dahlgren and John will be meeting again when the information is received. Dale Hancock and Carl Smith need to be there as well. CCI on Friday; RETAC at CCI in Denver from 9:30 to 12:00 noon on Thursday, April 21st.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Authorize the Chairman to execute memorandum of understanding – South Canyon Trail with Lower Valley Trails Group, Inc.
- f) Authorize the Chair to execute lease with Lower Valley Trails Group, Inc.
- g) Authorize the Chair to execute planning services contract – 2005 with Lower Valley Trails Group, Inc.

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

Senate Bill 198

Mildred Alsdorf - SB 198; if the Commissioners are talking to CCI or any State Senators or Representatives, the County Clerk's have taken a stand to oppose Senate Bill 198 which is some of the election things and the fact of recounts, etc. and it would actually bankrupt some of the Counties. She has contacted Jack Taylor and he informed me he would oppose it and also Ron Teck as well. It will go the rest of the Senate this week or next.

Editorial – My Side

Chairman Martin – stated that this is the 13th day for his editorial not being published in the Post Independent regarding the position of the Commissioners stand on not taking a position on the Roan Plateau. Donna said it is in the pipeline. His article was in the Aspen papers and reminded Donna of a balanced and fair approach to news reporting.

Insurance – Open Enrollment

Open Enrollment forms – 8 a.m. in the Commissioners room on Friday.

PUBLIC MEETINGS:

FINANCIAL ASSISTANCE FOR THE MOCK TRAIL TEAM – WES BURKE

Wes Burke, Glenwood Springs High School Teacher and Mock Trail Coach submitted a request to the Board for financial assistance in sending the Glenwood Springs High School Mock Trail team to Charlotte, NC to participate in the National Mock Trail Competition. Two weeks ago he stated they won the right to represent Colorado for the fourth consecutive time and was pleased to state that no Colorado team has achieved this feat.

They have three teams again this year with a total of twenty-six students. Placing 1, 2, and 9 at the district completion in Grand Junction and 1st and 3rd at the State competition in Boulder. The coaches for the teams are: Ruben Hernandez first team, Judge Zerbi (overall coach) and Wes Burke head coach for the second team. Many of the members of the Ninth Judicial District Bar Association, Judge Craven and many local business and service clubs have been helpful in the endeavors. The parents also provide a great deal of support. However, in this out-of-state venture, real expenses for lodging, dinners and airfare are needed.

Last year a little over twelve thousand (\$12,000) was spent going to Florida with contributions from the State Bar and RE-2 plus fundraisers and other donations. Going to North Carolina is more expensive and therefore the request for financial assistance.

Wes stated he didn't put a dollar figure on the request, as he wasn't aware of the financial situation of the County's discretionary funds. The flights to Charlotte are more expensive as there aren't any direct flights into the area.

Commissioner Houpt complemented Wes for the achievements with this team and it's wonderful to see the teams be able to compete at Nationals. It is important for everyone to assist with this type of effort and strongly believes it is important for the BOCC to support this. The request was for \$5,000.

Commissioner McCown – was also supportive and suggested why not take it out of the Human Services reserve funds as there are limited Commissioner discretionary funds. When Rifle went to State for their football game they didn't come and ask us for funds. These are school functions and hard for the budget to support all the potential requests. We didn't budget for a school function. He doesn't want to start funding for school functions.

Commissioner Houpt – thinks we should be a supporting partner. There are funds set aside in the school districts for various activities and it is unusually for a team to go to State. The 9th judicial district is very involved. At a previous meeting she had stated that she didn't agree using funds from the Human Services reserve but she wouldn't mind taking the money out of there for this. She put a motion on the table that we support the Mock Trial Team going to Nationals this year in the amount of \$3,000 either coming out of the Commissioners fund or the Human Services Fund. Commissioner McCown – asked her to be specific on this motion.

Commissioner Houpt said she wants it to come out of the Commissioner's fund. Commissioner McCown seconded. Discussion:

Chairman Martin said he really feels the money needs to come out of contingency fund that we set aside for the very reasons that the dollars collected should go to program to help out citizens, the children, of Human Services grants –

that's what they're for; we've given Human Services Grants to everyone from child care to mental health to housing costs.

Commissioner Houpt – okay, I'll do a friendly amendment – that's find.

Chairman Martin – feels that's where it needs to come from because the Commissioner's grant fund is quickly diminishing. It is down to very little if any and we have to watch that and we're only a quarter into the year.

Commissioner McCown amended his second.

Martin – aye; McCown – aye; Houpt – aye. Chairman Martin said this is coming out of the appropriate fund because that fund has been set aside and it is a Human Services issue and where it needs to be. This is a one-time shot Wes and suggested they talk about grants and the funding cycles that come through and the budget process starts in about 45 days for next year. If there is a request like this outside the school scope, then he suggested they consider grant cycles.

Wes said he gets things from the City as well. There were 114 teams competing in the State this year and it's pretty presumptuous for them to think they can do this every year. This is very subjective and this year they had teams come in as 1st, 3rd and 14th. 25 attorneys have given hundred of hours to this – almost all of their Sundays. All parents are going to Charlotte and paying their own way. A lot of service clubs have helped out as well.

CONSIDER AN AMENDMENT TO THE FINAL PLAT FOR THE RESUBDIVISION OF LOT D 29, FILING 1, ASPEN GLEN PUD. APPLICANTS: KURT AND HELEN KORNREICH – FRED JARMAN

Fred Jarman submitted the staff memorandum and explained that the Board approved the final plat for Filing 1 of Aspen Glen PUD in 1995, which contemplated the further resubdivision of certain lots in Filing 1 for the purpose of duplexes.

Mike Sorenson was present for the applicants.

Request:

Presently, Lot D 29 contains 24,894 sq. ft. and is located on the corner of Diamond A Ranch Road and Elk Track, which are private roads within Aspen Glen. The application requests that the Board approve the resubdivision of Lot D 29, which presently contains an already constructed duplex. Once split, newly created Lot d 29A would have 13,918 sq. ft. and Lot D 29B would have 10,976 sq. ft. In effect, this request will place a lot line down the middle of the duplex along the party wall separating the two units onto their respective lots.

Recommendation:

Staff recommends the Board approve the request to re-divide Lot D 29 of Aspen Glen Filing 1 for the purpose of separating interests in a duplex 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 unless specifically altered by the Board.
2. The title of the newly platted Lot D 29 shall read as follows: First Amended Final Plat: A Resubdivision of Lot D 29, Filing 1, Aspen Glen.”
3. All plat notes from the Final Plat of Filing 1 shall be included as plat notes on this plat with the exception of note G. An additional plat note shall be included with states: “The purpose of this First Amended Final Plat for Filing 1, Aspen Glen with reception no. 47330 in the Office of the County Clerk and Recorder.
4. Within 90 days of this approval, the Applicant shall submit a review copy of the Amended Final plat (paper copy) to the County Building and Planning Department. Once the County Surveyor has reviewed the paper copy and any changes have been made by the Applicant, the Applicant shall submit a signed and dated (mylar copy) of the plat to the Building and Planning Department which will schedule the plat to be signed by the County Surveyor and by the Chairman of the Board of County Commissioners.

Mike Sorenson is the Surveyor for the project and Brad Crawford, the contractor was not present. Brad wanted to mention or ask if there was a simpler process for this type of an amendment.

Commissioners said no, not at this point.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amendment to the Final Plat for the resubdivision on Lot D 29, Filing 1, Aspen Glen PUD with conditions as listed; Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR AN EASEMENT ACROSS THE COUNTY LANDFILL AS PART OF A PROPOSED SPECIAL USE PERMIT FOR A 10” NATURAL GAS PIPELINE. APPLICANT: WILLIAMS PRODUCTION RMT – FRED JARMAN

Fred Jarman presented the Staff Memorandum and provided a Power Point. Cody Smith of Wagon Wheel Consulting and Brad Moss, Marvin Stephens and Kraig Kuberry were present.

Fred explained that the request for a SUP was submitted by Williams Production RMT to construct a 10-inch pipeline across the County Landfill property north of I-70 and east of Rulison. However the staff pointed out three discussion topics to discuss:

1. Right of Way Request:

The applicants request the County grant a permit for a 50-foot temporary and a 30-foot permanent right-of-way across the Landfill for the installation of this gas pipeline. After meeting with Road and Bridge and Landfill staff it was determined that the route proposed will not affect the existing or planned operations at the Landfill as long as certain conditions are met.

2. Rezoning of the Landfill Property:

Presently, the property is zoned Open Space which was the zoning on the parcel when it was owned by the BLM. When the County purchased the property it remained zoned Open Space and a SUP was obtained for the Landfill. Once that transfer happened, the County should have more appropriately rezoned the property to be consistent with the surrounding zoning of Resource Lands (RL) because Open Space zoning is a designation reserved on for federally or state owned land. In the RL zone district, a landfill is also a SUP.

A pipeline or material handling of natural resources is not included as a permitted use in lands zoned Open Space. Therefore, in order for this pipeline to be considered, the Landfill will need to be rezoned to Resource Lands (RL).

3. Referral of Special Use Permit:

Should the Board agree to permit a right of way for the 10" pipeline across the County Landfill, staff requests that the Board determine if the SUP application should be referred to the Planning Commission for their recommendations.

The County obtained the Landfill in 1982 from the BLM. The County became the owner of the property in 1992. At the time when the County did own the property, it was not rezoned.

Fred demonstrated in his map that all the lands surrounding the Landfill are Resource Lands/Lower Valley Floor.

Open space is the BLM property.

Recommendation:

Should the Board grant a right of way permit to the applicant to cross the County Landfill, the staff recommends the following.

1. Direct the Building and Planning Staff to initiate a rezoning application of the Landfill property from Open Space to Resource Lands (Gentle Slopes and Lower Valley Floor). This rezoning would apply a more appropriate zone district to the property consistent with the uses on the property (including various existing pipelines, gas drilling activities, and industrial nature of the County's Landfill operations) as well as be consistent with private lands adjacent to the property which are also zoned Resource Lands. Also note this rezoning application would track concurrently with the SUP application in a noticed public hearing before the Board for review.
2. Based on the foregoing discussion, staff finds no compelling reason to refer the application to the Planning commission and directs staff to schedule the matter to be heard directly by the Board of County Commissioners.

Fred said the questions today are:

1. Would the BOCC provide an easement to go across the Landfill property and if so,
2. Would the BOCC also initiate a rezoning of the property to Resource Lands which is surrounding the property, and then
3. Would the BOCC also contemplate sending this to the Planning Commission for referral for the Special Use Permit?

If the BOCC does this, the SUP and the rezoning would come back to the Board at the same time.

Chairman Martin stated that there are already a lot of pipelines in the Landfill and may or may not meet with the zoning in place but they have been allowed and also there has been a lot of development, oil and gas wells have been placed because of the leases from BLM which retained the mineral rights and they have allowed to do them. We do have a conflict there and need to straighten it out. Therefore, a rezoning is a must. These pipelines are carrying natural gas.

Carolyn had the file when the County took over the ownership of the Landfill from the BLM and cautioned the Board that there may be certain obligations that we as a County took on when that land was purchased in the late 1990's by U. S. Patent.

Chairman Martin and Commissioner McCown were on the Board on the signing of this Patent.

Commissioner McCown – if action is needed today, then he would say yes on 1 and 2 and no on 3 because he thinks the Board could hear this. This is not reinventing the wheel and it's straightforward SUP with a zone text amendment. There are two separate issues but the Board could hear them at the same time. No district amendment.

Fred stated that rezoning would need to go to the Planning Commission.

Commissioner Houpt asked if the Board was hearing this specific alignment today or would be willing to consider a pipeline across the Landfill.

Don suggested the Board consider the alignment but not necessarily down to the foot, one of the things the County Attorney's staff needs to know is will the Board grant some type of a right to cross the Landfill, that's fundamental; without that we would anticipate that the County would not be the applicant for the SUP which as the owner of the property they would need to be. The other thing to discuss today is the form of the Transfer of that right if you the Board want to go forward with it. Previous on other use of County property issues especially right of ways, the County should be in the position of issuing permits not granting permanent rights on County property. And lastly to address somewhat the issues that Carolyn raised, the Patent by which the County obtained this property was subject to certain condition that BLM put in place at the time of the Patent, most of those arose out of the EA process that preceded the Patent and any permit or easement, however the Board decides, should also be subject to those same conditions and require compliance and that should address the issues that BLM is concerned with. Finally, the question of pipelines, there are pipelines in place because when BLM transferred this property they reserved all the mineral rights and there's been extensive drilling on that Landfill site because BLM desired that this occur and of course there are gathering lines that were necessitated to collect the product from those wells. Those are surface lines.

Commissioner Houpt asked Marvin and Kraig, if you look at the alignment of the proposed pipeline could they show or indicate whether any change in future plans for the Landfill or would there be any disruption in the current programs that are already within the Landfill.

Kraig said as it is drawn, it is okay and that's why it is over by the toe of the hill - there will be no digging where that's located. The line that runs there is an existing ditch that Road and Bridge had to put in to curb the runoff of water on the side hills and that line is up against the side hill already on the Landfill.

Chairman Martin added that it also goes underneath the drainage of the main road into the Landfill.

Kraig said there was another gas line coming down from the spur that comes to the guard shack and we follow the gas line to the gas pad and then leave that line and follow the toe of the hill. It will not impact any future plans. Kraig walked it with Cody and added he would like to see this go forward as quickly as possible as they plan to pave the road - if it is allowed they will navigate traffic a different way.

Fred - Rezoning could be scheduled before the Planning Commission at the next meeting in May and this hearing before the Commissioners could happen by the end of May. A date of May 16th was tentatively scheduled for the BOCC.

Chairman Martin – agrees with Don on the allowed use and added that this should not be a permanent easement but a SUP license.

Don – once the BOCC gives direction on how they want them to proceed, they will prepare the document and asked the BOCC to specify any special or kinds of conditions. This is not a County right of way so the Regulations we use for that process don't literally apply although they do provide a good guide on how to proceed. We want it subject to a term of years with renewable as long the applicant is in compliance with the terms and conditions. On the Patent there were a lot of Environmental impact concerns particularly on the artifacts especially if there's excavation and those kinds of conditions need to be attached to a permit or a license.

The Federal regulations on Artifacts have to be included.

Don – on the back gate, his recollection was that this access was put into place to allow energy development companies to access the Landfill site; does Williams have permission to use the access road to that gate?

Marvin – yes from Langstaff's property, that's how they come and out when they pump water off, etc. and that's why he would like to use both gates to minimize traffic around that guard shack. Marvin stated the paving of the road would probably be in June.

Cody suggested they would be looking at a 30-year the life of the line with an extension.

Commissioner McCown asked if they could live with the permit type process as opposed to an easement and hopes they understand why the County can't convey a permanent easement of County-owned lands; it would be a permit much like they were going down a County road.

Cody – agreed this would be fine.

Direction on the request before the Board today:

Don said direction in the form of a motion is needed on three specific things:

1 – concerning the type of right they BOCC wishes to grant to Williams to utilize County property so that the legal staff and planning staff and Road and Bridge can prepare the proper documents for signature by the Board; and authority to move forward on that but will bring it back to the Board for final approval;

2 – Also, authority for the Chair to execute necessary applications for rezoning and for a Special Use Permit because the County is the owner of the land and technically we are the applicant although we can delegate that responsibility to the actual user of the property and they can come in front of the various bodies, Planning Commission and the BOCC to make those decisions.

The 3rd thing would be to decide if the BOCC wants to hear the Special Use Permit or refer it.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the crossing of the Garfield County Landfill in the form of a permit much like the County Road permits we access and to direct staff to being the application process for the rezoning and the Special Use Permit application and that the Board of County Commissioners hear the SUP. Commissioner Houpt seconded.

Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REFERRAL OF A SPECIAL USE PERMIT FOR “STORAGE, PROCESSING, AND MATERIAL HANDLING OF NATURAL RESOURCE” FOR A WATER STORAGE POND TO THE PLANNING COMMISSION. APPLICANT: ENCANAL OIL AND GAS USA, INC. – FRED JARMAN

Jimmy Smith – Wagon Wheel Consulting and Fred Jarman were present.

Fred Jarman submitted the memorandum requesting the Board to consider a referral of the SUP to the Planning Commission.

The Building and Planning Department received this application for a Special Use Permit for a lined water storage pond on a 27,000-acre property owned by EnCana Oil and Gas USA, Inc. located at the end of CR 215 north of Parachute and is also formerly known as the old UNICAL property where oil shale processing occurred. The location of the pond is just beyond the private gate at the end of CR 215 on a 3-acre portion of the property.

The applicant is represented by Wagon Wheel Consulting and they propose to construct a water storage pond to store “produced water” from drilling operations on the North Parachute Ranch. The impact statement was submitted.

Recommendation:

Due to the limited nature of potential impacts to surrounding properties, the remote location of the property such that it is situated at the end of a dead-end county road, which is used primarily for industrial traffic, serving the existing industrial uses in the area with very limited general population traffic, the fact that the site itself will be situated in an industrial area already characterized by intense industrial activity from the oil shale exploration/processing activities, and the fact that the majority of water tanker trips generated to and from the site will occur on roads located on the privately owned 27,000 acre property, staff recommends the Board direct staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

Chairman Martin asked if there would be an increase in the everyday traffic on CR 215 to this site.

Jimmy Smith – Wagon Wheel Consulting, traffic has increased due to the drilling and construction activity in the area, the purpose of the bid is to mitigate that traffic impact and lessen or delete it as much as possible.

Commissioner Houpt – the water being stored in this pond, is it going to be used for drilling, will some of it be treated as well?

Jimmy Smith – not at the current time, the water in the pond has already been in contact with the well that has produced water – it's simply a settling time pond to hold and some of the water to recycle to additional drilling activity. We realize in the event evaporation becomes a potential that will be required amendment to an SUP for that purpose.

Chairman Martin – so you will try and recycle as much water at this facility and try and mitigate the present day traffic and not increase the traffic impact in this area.

Jimmy – correct.

Commissioner McCown said this looks like it's on the old Lindaurer site.

Jimmy stated it's actually in the site where Unocal used to have their warehouses and storage buildings and office space.

Commissioner McCown – given the remote area the closest neighbor is Exxon across the street and felt the Commissioners could probably hear this without referring.

Commissioner Houpt – wants to make sure we are doing it because of the location and the neighboring use - water storage ponds are uses that should be scrutinized as we move forward to make sure that every environmental and wildlife concern is taken into consideration.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear this as the Board of County Commissioners for this Special Use Permit and not refer to the Planning Commission. Martin – aye; Houpt – aye; McCown - aye

UPDATE BY THE TREASURER

1. INVESTMENT ADVISORY AGREEMENT

Georgia Chamberlain and Jean Richardson presented. Investment Advisory Agreement with MBI was submitted and Georgia explained that they did not go out to bid yet and this is why this Agreement is a month to month agreement and it started in January and then once the agreement is signed it automatically renews up till the end of the year. She also submitted already signed agreements from the investor MBI and if this is approved and John given the authority to sign then we can go from three.

Commissioner Houpt – are you in the process of going out to bid?

Georgia – yes, before the end of the year to be effective next year.

Don added that the reason we did month to month is just so we could complete the RFP process and award and if we chose there's no problem in bringing this to the Board.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Investment with MBI Services Corporation and chair authorized to sign. Houpt – aye; Martin – aye; McCown – aye.

2. INVESTMENT POLICY

Georgia submitted the Investment Policy and stated it is very similar to the one we've approved before, the different is to update some language and to also name the banks by their current name, name the brokerage firms we use by their current name and also we used to have a bank rating by companies that no longer do bank rating so they went with the new company and it's only one company so we have a subjective rating but Georgia decided to have our banks rated. This is a service we needed to include in our Investment Advisory.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Investment Policy for Garfield County as presented and authorization for the Chair to sign; Houpt – aye; McCown – aye; Martin - aye.

3. CREDIT CARD TERMINAL USE AGREEMENT AND MERCHANT AGREEMENT

Georgia stated we actually started this in December.

Don DeFord submitted a memo to the Board indicating that he had opportunity to review the form of Merchant Agreement proposed by Alpine Bank for inclusion in the 2005 Banking Agreement. There are a number of issues the Board should consider in the text of the document however, the Bank or VISA International Corporation will not consider amending.

Thorough this document, Garfield County will begin accepting VISA and MasterCard for payment of certain bills and transactions under the control of County Departments. This action will bring us in line with a number of governmental entities throughout the State that are accepting credit cards for payment on County transaction.

Don noted 1) that there would not to a provision to allow a customer being assessed additional charges when paying by a credit card; 2) no set minimum amount can be set for the use of a credit card; 3) required ID of the card user is set by VISA operating regulations and no other ID can be required; 4) he encouraged all staff who will be responsible for accepting credit card payments should read the provisions; 5) the County is required to display current VISA and MasterCard signage; 6) the Board must designate appropriate terminal users and each department head execute the Terminal Use Agreement; 7) Chair should be authorized to sign all necessary collateral documents including the Terminal Use Agreement, the County set up form and the Merchant File Check Sheet; 8) the County will remain responsible for all fraudulent credit card transactions – the County will remain responsible for the transaction amount if the County does not comply with provisions; 9) The County is responsible to maintain a transaction account the Alpine Bank; 10) County must maintain records of all transactions for seven (7) years; 11) the County is required to establish a Reserve Account in order to protect the Bank anticipated charge-back fees; 12) the Bank can reject a transaction and require repayment to the Bank from the County upon such rejection; 13) the Merchant Agreement allows for any customer doing business with the County on a credit card has a right to a charge-back and the County is required to honor almost every request for rescission; 14) special provisions for the staff to be award of; 15) Don has not reviewed the VISA Operating Regulations – County should have a copy of these regulations available for review and consultation; 16) staff should review the provisions of Schedule to Merchant Agreement no. 6 as it is very specific in the manner in which a transaction must be undertaken in order to be validated by VISA or MasterCard. Don referenced the other concerns dealt with the Colorado Open Records Act, the Termination; Indemnification; Security Interests; limitations of liability.

Additionally Don submitted to the Board that they might want to consider striking paragraph 25.

Commissioner McCown – philosophically he supports this as a service to our taxpayers but should we move forward with this today, he is willing to do it cautiously and evaluate and if this doesn't meet with our expectation, or if the administrative side of this far exceeds the benefits that the taxpayers receive, he will personally be looking at it very personally next year on whether or not to continue this. This has become far more convoluted than I thought it would be on its face when we started talking allowing the use of credit cards as a service. The taxpayers will have to pick up the percent of charge that the card/supplier charges us – there is going to be a shortfall and we by statute can not

charge an additional amount to make up for that. That is going to have to come out of a fund and he's not sure if it's going to be the general fund, the treasurer, where will this come from.

Georgia said the treasurer's fund is in the general fund.

Commissioner McCown – agreed. If the Sheriff takes the bond money, that bond money has to be completed in full back to the courts – where does this 3% filler come from – out of our general fund? Georgia will need to know where to pull that 3%.

Georgia said the goal at the bank was to have one account that all the credit cards went through and just as Larry said; it's a lot more involved than we anticipated. Until we know how much it's going to be used we won't know how much it will cost us. Putting all departments through one bank account, we would have all the charges right there and that is when we would analysis how to distribute the charges. We will keep track of them right now as far as per department but whether we will charge each department separately she wasn't sure about the accounting and the budget officer is not here today. This will be done one step at a time. At the Landfill it is anticipated that it will cut down on the billing that the accounting office will have to do. And it will make it safer as the Landfill staff collects money over the weekend. The Sheriff and Community Corrections feel that they will increase what they're able to collect so that they will be in positive payments. The other departments we don't know about.

Commissioner Houpt – there was extensive discussion about bad checks and having to spend a great deal of effort to obtain those funds. The analysis that would need to be done in the first year and decide it is a service we want to continue. She also would like to compare loss over the years with that 3% that will be covering as a service charge as well. We've probably loss more than the 3% over the years in funds that we haven't been able to collect. She would support Department Heads making the determination on whether or not they want to participate in this program and authorize the Chair to sign the Merchant Agreement and will just make that a motion.

Commissioner McCown seconded.

Chairman Martin noted for the record that the other elected officials are not going to be able to use the credit card system at this time. The Sheriff will have to make that determination. Shannon wanted to use it for copies, etc.

Don said the question for the record, we should identify the departments that intent to utilize the account right now or the Board broadly authorize every department in the County to do it and the reason he was saying this is as Georgia noted, the Terminal Use Agreement require not only the Chairman's signature but also the Department Heads that are utilizing this.

Commissioner McCown – this Board can make the determination for the Dept heads and if we authorize its use within the County's departments and authorize the Chairman to sign, then if Building and Planning for example doesn't want to do it, then he doesn't sign. It can be made available to every department and then this Board doesn't have to come back and redo it.

Ed said if the Department Heads signs that agreement it doesn't necessarily mean they have to enact the program.

Georgia – there's no need to sign unless they want to enact the program.

Commissioner Houpt added in her motion all departments under the BOCC's control and all elected department heads. Commissioner McCown amended his second.

Don pointed out the Merchant's Agreement can be terminated on 90 days notice and you don't have to wait to the end of the year and even with other departments authorized, if the Board of County Commissioners terminates the agreement, it terminates it for everyone.

Houpt – aye; Martin – aye; McCown – aye.

The Commissioners would like to see the results of this on a monthly basis, how much it's being utilized and how much it's costing us.

Georgia felt that each department would have to make that determination as to cost effectiveness.

Commissioner Houpt wanted to evaluate it at Budget time.

Commissioner McCown agrees with Georgia that we need to know at budget time because if this is creating a draw, we need to have it in the budget to backfill it with money to compensate for it. They wanted to establish a trend by budget time.

Commissioner Houpt agreed because the different departments will need to prepare for this also if they are looking at large expenditures.

Chairman Martin – it becomes 3% expenditure upon money they are receiving back – that's a loss of revenue.

4. SALES TAX REPORT

Sales Tax Handout - the goal is to put this to the BOCC on one page in order to give the BOCC ideas on how the sales tax was going. It is a healthy increase. The sales tax that we receive in February is for sales that happened in the County in December. It was good and very conservative for budgeting for the sales tax. A 17.5 increase in 2004 for sales. They will be posted in their website.

Fire Code Letter

Don asked for direction in terms of potentially forming a contract; a letter from Don was submitted to the Board on Friday indicating that the 2003 International Fire Code is not effective by Ordinance throughout the County excepting municipalities who have not adopted it within their municipal boundaries. That's an important distinction because most of the Fire District cover territory both within and without cities and those areas lying outside municipalities are subject to the Board's adoption of this Code to the extent they are not municipalities. Contract negotiations are involved because the BOCC is the enforcement agency for the areas that meet two-prong definition: outside of municipalities and outside of Fire Districts. That geographically is a substantial part of the County and the enforcement of this Code is now the BOCC's responsibility in those areas. The Statute specifically provides that the County Commissioner may contract for enforcement services for that area. To date the BOCC has not done that and pointed that out in his correspondence. Don said he sent this letter to the BOCC and to all potential enforcement agencies – all Fire Chiefs, all Mayor of Municipalities and to the BOCC. He did copy the Sheriff on it although he is not actually an enforcement agency under the Statute although the BOCC could contract with the Sheriff for those services if both parties are willing.

Mark Bean has received correspondence from the Glenwood Fire Protection District where he asked for certain review comments on a proposal that lies in the area under the BOCC's control and was informed that no contract had

been entered to provide that review service under the Statute and that is correct. So, this is a present issue for the staff.

Commissioner McCown acknowledged that the BOCC created the nightmare so we have to ensure there is an enforcement mechanism. His first choice in the unincorporated outside of Fire District venues would be the Sheriff and he would be the only one entity that would have the breadth of authority throughout the entire county. We could contract with Carbondale Fire, for instance to be our enforcement entity, he didn't know would the authority transfer to them to handle Douglas Pass?

Don said only if we contract for it.

Commissioner McCown realized we would have to transfer that authority. The Sheriff would be the one who has the enforcement Countywide.

Don – there are two board aspects to enforcement of the Fire Code; one is the law enforcement compliance provision and the other is the one that Mark Bean is concerned with and that is the Development Review Comments. These comments can be from two different entities – one for enforcement and one for review, however the BOCC would possibly need to enter into contracts.

Mark Bean said in terms of the enforcement of the Code itself, the building code is not a problem when a building permit request is received that's easy. The ability to review an application from a fire prevention point of view, they don't have the skills and that's where the fire departments have been the entity to rely on. We have the ability to recoup the cost if there is a contract.

Don said this particular application being referenced is for the Spring Valley area.

Mark suggested exploring what they are looking at in the way of contractual arrangements and what their costs will be. Like the credit card usages, we need to know what those costs would be and make a determination. They would be reviewing defensible space, accessibility to the site in terms of vehicles and ability to get in and out of there but doubts we could put in their contract provide service to these people or not. They would be reviewing it as if they would be going into a particular location and whether there's adequate fire protection or not. They would be reviewing this on the Fire Code the BOCC adopted. We're not using the Wild line Interface Code.

Commissioner McCown said since our staff was up to date on the Fire Code, why can't we get individuals up to speed to do those evaluations. We're marketing for a senior planner and look at part of that for the criteria. He doesn't want to be held hostage to outside entities on approving these when this BOCC approved the Fire Code and when we approved it, it went County-wide so we better bear some responsibility for this and the County having a person in-house that can review these plans is our best way. We have one in-house once we contract with them, the Sheriff that has the countywide enforcement.

Chairman Martin – since we have an IGA to allow development and make reviews by the municipalities why would they hesitate not to comment on the Fire Code and suggested that we perhaps should enter contract with the special districts; agencies that review every application.

Commissioner McCown – would this entity still be implementing the Fire Ban this year or would that go to each entities of authority in the Fire Districts and i.e. the Sheriff would be the enforcement entity in Garfield County if we contract with him.

Don – this is going to be very interesting because the International Fire Code has its own provisions for putting a Fire Ban in place. Obviously the areas outside Fire Districts will fall under the Board's authority whether it is implemented through the Fire Code or through the Ordinance and Resolution powers under the County Powers Act. Those areas inside Fire Districts, we need to have discussions with them as to whether they think their authority supersedes the Commissioners – Glenwood Springs believes theirs does. For those areas outside the fire districts, it is the County's responsibility. Look to the Sheriff for law enforcement and he should be present for this discussion.

Don will invite Lou to be present at the next meeting.

Commissioner McCown – he's going to be a central part of it but we also need someone in-house to review the applications and not contract with the fire districts. Glenwood Fire Department, if they were to review the area outside their district, it probably wouldn't work, as there are different philosophies on reviewing those.

Mark suggested that he could talk to the various districts if they do we would want them for the area that would be responding. If there would be a charge this would be passed onto the developer or applicant.

Don brought it up to get direction to proceed.

Commissioner McCown stated that if Don invites the Sheriff to the next meeting to discuss enforcement and also for Building and Planning to discuss providing reviews in-house. This would give the opportunity for Mark to come back and the Sheriff to respond.

Don will contract Lou to come to the next meeting on Monday, April 18 to discuss this and schedule it for the afternoon session.

RECESS

Tuesday, April 12, 2005 - Pitkin County Commissioners meeting with the Board of County Commissioners here at Courthouse Plaza – 10 a.m. until noon.

Chairman of the Board

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 18, 2005 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. *Speed Limit on Porcupine Creek Road – CR 325 - Jake Mall*

Jake Mall and Marvin Stephens were present. Jake submitted a memo to the Board stating the Road and Bridge Department has a request to set the speed limit on CR 325 at 25 MPH for the lower half of the road from the intersection of CR 320 (Rifle-Rulison Road) and 15 MPH for the upper half of the road. The upper half of the road is narrow and winding with a considerable amount of drilling activity. The road was previously posted at 25 MPH for the entire length of the road.

The Road and Bridge Department would like permission from the Board to repost the road with the suggested speed limits.

Lou said that people drive the speed limit they feel comfortable with. A lot of the concerns are people being run off the road.

Commissioner McCown – if we have to lower our speed to 15 mph on a County Road, we need to take responsibility.

Lou said they have been monitoring and no speeders in 2 .5 hours at a time. It is more a condition of the road.

Commissioner Houpt – the use of road is changing and we can't keep up with that change; she would prefer to err on a conservative side if you put a speed limit in there, it triggers a reality in drivers. Until we can upgrade these roads, we need to change the speed limit and err on the side for safety.

Jake Mall – has been meeting with oil and gas companies and they have suggested doing something such as clearing some trees.

Marvin – reminded the Board there was another way to go in there, Beaver Creek Road.

Lou said the residents wanting extra patrol and believes it is a perception issue; they see one vehicle speeding and that translates if I see one vehicle speeding it means all are speeding. The ones he's stopped are local residents.

Commissioner Houpt – with the heavy industrial traffic is it possible to have the speed limits for different types of vehicles.

Lou agreed that a truck traveling 25 mph is not safe.

Commissioner Houpt recommendation until we can do something, move the truck traffic to 15 mph and leave the other vehicles at 25 mpr.

Commissioner McCown – you better have your scales ready; or put a restriction on all trucks over 10,000 pounds. Marvin could support this.

A motion was made by Commissioner Houpt to create a speed at 15 mpr for trucks over the weight of 10,000 pounds. Marvin suggested doing the whole road; it's narrow and not really designed for a whole lot of truck traffic like its getting. Jake agreed it would be less confusing if we had it both directions up and down. And the speed limit on small vehicles would still be 25 mph, Marvin 10,000 pounds down is 25 mpr; 10,000 pounds up is 15 mpr.

Don – clarification – all vehicles over 10,000 pounds both sides of the road, 15 mpr that's what's being suggested.

Marvin – we need to address the whole road with signage so we need to start at the lower end with those signs and then again at the upper end and maybe have a couple in the middle. The entire road. And the motion includes the authorization for the Chairman to sign the Resolution. Jake stated it will take a couple of weeks to get these signs made up and to us. Commissioner McCown seconded.

In favor: Houpt – aye, Martin – aye. Opposed: McCown - aye

b. *Battlement Mesa Guardrail – Jake Mall*

Jake Mall and Marvin Stephens were present. Jake submitted a memo to the Board stating the Road and Bridge Department has received a request from several residents living at Battlement Mesa for an added guardrail on Stone Quarry Road, following a recent traffic accident that took out a power pole on the north side of the road.

The proposed location for the guardrail was identified and the area staked out for utility locates. After the locates were in place we received a call from the locator stating that the 6-inch high pressure gas line was directly under our location stakes. He also stated that he could not get the locates more accurate than 35 inches either side of his marks. There are several other utilities in the same area. There is a cable TV, Fiber Optics, the power line to the street lights, phone cable and the sprinkler system.

Due to the distance that is required from each locate mark to excavate; this leaves us with no option with the resources that we have to safely install this guardrail. If the guardrail were installed outside of the locate marks the elevation of the driving surface would make it ineffective as a control device for vehicle leaving the road. Therefore, after onsite research and review, the Road and Bridge Department recommends that we do not install the requested guardrail until the necessary utilities are relocated by Battlement Mesa.

Discussion: Move a utility line to put in a guardrail.

Marvin hasn't budgeted for the relocation of a line. McCown said there may be sleeve for the Fiber Optics but it is not actually in there.

Commissioner McCown – keeping the vehicles out of the houses is the main concern and he suggested putting the guard rail closer to the walk path.

Guard rail – Marvin hasn't looked at the dollars – it would be a fair amount if we move the high pressure gas line.

Commissioner Houpt – would like engineers to look at this.

Don – right of way – HOA property and would need permission and need a maintenance agreement. Current case law – utilities are supposed to relocate. Did we permit? We inherited when we took in the road system in Battlement Mesa.

Marvin can look into it. Decide what we want moved. Meet with Association, Tom Beard and come back with a decision. Marvin will look into moving the gas line and the sprinkler system or we'll need permission to go off our right of way.

Commissioner McCown is willing to work with the HOA and Marvin to try and come to some resolve.

Marvin was given direction that more information is needed.

c. Discuss giving 3 mobile radios to the DeBeque Fire District – Lou Vallario

Lou stated that DeBeque formed their Fire District but the funding wasn't voted in therefore, the suggestions was to loan them three radios for their vehicles since we are replacing vehicles. The DeBeque Fire District will maintain them. This assists the Sheriff to communicate with them. It will be a loan of property.

The Board approved.

d. Olsson Associates Subcontract – Brian Condie

Brian submitted a letter of advisement from Olsson Association that Peter Muller and Marek Kubesa are now both employed by PTR Consulting, Inc. (PTRC) Olsson Associates would like to continue working with the County under our Professional services Contract dated August 11, 2003. From discussions, it is the understanding that you would like Peter Muller to continue as your Project Manager, and Marek Kubesa to continue as your Project Engineer. To this end Olsson proposed to enter into a subcontract agreement with PRTC with the Board's permission.

The letter will serve as an agreement to this arrangement.

Don said that's what he's asked since we started this conversation about whether or not the contract had a provision restricting subcontractors. He stated he would bring this back next meeting after Carolyn and Brian have talked about it and how they want to structure this. **Request for out-of-state travel for Dale Hancock**

The request for out of state travel for Dale Hancock is to attend the bi-annual Club 20 meetings in Washington, DC with agencies including FAA and Colorado Congressional Delegation. He will be traveling as a member of the Colorado Aeronautical Board, all expenses will be reimbursed by Colorado Division of Aviation; this is due to his membership in Club 20. Advocate a radar system and lobby for funding.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize Dale to travel leaving on Sunday and returning on Thursday, \$2272.00 for Dale Hancock to Washington, DC. In favor: Houpt – aye; McCown – aye; Martin – aye.

Items of Interest

Future of Oil and Gas in Mesa County

Dale informed the Board there was an excellent feature article written the Daily Sentinel yesterday with respect to the Future of Oil and Gas in Mesa County; it's worth reading.

Resolution – Water Calls

This weekend in the paper that the Legislature passed a Resolution urging that the water calls that would go on Lake Powell not be placed on Lake Powell because Lake Mead is bigger than Lake Powell right now, so Dale will talk to Chris Trease about that and see what the River District position is on the releases out of Lake Powell. This was a heads up.

COUNTY ATTORNEY UPDATE – DON DEFORD

e. Executive Session: Litigation Update; Legal Advice - 2005 Reappraisal of Property – Shannon Hurst

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:

2005 Reappraisal of Property – Shannon Hurst

Shannon Hurst explained the document. The appraisals are complete.

Garfield County property owners will receive a real property Notice of Valuation in the mail by May 1, 2005 indicating the new appraised value for the year 2005.

Residential property in Garfield County has increased in value an average of 8% since the last reappraisal year of 2003. Commercial Property has increased in average of 29%. The increase in value of commercial property is due to the rise in market sales and the abundance of market information pertaining to the rise in market sales and the abundance of market information pertaining to this class of property. Agricultural land increased in value by 10% over the past two years.

Doug Dennison – Williams Productions

Doug Dennison and Marvin Stephens presented.

Doug just received this information on Friday. Williams Production has sent us a letter requesting a waiver from the COGCC rule regarding set backs and this if for an existing pad that it on BLM just outside the Landfill boundary and the pad was actually constructed before the Landfill property was transferred to the County. COGCC safety rule says you have to 150 feet from a property line and this pad is only 100 feet and they want o go back in and drill some new wells and they are asking the County to give them a waiver for being closer than the setback allows. Doug has discussed this with Marvin and he doesn't have an issue with it. They are adding 3 wells to that existing pad, directional drilling will be done. No more surface disturbance.

This was continued for additional information.

Russ Crisewill – State of the Valley Symposium is May 6th – Cost is \$75.00 per person. Focus on the Region.

No Commissioners are available to attend. Ed will attend.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Authorize the Chairman to sign a Division Order from Bill Barrett Corporation
- f) Liquor License Renewals for Aspen Glen Club and Catherine Store – Mildred Alsdorf
- g) Authorize the Chairman to sign the final plat for the resubdivision of Lot 46, Valley View Village Subdivision for Townhouse Buildings H and I. Applicant: Darter, LLC. - Fred

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g - absent a, b, c and e; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION – WOMEN’S SERVICES – NANCY REINISCH

Nancy Reisch was not present. Advocate Safehouse – Julie Olson presented.

Julie thanked the Board for their letter of support for the Emergency Shelter Grant. She hasn’t heard yet but anticipates being approved.

The Advocate Safehouse provides a lot of different services for victims of domestic violence and sexual assault and submitted a Brochure and compiled some information together about who they are providing services to particularly in the County with the numbers as well as the law enforcement agencies (arrests that have gone to the DA’s office.) There is a drop in number and one may be excited about that thing that domestic violence is going away, but unfortunately she doesn’t believe that and after she’s been with Advocate Safehouse for 10 years has seen the trends and one year it may be higher and the next lower. One thing they do a lot of is they give a lot of referrals to other organizations like the Child Care Referrals, Alpine Legal Services, Planned Parenthood, Mountain Family Health services, Family Visitor Program, Youthzone, working with the schools, etc. We do work with clients directly with the 24-hour help line, through the shelter and through counseling one on one and/or support groups. They also provide education opportunities and presentations to groups such as Kiwanis and Rotary but also to the schools. Last week Julie Williams, the new program coordinator was in Glenwood Springs Elementary School working with kids showing that hands are for helping and not hurting. Focus on some basic concepts.

Mother’s Day Mile – Mother’s Day – 1 mile to be held on May 8th. This supports the Advocate Safehouse – last year over 500 people entered the race and this is the 6th year. Race starts at 1:00 p.m. Apple pie will be served.

BOARD OF SOCIAL SERVICES

Approval of EBT/EFT Disbursements for March 2005

A motion was made by Commissioner McCown and seconded by Commissioner to approve the EBT and EFT disbursements for March 2005 and the Chair authorized to sign. In favor: Houpt – aye; McCown – aye; Martin – aye.

April is Child Abuse Month

Ribbons and bracelets were handed out.

CBMS – Handout

In April we hear some preliminary allocations. Doesn’t look that we are getting any significant decreases in funding. For Child Welfare a \$280,000 increase for services and possibly more depending on what goes out of the Long Bill. For Child Welfare there is a distinct methodology for determining the amount of funds allocated for this. \$4.2 million has been approved through one of the supplemental house bills statewide and should see some more conversion dollars. This might be around a \$30,000 to \$40,000.

Luncheon this Friday at the Events Center at noon. The Commissioners were invited. Commissioner McCown will plan to be there.

At a telephone conference Friday, Lynn did participate. The handout was approved by the Director’s Association for the definition that constitutes a System Error. This was approved. It provides some flexibility at the County level.

We still have about 3 cases on our cleansing list. Staff has been great in terms of following through.

CBMS System Error Report

Lynn submitted the report from CSSDA/CCI dated April 8, 2005 regarding the definition of a CBMS ‘System Caused Error’, a project that was first requested by the County Directors Association and then supported by CCI. Statewide CCI – still trying to get a timeline to establish a work plan on when and how the program will get fixed. HB 1047 – County option for those received low income housing assistance – a requirement having clients to participate with the Child Enforcement Program and Lynn stated they have opted to participate. This looks like about 36 cases that will be involved. She is working with other counties for help in establishing this.

Administrative Review on Single Entry Program

Lynn stated there was no indication of seeing a decrease in funding for this program.

Program Updates

Lynn submitted the program updates. In the reports the goal for recap of child support collections was targeted for \$4,496,212.00 and as of March 31, they had already collected \$405,646.92.

Child Placement – good report and Lynn gave a heads-up that due to the success of the internal program, she may come back to the Board requesting an additional person for this program.

This is the lowest over 4 months in 9 years. She thinks this is just a trend but they are looking at different ways to work with families. It appears it is tied to economics.

Letter from Legislatures - Thanking local staffs of Social Services in being so diligent in working with CBMS. About 20 Legislatures had signed it. Jesse said it was more of an apology for the way the State handled the system transfer.

BOARD OF HEALTH

Mary Meisner presented.

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

Mary reported on: Immunization – Flu vaccine is in; Special Health Care Needs – April 7 was the last one;

Communicable Disease – keeping us busy; 1050 Clients – WIC. State WIC conference in May.

Nurse/Case Manager – There's an increase and demand for services – CDPHE – this week in Denver.

Staff continues to be involved in Safety Fairs

Immigration Integration – April 8 and 9 – Mary attended and stated that the event was well attended. Efforts continue on the plan.

County Wellness – May 19th – this year the focus is on a Fitness Fair.

Mary has also been involved in planning for the Health and Human Services Building in Rifle. It is good to see the progress being made.

Working on the objective of looking at the environmental health position, several meetings have taken place, the task force has met and have a position description has been put together and she will bring for the Board's review along with wage suggestions when she makes a formal presentation on May 16th.

Ed said this was one of the strategic objectives for 2005.

Chairman Martin requested an update ever so often on the list of Strategic Objectives.

West Nile – 2nd year of the cycle – pleased to see we have a contract with Mosquito Control.

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

August 4th – Employee Recognition Picnic

CITIZENS NOT ON THE AGENDA

Mike Blair – Glenwood Springs, Comment on the Meeting held with the Pitkin County Commissioners and had he been aware of it, he would like to have observed the meeting; however, he wanted to compliment and support the Board on the stance they took regarding folks in Garfield County and our way of life to the opposite in Pitkin County. Folks in Garfield County are more conservative than liberal. In light of the article, the transportation study that Healthy Mountain Communities submitted stating that State Hwy 82 would be over saturated by 2025, mostly because of employment in Pitkin County and not enough housing in that area. This creates a commuting situation from the lower part of the valley in Pitkin County. This is a terrible imposition on the folks outside Pitkin County. He is actively involved in housing and transportation; Pitkin opposes providing adequate housing for workers. The answer is not in more transportation it's providing more housing for workers. Appreciate the stance and how the Board represented the different folks.

Commissioner Houpt – Pitkin County has created a great deal of employee housing but they have been one of the leaders in supporting this endeavor and she gives them some credit.

PUBLIC HEARING:

CONSIDER A REQUEST FOR A FLOODPLAIN SPECIAL USE PERMIT REQUEST FOR DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE ON LOT 6, FILING 5, ASPEN GLEN.

APPLICANT: REVANA FAMILY PARTNERS, L.P.F. – FRED JARMAN

Fred Jarman, Carolyn Dahlgren and Brad Jordan, Jordan Architecture, Inc. representing the Revana family were present.

The Applicant requests approval from the Board for a Flood Plain Special Use Permit because portions of the subject property are located in the mapped flood plain of the Roaring Fork River delineated by the Federal Emergency Management Agency (FEMA) maps. The Applicant specifically requests approval to construct a single-family dwelling in the flood fringe portion of the 100 year flood plain.

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 application for a floodplain SUP with the conditions noted by staff also an amended site plan to be brought back prior to the signing of final plat and the Chair be authorized to sign. Commissioner Houpt clarified that the motion includes the movement within the envelope away from the lot line. Motion was seconded by Commissioner Houpt. In favor: Houpt – aye; Martin – aye; McCown – aye.

CONSIDER A SPECIAL USE PERMIT FOR MATERIAL HANDLING OF NATURAL RESOURCES FOR A 6-INCH NATURAL GAS PIPELINE. APPLICANT: CRESCENDO ENERGY, LLC. – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, and Sean Norris, Senior Project Geologist for Cordilleran Compliance Services, Inc. were present.

The property is generally located in the far southwest corner of Garfield County in Township 8 South and Range 104 West near West Salt Creek off of County Road 201 (Baxter Pass Road)

Crescendo Energy, LLC submitted a request for a Special Use Permit (SUP) for "Material Handling of Natural

Resources” to install a high pressure 6-inch pipeline (gathering line) to convey unprocessed natural gas from the San Arroyo Plant in Utah to the South Canyon Compressor Station in Garfield County. The entire proposed pipeline is 10.2 miles long with half of the line being in Utah and the other half in Garfield County. Of the portion in Garfield County, approximately 5,000 linear feet crosses one private property with the remaining portion being located on BLM land. The pipeline is expected to handle a volume of 8,000 mmscf/d. The proposed gas line will be installed in an existing pipeline corridor. The right-of-way easement in place with the private property owner is a 50-foot temporary easement with an additional 25 feet if needed which will revert to a 25-foot permanent easement post construction. This work area represents approximately 6 to 9 acres of site disturbance.

The project area is located in an extremely remote, relatively uninhabited portion of the county primarily characterized as open range covered in sage brush vegetation. There are no residential uses within 5 miles of the subject site as it is entirely surrounded by very large tracts of BLM lands on all sides. The Applicant proposes to reuse an existing pipeline corridor. Staff finds the reuse of an existing pipeline corridor / right-of-way is preferred to cutting and clearing out an entirely new pipeline corridor altogether. Once the pipeline has been installed, the Applicant commits to appropriate revegetation measures to minimize the visual impact of the line installation which will be the same measures taken for the revegetation on portions of the pipeline that cross the BLM land. The application states that there is no need for screening as the pipeline will be buried. The only proposed signage will be limited but installed along the route to indicate the presence of the line under ground and no lighting is proposed. Staff finds the project will not result in a loss of neighborhood character.

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 Special Use Permit for Material Handling of Natural Resources for a 6-inch natural gas line for Crescendo Energy, LLC. i.e. Pipeline with the conditions 1 – 12 recommended by staff.
In favor: McCown – aye; Martin – aye; Houpt – aye.

PUBLIC MEETINGS:

CONSIDER AN AMENDED PLAT REQUEST FOR BLOCK 2, LYING SOUTH OF THE CENTER LINE OF THE ROARING FORK RIVER, COOPERTON TOWNSITE. APPLICANT: JACK WILFLEY – FRED JARMAN

Fred Jarman, Charles Moore, lives in Sutank and recently sold the site. 1959 mobile home not to his standards and wants to build a house and wants to remove one of the interior lot lines.

Block 2, Lot B and east ½ of Block 2 lying south of the center line of the Roaring Fork River, Cooperton Townsite (Carbondale) with lot size of 28,750 square feet.

The applicant owns two adjacent lots in Cooperton Townsite which were platted as part of the original Townsite and which also appear together on one deed and are taxed as one property with one tax identification number. The Applicant requests to eliminate the line that presently separates the two lots so that the property becomes one property. The total size of the two lots, once merged, will be approximately 28,750 square feet.

A motion was made by Commissioner McCown to approve the amended plat request with the two conditions recommended by staff regarding Block 2, Lot B and the east half of Block 2, lying south of the center line of the Roaring Fork River Cooperton Townsite. The motion was seconded by Commissioner Houpt.

In favor: Houpt – aye; McCown – aye; Martin – aye.

AUTHORIZE THE CHAIRMAN TO SIGN THE FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE MONUMENT RIDGE SUBDIVISION. APPLICANT: NOEL RICHARDSON – FRED JARMAN

Fred Jarman, Don DeFord, and Tim Thulson were present.

Fred submitted the memorandum explaining the request.

The subject site contains 181.9 acres to be subdivided into 17 lots ranging from 5.9 to 12.7 acres each. The property is located at the intersection of County Roads 300 and 303 along the southeast limit of Battlement Mesa, approximately two miles southeast of the Town of Parachute, Colorado. The resulting density of the project is 10.7 acres per dwelling unit.

The BOCC approved the Preliminary Plan for this subdivision with conditions on September 16, 2002. Subsequently the Board granted a 1-year extension to file the Final Plat application with the County.

Staff finds the Applicant has satisfied all the conditions of approval contained in Resolution No. 2002-106 as well as the final plat requirements in the Subdivision Regulations. The applicant requests the Board authorize the Chairman to sign the following documents and direct the County Clerk and Recorder to hold the documents without recording them until security has been posted for the remaining improvements to be completed. The Subdivision Regulations requires that the final plat be recorded by the Clerk and Recorder within 90 days of the Board’s approval of the final plat and may direct the Clerk and Recorder to hold the documents prior to recordation until security has been posted. A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Final Plat and the Subdivision Improvement Agreement for the Monument Ridge Subdivision and ask the County Clerk to hold the documents and not file them recording for a maximum of 90 days or until security has been received. In favor: McCown – aye; Martin – aye; Houpt – aye

DISCUSSION REGARDING THE ENFORCEMENT OF THE INTERNATIONAL FIRE CODE OUTSIDE OF EXISTING FIRE DISTRICTS – LOU VALLARIO

Lou Vallario, Jim Sears, Mark Bean, Ron Biggers, Mark Bean, Don DeFord and Andy Swaller were present.

Don introduced the topic. Earlier this month, I wrote a letter to all of the Fire Districts, the Sheriff, the Board of County Commissioners and the Municipalities in the County, informing them the Board had properly enacted the Ordinance under Section 315.401.5 adopting the International Fire Code of 2003 with certain amendments. And that Ordinance had in fact become effect. My letter was dated I believe, April 8, 2005 and it was effective several days before that. So it is not effective throughout the County and I wanted to make sure all the responsible agencies and officers were aware of that. And because there is a Section under 104.5 Subsection 7 that literally states that within the Fire Districts the Fire Districts are responsible for enforcing that Ordinance and the Fire Code and outside of the Fire Districts in the unincorporated area of the County, the County Commissioners are responsible for that enforcement and may contract to obtain such enforcement. Within Municipalities the Fire Code is not an effective document unless it has been adopted by each of the Municipalities and I will say that I'm not aware that any Municipality has done that to this point. So, with that stated, coincidentally about the same time as that letter went out and may have been slightly before or slightly after, I got information that Ron Biggers had received a request to review an application for development in unincorporated Garfield County that lay outside the Glenwood Fire District, actually outside any Fire District. And he was requesting further direction on who should actually be reviewing that and who if anyone in the County had or anticipating contracting with. This is my summary, Ron your letter, not exactly sure what it said, that was the import of it. So the issue is there and that the Commissioners need to move forward and decide on the method on which you will enforce this Fire Code in the incorporated area of the County. We had a meeting last week between the Sheriff's Department and the Building and Planning Department and myself to sort of get these issues on the table and I'm not sure we reached any conclusions but maybe Lou could take over at this point and explain where you are and Mark on where he is on behalf of his department. Discussion was held.

Commissioner Houpt – we need to have a Fire Code official in place, so I'm making a motion That for everything with the exception of open brining, Mark Bean, is that County Fire Code Official, (Building & Planning Director); for open burning it will be the Sheriff and authorizing the Chair to sign the Resolution stating as much.

Commissioner McCown – okay, second.

Discussion:

Commissioner Houpt – you missed our discussion, it was a recommendation from Don, and because we needed somebody in place until we get this all worked out.

Commissioner McCown – will the Statutes allow transference of authority?

Don – what do you mean Larry by transference of authority?

Commissioner McCown – can Lou transfer enforcement authority to Building and Planning and can Building and Planning transfer review authority to Lou?

Don – if you authorize it; it's in the power of the Board of County Commissioners to designate the Fire Code Official and that Official then performs all the duties of that named office under the International Fire Code which includes all permit issuance of all kinds. So if you authorize Mark or his designee to do certain tasks, that's what they can do and the same with Lou, if you authorize an interchange of activities, you can do that, but you need to specify that.

Commissioner McCown – but under the motion that's on the floor, Lou would be responsible for issuing any open burning permits; Mark is for inspecting plans, and land use approvals

Don – everything except open burning permits.

Lou – he gets the whole Code except those sections 307 and 308. So you'll be designating an Official as required just splitting the responsibilities between two people.

Don – right.

Chairman Martin – definitely, that's why I tried to give it to you so then you could say that I'd like Mark to do all these other things, you would be again consistent with the State Statutes of being in charge of the wildfire and that was my idea.

Commissioner McCown – that's why I asked the question, if Lou were the sole Fire Enforcement person, then could he transfer the Building review and land use review authority to Mark.

Don – you shouldn't do that for a couple of reasons: 1st of all Mark does not work for Lou, he works for you; and so he exercises no authority over him and the responsibility for designing the Fire Code Official is yours, so you should decide who is going to perform the duties.

Commissioner McCown – well we would have been able to do that if we chose Lou that would be this Board's choice if we appointed him.

Don – if you Lou to perform all those activities, you can say that but I think he'll ask for a contract under the Statute.

Lou – we can't perform all those duties, that why we had a pre-meeting.

Commissioner McCown – I know and that's why I asked on this transference of power. From an enforcement standpoint we're relying on Lou anyway. Mark cannot write a ticket for an illegal burning.

Don – actually if you designate Mark's office for that purpose they can.

Commissioner McCown – the enforcement authority goes with that.

Don – yes.

Commissioner McCown – under the IFC?

Don – under the Fire Code, yes.

Lou – just like Steve Hackett now does some of that he would also do this too. To me it sounds like what's on the floor right now makes more sense, we're authorizing per the Statute, designated authority which would be Mark or his designee for everything except this piece which is me and then that covers it, we've met the obligations, we've split the difference and can move forward.

Chairman Martin – okay, we've just elevated the Code Enforcement Officer and the Building almost above the Sheriff in reference to fire with this motion, and so I guess we can do that. Motion on the floor.

In favor: McCown – aye; Houpt – aye. Opposed: Martin – no on principle simply because I think the Sheriff needs to be the number one Fire Enforcement Officer in the County.

Commissioner McCown – he is.

Chairman Martin – again, with the authority to do so. It just goes against the grain to give it to another department and then rely on the Sheriff to back him up. Give it to the Sheriff to start with.

Commissioner Houpt – but the Sheriff has agreed to back him up.

Lou – I see that differently, I see so much of this being building and planning and all that.

Chairman Martin – I just didn't want to diminish your office, is what I'm trying to do.

ADJOURNMENT

Attest:

Chairman of the Board

APRIL 25, 2005 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 Monday, April 25, 2005 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 2:00 P.M.

Agenda Items:

Discussion of Litigation – DDA and also need to discuss the Presco Litigation and obtain direction.

Doug, Don, the Board, Jesse, Ed and Mildred were needed.

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.

Public direction:

DDA Litigation

Commissioner McCown made a motion that the County Attorney be authorized to move forward with the filing of certiorari with the Supreme Court for continued hearing on the DDA – TIF with respect to the identified project, or lack of. Commissioner Houpt seconded the motion and would like to clarify why I'm supporting this – we have a simple disagreement on what is required by law and we would like to have a better understanding of our revenue loss is going to be so we're still asking for a specific project and cap. Commissioner Houpt seconded. Chairman Martin – State Statute gives a timeline, a given amount of money and Garfield County will be very happy to ask that question since the ask that question since the very beginning no project specifically except an open check book and will decide what it is down the road so it's fundamental to follow State Statute and identify your project. McCown – aye; Martin – aye; Houpt – aye.

Presco

Don said we're awaiting a call back from the OGCCG as they are meeting today in Denver, they have other matters pending and when they decide this they will contact the Board so we can have a public discussion on it.

Commissioner Houpt asked if direction needed to be given before we have the call back.

Don – suggested we wait for direction.

Donna Gray – in a regular meeting it came up that Presco was going to come up in June with the OGCCG and there was a possibility they were going to be active somewhere in the county.

Don said that issue is still pending and needs to be discussed.

Trish – OGCCG – informed the Board they were not ready to go.

Don stated we talked about an existing order by the Board and asked if there was a need to take any action. We've taken a position in the County – the request is to consider a modification.

Commissioner McCown made a motion that in concept we support this but again only support it after more specific details have been received, i.e. specific building plan, mitigation plan and wants to hear more on the extend of fracking that has to take place and in concept he can support this with the litigation we're facing in July and hopefully we'll push for a couple of years at least activity inside of that.

Chairman Martin seconded for discussion.

Commissioner Houpt – I simply cannot support this because there's no definitive proof out there that drilling in this area is not going to create a problem and think we need to err of the side of conservative judgment whether we're talking about drilling around the Rulison area.

Chairman Martin – there's a possibility that they will go without this approval since this is an oil and gas commission decision, other than we get to go ahead and challenge that in the court which would bring in the expert witnesses and

deal with the typical issues and non-political or emotional issues. And I don't think we have the wherewithal to take on that especially with our biggest ally the Department of Energy coming forward giving us the information. Commissioner Houpt – I agree that they will make the ultimate decision with or without our support but I think that we can still weigh in on the discussion and not support the notion that they can do both. Chairman Martin – I can respect that but they have put forth information that we can go ahead and press them on and if they support it they can and if they can't at that point we can take a position to challenge the decision if it's a positive one or if they decide they are giving enough with this change of approach, so I think this allows up to move forward with the conservation with the oil and gas commission on this particular one well issue. Commissioner Houpt – well, except you're supporting the notion of them going in within that ½ mile radius – 500 feet. Chairman Martin – within 500 feet of that and the down hole spacing is outside that.

ADJOURNMENT

Chairman of the Board

MAY 2, 2005 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 2, 2005 with Chairman John Martin and Commissioners Tresie 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

o Appointment of Chair and Vice-Chair of the Energy Advisory Board – Doug Dennison

Ed Green submitted the Energy Advisory Board applicants to serve on this Board for Chair and Vice Chair. Doug Dennison mentioned there were two people with interest in serving in these positions: Harlan Hansen and Alan Lambert. No one on the Board disagrees with these two serving however no vote was taken. Doug said he announced these openings at meetings for the last 3 months and asked for those interested to let him know in order to present names to the Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Harlan Hansen as Chair and Alan Lambert as Vice Chair of the Energy Advisory Board; Houpt – aye; McCown – aye; Martin – aye.

o Williams Production Waiver Request – Doug Dennison

Doug Dennison stated this is a follow up to an item discussed a couple weeks ago where Williams wants to go back onto an existing pad that's just outside the County Landfill boundary. This pad was constructed prior to the Landfill property being conveyed to the County. Now the location would be too close to the boundary of the Landfill to meet the state set back rules and they're seeking an exception from the 150 foot set back from the property line. Kraig Kuberry, Doug and a representative of Brady Construction met at the site and the only concern from the County's standpoint is there is a drainage ditch around the outside of the Landfill and it looks like the pad construction will not affect that ditch, but Brady will make sure to maintain the integrity of that drainage ditch. They are putting 3 additional wells on an existing pad. They will build a new reserve pit. The portion actually closest to the Landfill boundary is where some other trailers/equipment will be setting. The reserve pit will be on the north side of the pad, the furthest away from the Landfill boundary, probably 400 feet or more. The 150 feet is established for protection if a rig was to tip over and it wouldn't land on someone else's property. It will be 100 feet versus 150 feet. When they expand the pad it will go right up next to the ditch and Kraig asked they put some silt fencing in to keep the ditch open. They may have to move the ditch a little bit and realign it to make sure that it is maintained. The ditch provides for runoff in case of a heavy rain for flash floods. The Landfill is not concerned about this impacting future use for them.

Commissioner McCown made a motion to support the waiver to obtain permits from Garfield County to allow for the sighting of well pads that would encroach within the 150 foot radius of the setback. Commissioner Houpt seconded. In favor: McCown – aye; Martin – aye; Houpt – aye.

o Sale of Retired Sheriff's Vehicles – Jesse Smith

Ed submitted the sale of retired sheriff's vehicles for consideration to be sold to a sole source purchaser who will take the vehicles as is, saving the County the man hours required to remove decals and surplus law enforcement equipment. The vehicles would be picked up at the Road and Bridge facility in Rifle by the contractor with their auto hauling equipment at no additional costs to the county.

Tim Arnett explained in his memo that in the past the county has had to remove the identifying decals and repair equipment attachment holes prior to placing the vehicles in a County auction. Then the auction company has

received a commission, 25%, for each vehicle that has been sold. The net amount received by the County has been less per vehicle than is being offered by the Chicago Motors, Inc.

Two of the vehicles are damaged and have not been repaired since the cost of repair exceeded the value of the vehicles. The offer is to purchase these 7 vehicles for \$15,100.

Don DeFord stated as to liabilities would be no more or less than to any county vehicles since the Board is not making any representation as to the fitness of the vehicle but would construct a worse case scenario where liability might come back for failure to disclose some type of a defect. No contractual agreement has been presented and if there is such as agreement then that would be something we could enforce to require removal of decals and shift liability.

According to Ed this price is about what we sell these vehicles for at auction and then we have to prepare it and move them, so this is a lot better.

Commissioner McCown made a motion to authorize the Chair to sign the titles to the vehicles that are going to be sold to Chicago Motors Inc. as salvage vehicles. Commissioner Houpt seconded. Discussion: Commissioner Houpt wants to have a contract in place since we are releasing ownership of these vehicles with our logos on them. In favor: McCown – aye; Martin – aye; Houpt – aye.

○ ***Out of State Travel Request for Patsy Hernandez***

Ed submitted the out of state travel request for Patsy Hernandez to travel to San Antonio to attend the GFOZ pre-conference and annual conference on Friday, June 24 and Saturday, June 25, 2005. Patsy was recently selected as our Finance Director and as such she will be fully responsible for the 2006 budget as Jesse did in the past. We are requesting approval for Patsy to attend the GOA conference with many training seminars and specific to public sector budget preparations and budget insights. The amount request is \$1,881.50.

Commissioner Houpt made a motion to approve out of state travel for Patsy Hernandez in the amount of \$1881.50; Commissioner McCown seconded. Congratulations were extended to Patsy.

Ed informed the Board of a new Controller who will be reporting to work on Wednesday. In favor: Martin – aye; McCown – aye; Houpt – aye.

○ ***Olsson Associates Subcontract – Brian Condie***

Questions were raised at the last Board meeting regarding fees and legal aspects of the contract and Brian and Carolyn discussed those.

Olsson Associates was selected on August 11, 2003 for architectural, engineering and planning services in accordance with Advisory Circular 150/5100/14c. The Project Manager was Peter Muller and the Project Engineer was Marek Kubesa.

In January 2005, Peter Muller contracted Brian and addressed possible options to complete the scheduled airport projects if he left Olsson Associates and started his own company.

By March 2005, Peter Muller had formed a new company, PRT Consulting Inc., and resigned from Olsson Associates on good terms. Marek Kubesa also resigned from Olsson Associates.

In April 2005, Peter Muller and Olsson Associates made a formal request as outlined in the Professional Service Contract VII.B to Garfield County that would allow Peter Muller and Marek Kubesa to continue as Project Manager and Project Engineer. Fee increases and legal questions were raised and a follow-up meeting set to address them.

Options to complete open projects:

1. Olsson Associates selects an in-house replacement Project Manager and Project Engineer.
2. Olsson Associates subcontracts to Peter Muller as the Project Manager and Marek Kubesa as the Project Engineer per our Professional Service Contract VII.B (This option would not allow for any fee increases as the fee is already set.)
3. Terminate the Olsson Associate contract and solicit for a replacement firm. (This would be the most costly in time and funds.)

Options to complete pending projects:

1. Olsson Associates selects an in-house replacement Project Manager and Project Engineer.
2. Olsson Associates subcontracts to Peter Muller as the Project Manager and Marek Kubesa as the Project Engineer per our Professional Service Contract VII.B.
3. Terminate the Olsson Associate contract and solicit for a consulting firm in accordance with Advisory Circular 150/5100/14c.

Discussion was held and Commissioner McCown made a motion that we accept and endorse option No. 2 under the “complete open projects” also option No. 2 under the Options to complete pending projects with Olsson Associates for the work at the Airport. Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

Warrants under Old KVS System

Ed - we need to take care of warrants under the old KVS.

Patsy Hernandez - we are asking for your permission that we void the old warrants in the old KVS system – our warrants say they are good for 90 days and it doesn’t mean the Treasurer wouldn’t honor them if we asked them too, but these are old warrants, void them and send letters saying this warrant has been voided, and ask would you like to them reissue as under Statute we are to make every attempt to get those funds into a payee’s hands. She explained what the letter would say. If the payee requests to have them reissued then those warrants will come back to this Board as replacements.

Pasty explained that Alpine Bank does not charge a stop payment fee and once the warrants are voided, the Treasurer will notify the bank to stop payment on these warrants.

Don suggested that the motion would need to include that the Treasurer is instructed to not honor these warrants in the future.

Commissioner McCown made a motion to void the warrants as presented today and authorize the Finance Director to issue letters to the effect that these have been voided and upon receipt of notice new warrants be issued.

Commissioner Houpt seconded. Chairman Martin – that’s also to make sure the Treasurer is notified not to honor those warrants. In favor: Houpt – aye; McCown – aye; Martin – aye.

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou updated the Board on 3 things.

Capital Building Project - Remodeling: We are rapping up the last of the construction this week; it is about 95% completed. As soon as we clean it up you should come visit. *I don’t think it has gone over budget wise.*

Control Room Tech Position – Civilian Position

They will be trained specifically to work in the Control Room only; no contact with inmates, not required to have the lengthen training that the Detention Officer and uniform issues will be less an expense. We continue to have high turnover in that position so we’re looking to use the control technician as an entry-level position to try and avoid the high turnover and high cost of training. We are looking to complete that doing 8 control room technicians; we work 12 hour shifts so this will cover two on each shift to cover both the 3rd room patrol and the central control room. Intent was to minimize the expense.

Monitoring Traffic

Last is traffic, emails were sent to all the guys doing the extra patrols and received a lot of feedback. One deputy sat on Porcupine Creek for 3 hours and saw two cars go by. Another worked traffic on Dry Hollow Road for 2 hours, stopped 3 vehicles that were all local residents and issued one ticket. The perception versus reality is present, but nonetheless we are monitoring to help the citizens know that we are monitoring, if one trucker gets on the radio and tells all the truckers to slow down, we have accomplished our goals. Being visible is the key to traffic enforcement.

COUNTY ATTORNEY UPDATE – DON DEFORD

- f. Executive Session: Litigation Update; Legal Advice – On-going litigation of the administrative hearing case in front of the OGCC and DDA litigation and opportunity to provide legal advice concerning the Library statutes and to see if the BOCC has any questions on legal advice only on the items set for public meeting at 10:15 p.m.*

Doug Dennison on Presco and Patsy Hernandez for facts if needed.

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 – Jury Duty on Tuesday, May 3, 2005; I-70 Mtn Corridor Coalition has a two-day retreat starting Wednesday evening through Friday to put forth their final recommendation to CDOT in response to their programmatic environmental statement.

Commissioner McCown – leaving Thursday and will until Wednesday the 11th which he has an afternoon meeting in Meeker, part of the Northwest RAC touring the Shell Oil Facility on Thursday, May 12.

John- Thursday, Library Board, on Friday meeting with the Wildlife Commission on the Wolf Workshop, and giving the final report; confirmation of the wolf in Eagle County.

Ed **Fitness Fair** for the employees on the May 19th

State of the Valley Symposium Friday, May 6th – Ed will attend.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Liquor License renewal and change of manager for Ironbridge Club. Liquor License Renewal for Columbine Restaurant – Mildred Alsdorf
- f) Authorize the Chairman to sign the Acknowledgement of Satisfaction of the Subdivision Improvements Agreement for Phase A of the Valley View Village Subdivision. Applicant: Darter, LLC. – Fred Jarman
- g) Authorize the Chairman to sign the Amended Final Plat for Lots 5, 6, 19, and 20, Block 11 of the Travelers Highlands Subdivision. Applicant: Harlan McElroy – Fred Jarman

Mildred reported on the liquor license renewals; Ironbridge has a new manager, I have checked them and everything is okay.

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

REGULAR AGENDA INTRODUCTION OF THE NEW WHITE RIVER NATIONAL FOREST SUPERVISOR, MARIBETH GUSTAFSON – DAVE SILIVAS

Dave Silvius and Maribeth Gustafson were present.

Dave Silvius introduced Maribeth Gustafson as the new Whiteriver National Forest Supervisor.

Maribeth said she has been working in the forest service for 24 years. I look forward to making White River National Forest Park part of your county.

Dave said the revision on the travel plan impact statement should be out in early June.

DISTRICT ATTORNEY OFFICE GENERAL UPDATE – COLLEEN TRUDEN

Colleen Truden introduced the management which includes Phil Walter, Chief Investigator, Robin Steffen, Office Administrator, Vince Felletter Assistant District Attorney. Thank you for the opportunity to be here with you this morning and give you a little bit of an overview of where we’re at. We are as you know, in the beginning stages of a

new administration. There are a lot of challenges in taking over a new office from an outgoing administration. Our management team for the most part is new to the office. So we've had a very steep learning curve. Each of you Commissioners have been there before, so you can understand what getting new information is all about and growing with the job. As we assumed office we had a lot of interesting challenges including now only familiar with the physical confines but as well as the staff and the individuals who chose to remain and become part of our team. We have been working diligently, daily to address the needs and meet the public expectations with regard to our caseload and working with them.

We're in the process of doing a lot of different things in the office to be able to provide information to you as County Commissioners with whom we interact. We have been trying to compile the information, the financial data left by the prior administration as well as work with our own financial data in order to get that to you.

I am not here today to speak to any great detail of either the budget or where we're at because what I knew this to be was just a general overview and then I'd like to schedule a work session to go into some of that in greater detail. I want to thank the County Commissioners as well as the County Officials who have worked with us as we start this new administration and try to define some of the perimeters that you're interested in having as well as working with the other Counties. To that end, Patsy Hernandez, your financial director has been most helpful and we are scheduling a meeting to work with her and get more data as you would like to see it. Jesse Smith has been very helpful in getting us some guidance and working through the budgetary issues that were presented by the prior administration. Ed Green has also been helpful in identifying some of the things that we need to address and move forward on as has Don DeFord.

The financial situation or I should say the programs that were utilized in the office previous to our administration were it was recommended to us by working with the new auditors. I worked with Paul Baucus and Jerry McMann who are your new auditors and they were kind enough to come over and spend some time, they were a little surprised at the accounting program that was being utilized in the office and have made other recommendations and suggested that we do that after middle of April so we're in the process of making that conversion now in order to produce the types of reports and information that we feel we need in the office and will be beneficial. So we are in the process of doing that from a system that was used before – let me just put it that way. I've spoken to Patsy early on as I was preparing to move into this position and because of the conversion that you're County was going through, both in the payroll as well as the personnel and accounting it was suggested that I remain with the current for at least the first four to six months to evaluate so that's what we've chosen to do, so we're moving forward as recommended. We have found with regard to just an overview on some of the financial issues some bills that have not been paid during the last administration that had come in. We've had to deal with a number of Sheriff's Departments who had invoiced for subpoenas that had not been paid and so we've got that cleared up and are moving forward to see that has been taken care of. How much of those types of things as well as the phone bills and special prosecution costs and postage will actually have a major effect on our current budget that we're still assessing but we will provide you that information. It has also come to light recently in working with Patsy on things that it does not appear that the 2004 workers compensation bill has been paid. We've been trying to track that down but we haven't been able to find that, so that could be \$8500 plus that did not get paid last year for whatever reason that we will also have to look at.

Another thing that was not budgeted for but was incurred was the termination packages of those individuals who left the office on January 10. That was a substantial amount of money that was not presented in the budget for 2005 that we have had to try account for and handle within the payroll system so we will be providing you more information with regard to that as well. We also had some computer needs that needed to be addressed right away as the computer was on its last legs, we worked with Brian Sholten who worked with us in our computer consultant at Desk Top Publishing to acquire the things we needed to move forward in that arena, those costs will be part of a package at the workshop that I will present to you in addition to some of the issues on remodel of the office to bring it up to grade with the rest of the building that we would like to present when we have more time to do that.

To address some of the concerns, if I might.... What I have handed you is a packet of statistics and information that I did share with the Pitkin County Commissioners last week and that has to do with the court statistics, I just thought that you might be interested in seeing what our case load is and how Garfield County compares with the other two counties. I've also done an analysis from 2003 and 2004 in comparison so you can get an idea on how the caseloads compares for the last few years. I've also broken those down to the types of cases and under misdemeanors you'll notice that the DV and DUI's are off-set because those numbers are actually included within the numbers for misdemeanors so they're not reflected in the total. Does that make sense? As you can see Garfield County is up in numbers for the quarterly total. Some of that is due to the increase in traffic particularly in the Glenwood office and I would like to think that's reflected by the outstanding work of our police departments and Sheriff's department is doing and CSP is contributing. Infractions are also up – so those are traffic cases and we don't control those. We respond to those. Most of those are handled very easily through the courts and do not require a great deal of county court time but are involved in the County Court Docket. The felonies and juveniles are up. When we came in there was a huge backlog of cases that had not been charged we were required to go through those and determine what we felt were appropriate for charging and not charging, so you'll see a little increase there over the prior year, however it is down from 2003.

In looking at Pitkin County making similar comparisons you can see the overall number in Pitkin County is down for 2005 and in Rio Blanco slightly up.

The next item is just a chart for comparison of the counties for the quarterly 9th Judicial Stats and that reflects the numbers that were in the previous.

The next couple charts I thought might just be useful information to see the types of cases and where they stack up per County in the first chart and then in the second chart it breaks it down to by County and area. As you can see from that chart, second to last chart, it shows that the cases filed to date in Pitkin County are 293, Rio Blanco County 219, there isn't that much difference and I point that out because we are judicial office and required to look at our resources and allocate those appropriately. Another concern I have is the potential increase in caseload in Western Garfield County and Rio Blanco County as a result of the increase in gas well drilling that we're going to see as an impact. And I know that law enforcement has concerns about that and I believe the Sheriff has probably been in here and spoke to you before regarding his concerns about the potential of the increase in workers who will move to the area. In any even we currently have 1 deputy in Rio Blanco County who is required to handle 2 county courthouses, all the felonies, all the juveniles, and all the misdemeanors. So he handles the 219 case docket. We have 2 deputies currently that are handling the 293 and they are separated out predominately with the felonies, juveniles' deputy as well as a misdemeanor. So we'll have to look as time progresses here how we want to allocate our resources in our judicial office. And then maybe need as we proceed to shift some of the time for deputies up to Rio Blanco to help with their ongoing caseload and/or seek additional staffing needs in the next budget year. The last chart breaks down our caseload by area. That's pretty self-explanatory and as you can see; the traffic infractions and misdemeanor are all handled in County Court. And that comprises about 88% of our entire workload. Does anybody have any questions on those statistics?

Larry McCown - Just one real quick, on the traffic, is it safe to assume that those are traffic cases that actually have been contested and will be tried, or will be handled in the court; they're not just a speeding ticket.

Colleen Truden - Those are traffic offenses; the infractions would just be the speeding tickets, 4 points or less and some are going to be contested, some are not.

Larry McCown – Okay.

Tresi Houpt - I guess I do have a question. If you look at these numbers there really rather high when you look at a 3-County District and I'm just wondering how you're feeling about your staffing for handling these cases.

Colleen Truden - Currently we have full staffing at the County Court levels. So the County Court is handling 88% of our docket if fine. We have staffing right now handling the felony docket. We just hired a felony deputy that is taking over in Pitkin County and he's been on board about a week now. So he's getting acclimated up there. We have another felony deputy that we have hired that will be starting in three weeks and we have interviews with three more to fill the other position which we anticipate having filled by the end of May. As far as that, it should bring us up to full staffing and we have another deputy that we're talking to with regards to doing some part-time work as well so we should be up to staff in a short period of time here.

Chairman Martin – other questions on the statistics?

Colleen Truden - One of the other areas that I wanted to mention and I didn't in regard to budgetary issues is as you know we've had to revisit our health insurance issues. Unfortunately we are unable to be on the same plan as the county is. I checked with the Urman Company and spoke with Frank Urman and he explained to me that we are in a different pool than you all are so we don't get quite the same rates and so it was budgeted for a 5% increase but what we are going to see is actually a 7 to 11% or an average of an about an 11 or 9% increase which was not budgeted so we are going to have to account for that. However, we did receive the one month premium so we will be able to balance some of those needs out. We've also have seen an increase in our health insurance premiums as a result of I think just the sheer different mix of employees that we have. So we have more families who are costing more in health insurance than the prior administration. So I think that's going to be reflected in the numbers when we have a change to get those to you.

Chairman Martin – Those will be some of the items that we talk about on our Worksession?

Colleen Truden – Absolutely, you bet. One of the other areas I wanted to talk to you about was the Domestic Violence Diversion Program that you've heard about and have seen some information about it. It is a very important program. It's unfortunate that the Program had to be suspended abruptly as a result of the Board who certifies the therapist who was providing the Diversion Class was concerned about what is going on and raised the question of whether they may have to suspend or remove his certification as a result of its involvement in this program which they feel did not meet their requirements under their other programs. So the provider decided that it was probably at this point a good idea to not push that until the board has had an opportunity to review that. I've attended a meeting down state with the domestic violence offender management board as well as members of CDAC (Colorado District Attorney's Council), and therapists, providers, and others from the community with regards to the diversion program or diversion type programs. I would like to say that I found at that meeting was extremely heartening because people came together in what could have been a fairly divisive discussion for a multi disciplinary group of individuals and had a very intelligent and very open discussion about where we are at in this state with regard to domestic violence and the programs necessary to implement as part of court sanctions or court programs. So we have decided that we are moving forward with a working group to talk about whether or not 36 weeks is appropriate, something less than 36 weeks, what that may look like, what it may entail and who may be appropriate to teach those types of programs or be involved in the counseling and therapy. There is a natural division I think between the legal system approach

and the therapeutic approach. And I think that it's trying to find some common ground that actually addresses the issues behind domestic violence and those perpetrators. Now the question becomes what is an appropriate assessment tool which that Board is also looking at to determine whether an individual is actually a domestic violence perpetrator or whether it is an individual that may have gotten caught up in a dynamic but doesn't need the same level of therapeutic intervention as maybe a diversion program would be allowed to address. So I think it is exciting what that group is doing. I have volunteered to serve on that working group because I think it is very important to provide what this community says is important for this community as part of a basis so I will be as I advised Pitkin County Commissioners last week, I will be establishing a working group or task force from the 9th Judicial to advise me and have members who would like also give input into that group so that we can talk about why the diversion program was helpful or useful or good of what we saw as the benefits and then also talk to the victims and have them participate to see what were the drawbacks from their point of view as well as the therapeutic community. I think this is a very overall issue that we need to look at as far as where we are at in this state at this point with domestic violence and treatment for domestic violence than where it started 15 years ago. So I'll be doing that and we'll be moving forward so hopefully we will have information over the next months as this group moves forward but I did want to address this since that issue had come up and gotten some attention.

Tresi Houpt - Did you during this process, talk about keeping that diversion program in place while you evaluated what you wanted to do in the long haul or was there some reason that you weren't able to do that?

Colleen Truden - Well, our provider certification was being threatened and if they continued to provide it without the sanction of the domestic violence management board so he would not have been available to provide the class. And that was the big deal and I would say that Mark Hurlburt also suspended the programs that he had working in the 5th Judicial as well as the resolve of the issue that were raised around the diversion program. So its not been completed been terminated because we are hopeful that we will be able to revise it in some format, whether it's the exact same format at some point and possibly even have more providers on board. And the other thing I wanted to go over and just discuss was setting a workshop date so that way we can discuss some of these other issues in greater detail and get more guidance from you what information you would also like to see as well as a presentation on office remodel and that sort of thing.

John Martin – One question on program and that was your level of commitment that was on the Community Justice Review Board, are you still going to participate in that?
It used to be the old Jail Advisory Board, now it's the Justice Review Board.

Colleen Truden - Okay, not the Community Corrections Board but the Criminal Justice? As you know I chaired the Criminal Justice Services Board for a few years and I think at this point my understanding is that it is not operating on a regular basis, the Community Corrections Baord is moving forward and as you know we had kind of perceived the Criminal Justice Services Baord as being the umbrella organization and Community Corrections eventually being part of that. It appears that had not happened it's been kind of reversed so and as you know when I resigned from the Criminal Justice Services Board and went back to school, I had encouraged you to proceed in the manner you chose to do at that point. I don't know where it's at now, I haven't attended a meeting, I'm certainly willing to work with individuals if we want to look at the viability of that board or whether or not the Community Corrections Board serves as that needs and another thing I would like to say John, since you brought it up, is the Community Corrections Board, its a pleasure to be back working with that board and serving on that board and the DA's office will be an active member with that board and I've spoken with Ruben Hernandez who currently chairs that board and once we get rolling here with out new administration my deputies or I will participate in the review because I think that is an essential part of what information we can provide for the community.

John Martin – the reason I bring it up is because we haven't taken official action to do away with the Criminal Justice Review Board, I think with the recommendation of Community Corrections and that letter coming forward and you participating in that as well, I think it has served its purpose and Community Corrections needs to step up and take on everything so hopefully your participating in that will bring that back to the board so that we can dissolve one board that we have to keep an eye on, so. Other questions on programs or statistics?

Tresi Houpt - I have a question, it's more of a budget question because we approved your budget and County funds going to your department. There have been question about some computer consulting services that you hired out to your husband and because of County funds that are involved I would just like to you explain that to us.

Colleen Truden - As I took office and we had computer needs that came up. I had initially talked with Bryan about the County and doing the computer needs and he advised me as I was taking office that unfortunately with his attempts to get staff up to speed at that point in the new buildings and what all coming online that he would not be able to provide County services until at least April. To continue with the individuals who had or find some other way to the computer needs, I spoke with Tim Arnett who suggested that I work with Desktop Publishing because that's who the County has worked with a number of times, so I did that. Mike's rate and Desktop Publishing was higher than I felt the budget could assume, we had some emergency needs and I couldn't find else so as a stop-gap Fred provided some limited services to meet the immediate needs of the computers and that's it.

Tresi Houpt – Okay. And those services were then paid out of your budget?

Colleen Truden – yes.

Tresi Houpt – Okay.

John Martin – Other questions? Work date – we need to establish a work date and so we need to look at when we can do that. I know that Robin is meeting with Patsy so that's good so that we can make sure that the systems are working well because you are changing as we are.

Colleen Truden - Possibly the 31st. That will give us time to formulate that and get a plan.

Larry McCown – That's my question, will that give you time for Robin and Patsy to get together and formulate the needs and then come back to us.

Colleen Truden - Why don't you give us a little more time because I know Patsy's schedule, let's look at June.

Tresi Houpt – well can we do it as one of our regular meetings? We've had very light afternoon's hearings recently and if we can find a day, a timeslot on a Monday we could probably do a work session then. We just have to find out from planning what is going on in June.

Ed Green - we had a concern about the June 6th meeting because that's the beginning of CCI and Mildred's not going to be here. Probably the 7th and 8th the Commissioners won't be available either.

Larry McCown - June 15th, 22nd works for me; 29th

Colleen Truden – Wednesdays actually work fine for me.

Larry McCown – 15th.

Colleen Truden – 15th works fine.

John Martin – then we'll need to work on all the different issues that you mentioned from the budget on through, space issues, health insurance.

Colleen Truden – What time are you setting that for?

Larry McCown – 1:00 p.m.

John Martin - Are there other questions that we have of the District Attorney?

Commissioners thanked Colleen Truden very much and Colleen Truden returned thanks.

WATERSHED COLLABORATIVE EPA GRANT SUPPORT LETTER – RANDY RUSSELL AND SHARON CLARKE

Randy Russell and Sharon Clarke were present. Randy submitted a memo that gave the background for the last 3 years. We have been cultivating a relationship with the EPA to work on watershed related issues, not just water. The EPA is enthusiastic about this watershed problem and we have been asked to enter into support for a nearly \$900,000 request from U. S. EPA for water quality and quantity mitigation and analysis in the Roaring Fork Watershed. This thing needs governor concurrence.

Sharon explained the process we are going through. The governor picks two out of the state to send to the competition.

Commissioner Houpt was impressed with the grant proposal and made a motion that we write a letter of support for the Roaring Fork Conservancy and Watershed Collaborative EAP Grant and authorize the Chairman to sign.

Commissioner McCown - seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

DISCUSSION REGARDING PROPOSED PET ANIMAL CONTROL RESOLUTION

Discussion regarding Pet Animal Control Resolution.

Lou - we started this a while ago putting together a group of citizens from various walks in life and submitted the final comments draft Pet Animal control Resolution for discussion. The group voted on this in a very democratic process. There's something in here for everybody to hate and something for everybody to like.

The Resolution would repeat Resolution No. 02-91 concerning the control of dogs along with all attachments and shall be of no force and effect upon the enactment of the Pet Animal Control and Licensing Resolution of Garfield County.

Commissioner McCown - I read this and I think we are clearly real close to where we need to be, but in the committee that was put together initially, what is the status of that group, is there anyone out there to help us or do we stand alone on the shelter issue.

Lou - On the shelter issue, Rifle is committed, Silt, Parachute, Battlement Mesa and Garfield County; New Castle is still unsure as what involvement they want to be in. We've been having monthly meetings and currently Amy Chappell, animal control officer is going on a road trip to evaluate another shelter in Fremont to take pictures, budgets etc. as this shelter is similar to what we're looking at.

Commissioner McCown - Once we approve this it becomes law. We do not want to enact something that is unenforceable. And the prospect of somewhere to go with a considerable amount of animals. One is clearly tied to the other. There is a natural progression in which this takes place and we must not get ahead of the reality of the shelter occurring.

Lou - What parts of this do you anticipate that would create a problem?

Commissioner McCown - The licensing would create an administrative hardship for your staff and possibly create a hardship for the citizens unless every deputy is going to be a licensing entity and be able to flag down a deputy to license your dog if you can produce the proper vaccination certificates or will they all have to come to the sheriff's office.

Lou - We were talking about doing a vaccination clinic on the weekend and doing licensing. This would be a start and we could only enforce as we have people available similar to traffic control.

Commissioner McCown - If the fact that an unlicensed animal is a reason to pick it up, that would create more of a workload.

Lou- At present it would be picked up at large if it were unlicensed and would have to go to CARE. If it was licensed, we'd be able to return it to its owner. It would save us in the long run – that's the idea of licensing.

Commissioner McCown - the licensing is going to create admin needs.

Lou - The licensing is also used to make sure that they are vaccinated.

Commissioner Houpt - can the vets do the licensing?

Amy Chappell said there are some vets that have already agreed to help us do that.

Lou envisions having a website where people could license it over the net or mail in the application.

Tresi - Question about wording, I could not find wording stating that dogs need to be enclosed in fencing.

Lou - as far as fencing, locking door, kennels in homes, etc. the statute leans more to the owners responsibility to keep that dog from running at large and that doesn't necessarily include a fence or a lease, you are allowed to have your dog with you without actually having a physical lease as long as you can maintain voice command.

Commissioner Houpt asked if he talked about dog sled dogs.

Lou - we have. Bruce Harbor was on the committee and he is a dog sled advocate.

Commissioner Houpt - which brings us to the question of whether people can have no more than 1 dog per household.

Lou - we steered clear from that because that is a zoning regulation. He didn't think we should regulate the number of dogs per household; it is the owner's responsibility.

Chairman Martin - Will it be a State summons that you will issue and the DA will prosecute. Have we had any workshops with the DA or putting that on Don DeFord's office to prosecute these cases?

Lou - Right now we're writing dog tickets all day - mostly at large, vicious, and they go into County Court and they have been wonderful. This is a misdemeanor offense and the DA's office handles those. He did speak with the judges they said it was not a problem to see those go into the county courts. At this point I would assume that the DA will still prosecute.

Chairman Martin - this will be an Ordinance based on statute.

Lou - we tried to stay away from the vicious aspect of the statute in this.

Chairman Martin - do we still have the policy that the first bite is free?

Lou- no.

Don added that it depends.

Amy said it is all circumstantial.

Commissioner McCown asked how long it will take for Amy to go on her field trip and bring back the numbers.

Lou felt that a meeting in June would be fine to meet again and go over those numbers.

June 13th at 10:15 as scheduled.

Ed stated that he thinks the capital expense may be a lot if we up front the money, it could put us behind.

CONSIDER WHETHER OR NOT TO REFER AN APPLICATION FOR SPECIAL USE PERMIT FOR AN ACCESS ROUTE TO THE PLANNING COMMISSION FOR PETROLEUM DEVELOPMENT CORP. - MARK BEAN

This is a Conditional Use Permit for Petroleum Development Corporation. This request is for consideration for referral of a Conditional Use Permit to the Planning Commission. The applicant proposes to build a 16,750 ft. long access road from the bottom of Garden Gulch to the top of the mesa. The proposed access road would allow the company easier access to drilling sites on the top of the mesa. The road would be 18' to 21' in width and would take an estimated 6 months to complete.

The zoning resolution provides the Board with the option of referring Conditional Use Permits to the Planning Commission for their recommendation in a public hearing as per Section 9.03 of the Zoning Resolution of 1978, as amended.

The proposed access route starts approximately 4 miles northwest of Parachute, off of CR 215.

Staff Recommendation

Because of the straight forward engineering nature of the request and the remoteness of the area and the fact that it is not a permit that is subject to denial, Staff recommends that the Board of County Commissioners **not refer** this CUP request to the Planning Commission for recommendation back to the BOCC.

Don - the question that we have been pondering over is the use of the access route that is set as a specific use, it raises larger concerns for requests that we have not seen; the type of use has not been used for this specific use in the past.

Mark - it is supposed to be a shorter route that is why it is not subject to an oil and gas permit. It is not specific that is why we are requesting a specific use.

Don - The way the zoning is set out, this has not been set out as a separate use. We have not in the past taken a specific use for this type of permit but we are being faced with this now. Both Mark's staff and mine are looking for some type of direction on this issue. Secondly, in this area would we enforce this regulation with force, and should this be used as a right of way for multiple sights or site specific.

John - Is this multiple interest owners or single owner.

Tyson Johnston with Petroleum Development said it is owned by Chevron, both the minerals and the surface.

Chairman Martin - It is owner owned, with access to the county.

Commissioner Houpt - It creates an interesting dilemma. There is a great deal of impact with activity and I think we need to be looking carefully at access routes.

Chairman Martin - public access or private roads.

Tyson- Yes it would public.

Chairman Martin - How do we control that without regulations?

Don - That does create a problem in many of the uses where this would be an issue such as timbering; the access in particularly as it went across private land from the public road was considered as part of the Special Use Permit so yes, it was regulation of it but not as a separate use. For gas development we have an unique circumstance where in theory under our regulations that also is subject to a special use permit but we recognize that in most areas we are pre-empted and have not enforced that Special Use Permitting so we don't have an opportunity to in the context of gas development to consider the location and development of access routes as we would with some other Special Uses.

Chairman Martin – This is similar to the support services and BLM to limit access etc. under the same circumstances where they only limit certain number of vehicles or use of certain roads to be allowed and has to be abandoned after a so many years – that’s what we’re up against.

Don agreed and stated we need to know how to approach both in the short term and in the long term from a staff perspective.

Commissioner McCown asked how would this application be viewed if the individual was wanting to build a barn up there and this was a much closer route to feed their cattle than going all the way around to Rio Blanco County, how would this be viewed in that instance.

Mark- they would have to get a grading permit, that’s all.

Don - wait in that in this zone district where we’re set it out as a separate use, it still is an access route and doesn’t think that we’re approaching this as a SUP just because it’s the gas industry, far from it, it simply is an access route to another use. I think the answer to Larry’s question would be that in theory we would have applied this to that.

Commissioner McCown - the details were fairly skimpy but it would appear to me that the entire length of this route would be on the private property of the landowners just mentioned.

Don – That’s my understanding and in fact the landowner owns both land and mineral rights. It’s strictly a use on the property as we would view other uses.

Commissioner McCown – is it safe to assume that this problem will be addressed and erased in our new land use code?

Don feels strong that we will be addressing it now that this has come to light. Soon the staff will be discussing how we want to approach this issue.

Commissioner McCown – under the circumstances he didn’t feel we need to burden the Planning Commission with it and expressed that the Board could hear it.

Commissioner Houpt – since we have the Planning Commission in place it would be nice to utilize their services but it has the staff’s recommendation because of the straight forward nature of this particular access route and the remoteness of the area that we just hear it ourselves and can support that.

Commissioner McCown asked if this would require a zone text amendment.

Don – This application will not because its submitted completely within the text of our zoning code; the real question posed here is in the future over the next few months while we’re developing a new code, how do you want us to approach other areas and does the Board to consider a zone text amendment to other areas or not.

Commissioner McCown – only if they can run concurrently with the application.

Don said if the Board directs the staff to move forward with a text amendment to the other zone districts we’ll do that right away. If you want staff to withhold enforcement pending consideration of that you’ve done that in the past.

Commissioner Houpt requested more information on that – this is an issue brought forward and would like to have more information from Don on the implications of various directions the Board could go.

Commissioner McCown made a motion that the Board of County Commissioners reviews the Conditional Use Permit by Petroleum Development Corp for an access road. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

UPDATE ON THE WEST DIVIDE GAS SEAP. JOEL FOX

Joel Fox with EnCana USA and Kim Kaal with EnCana heading up the environmental group in Piceance Basis. Joel gave the update on the Divide Creek seep saying he has done this presentation a couple of times. He provided a Power Point slide show. The EAB and to a local group in the Rifle area. The location of the Divide Creek Seep is the Town of Silt; the actual seep location was actually about 7 – 8 miles, south southeast of Silt. The topographical map shows the Divide Creek running through the landscape on Peppi Langegger’s property and also showed a slide on the off-setting wells, the Swartz, Arbaney, Brown, Twin Creek and then the Morgan N-12. Back in time, but before Kim will talk about the environmental mitigation and everything that’s been done on the surface. Joel will try to explain geologically and engineering wise what they believe today happened with the well and well bore. But before he can go on, he wanted to go back in time geologically about 50 to 60 million years ago and talk what a seep is. Per one of his college text books. In 1967 the author published this definition of a seep and read into the record, “whether its petroleum gas, oil or asphalt that extrudes in the form of springs or seepages may reach the surface along natural fractures, joints, fault plains, or bedding plains but these are common in sedimentary regions of the world and many pools have been discovered by drilling near seepages. Back in the 1920’s and 1930’s that’s how petroleum or oil and gas fields were discovered. Basically there was no schematic data nor modern exploration tools so people would find seepages similar to what you see in the Beverly Hillbillies intro used to be where they shoot in the ground and oil bubbles up. This is exactly how they explore for petroleum back in the late 1800’s early 1900’s. Further in definition to a seep, these seepages whether they are oil or gas are frequently associated with water springs. The oil floats to the surface of the water and the gas bubbles out and escapes to the atmosphere. Gas seepages are more readily observed when they occur in swamps, or bubble through water.

Joel showed 6 different types of seepages in a slide. What we have here in the Piceance Basis are the top two such as associated to salt domes and several geological factors that can lead to seepages. He showed the exhibit from the Williams Fork, a cross-section of the Piceance Basin and the Grand Hogback and related it to the Coal Seam Fire that exists in Glenwood Springs and said is was basically an outcrop of the Coal that occurs here in the Hogback area and basically is an example of this seep shown in one of his exhibits where an outcrop in the formation and the hydrocarbons are leaking to the surface at that outcrop.

Going back 30 to 50 million years ago, this area out here was pretty flat and it looked like west Texas or Kansas. If you cave a piece of the earth out, you have the Williams Fork and Wasash formation which is two formations that exist in this area. It was pretty quiet out here. Now between 5 and 10 million years ago, what you see in the geology out here and drive down Glenwood Canyon and see the beds standing on end, all which occurred between 5 and 20 million years ago. All the Taconic activity out here occurred in that time frame. What happened when the Hogback was created and the outcrop, you had faults and fractures. The faults that occur in the Piceance Basis are more vertical in nature.

The well drilled down to the Wasatch about 3200 feet and drilled to a total depth of 6500 feet intercepted a fault and somewhere in the upper Williams Fork, or the lower Wasash intercepted this fault and this fault so happens to be connected to the Divide Creek bed.

After the well was drilled and cemented, the cement circulated to the surface and things went fine, and then sometime after the primary cement job, that cement failed and allowed gas to enter the well bore, enter this fault and travel up that fault plain up into Divide Creek and charge the seep. So the important thing when you hear about it in the newspapers, the actual seep is a geologic feature that's been there for millions of years, the Swartz well actually charged that network or framework of faults and fractures. Back to the chronology of the drilling and completion real briefly, the well was spud in January of last year, it reached TD February 5th at 6500 feet just below 6500 feet, ran our electric logs, then on February 9th ran our 7" casing and cemented the well with over 2500 cubic feet of cement, had good circulation through the job, no problems, cement was actually circulated to the surface and access cement was circulated out of the surface. A week later on February 16th, we ran our cement by-log which basically is an acoustic tool used to determine the quality of the cement, ran the cement by-log and found the top of cement was somewhere between 3000 and 3500 feet. It didn't look right and knew the cement job had failed but we were till way above the top of the gas in the Williams Fork so everything was fine. We started completion operation a week later on the 25th and then on the 24th of March we cemented a remedial cementing procedure to the COGGC to repair that casing from 3000 on up so we knew we had a bad cement job at this point here but what we did not know was that we had a conduit from that lower Wasash upper Williams Fork into a natural fracture. At this point we still didn't know we had a seep. The last stage of completion of the well was completed the 31st of March. During that last stage completion we monitored the Braden head and it was monitored and during the last stage completion that pressure ranged from 660 pounds to 575 pounds through the last stage of the hydrologic fracture. We knew everything was fine there, nothing communicated around to the surface. And then the next day the seep was discovered, April 1st when the bubbling was discovered on the property and on the 3rd of April our remedial cement squeeze job was performed on that 7" casing, cement was circulated to surface and the Braden head pressure was shut off. Joel said that we will never see this problem again.

The fact that you have a fault connection close to the surface is rare if it happens again, our monitoring procedures will catch it.

To avoid this from occurring again, soon after the seep was discovered, the remediation of the well was done in June and July 04 we changed our cementing and operation procedures and noticed to all operators drilling in that area as far as cementing practices and added several different steps to catch this if it occurs again: 1) the armorial fluid level around the production casing shall be monitored for a minimum of 4-hours (if the drilling crew knew they had intercepted a fault we could have watched the cement column after they finished the job, they would have noticed that something strange was going on but the fact that the cement actually dropped doesn't necessarily mean you intercepted a fault, but one that drastic could indicate that problem; 2) the Braden head pressure shall be measured or monitored in intervals of 6 to 72 hours after that primary production spring is cemented and if that pressure is greater than 150 pounds you report pressures to the COGGC and then submit your mediation procedure as prepared to the State; 3) within 12 to 48 hours following that cement job you've got to run your bond log and your tempter survey to find your actually cement job or cement top; and 4) the Braden head pressure record, the bond log, the tempter survey and your formation top shall be submitted to the area engineer, in this case within 7 days of that cementing of that production casing and then lastly the Oil and Gas Commission must approve your cementing/casing operations prior to start any of the completion operations. So basically since we've changed this to this method here in this area we've got some good data to show how successful we've been. This is just a schematic of what a cement bond log looks like – this is not the Swartz well but it's an acoustical device giving you an idea of the quality of your cement. When we speak of Braden head pressure, where that pressure is taken is the valve, it's the pressure behind your production casing between the production casing and the actual bore hole. He submitted an actual cement report from a well to show the reports they do to follow this process. This is one that was recorded in February of 2005 and shows the date the cement job was pumped and the date that the plug bumps date. The plug bump date means that this is the actual completion; that's when the cement job is the final displacement of that cement done is on the production casing and they call that the time of plug is bumped. They set the slips right after that and that's the slips that sets the production casing in the well head itself and the annual flood level is a key part, after the job it is monitored and is it static or falling and if falling how much fluid has to be added back to bring it back to surface. The cement time, the waiting on cement time is recorded and then the bond log and time that it was run and then the Braden head pressures are recorded and other comments about the cement job – how it went, etc. The data we've collected so far since July 2004 and up to last month, 2005, we completed 124 cement jobs using this new process or procedure and what I'm going to call a failure here is a failure from these two aspects where the top of cement was not raised greater than 500 feet above your top of you gas completion or if you had Braden head pressure exceeding 150 pounds within 72 hours of your cement job. We've completed 124 long stream jobs and we had 4 reportable failures that did not meet both of these criteria. Of these 4 reportable failures only 2 of the jobs needed remediation after the primary cement job. In conclusion, we're had a great success rate over 98% using this new process of the 7 months of continuous job success and he doesn't expect that we'll ever see the geologic probably network and the circumstances that happened on this well occur again, but if it does this new process should catch it. Our new cement design and the marking procedures should identify those problems.

Commissioner Houpt – you say we'll probably never see this scenario again, are you saying there probably isn't a network of faults in this area, because there is a lot of activity going along.

Joel Fox – no, there's a lot of faulting and fractures in the Piceance Basin because all you have to do is drive along the Interstate and see the dramatic geological features. The fact that you have a fault network that's connected to the surface is pretty rare. There's a lot of faults and fractures beneath the surface but the circumstances of intercepting a fault while drilling with a bore hole that's 6 inches in diameter, to intercept that fault, if I tried to do it there's probably no way I could, but all the events in the network to intercept a fault that's connected to a surface feature probably will not occur again, but if it does, and it could, then this new monitoring process and our new procedures should catch it.

Kim Kaal for EnCana - Update of the characterization efforts that have happened since the seep hearing in August. At that time we had a little bit of an idea of the extent of ground water impacts but now we've fully characterized those. She covered some of the environmental investigations conducted, mitigations that are currently underway, results of the soil gas survey, a biological study and projects currently in progress. She presented a slide show. This comprised of additional drilling to aquifer testing, landmark events spending reappeared in West Divide Creek, installed remediation wells in the ground water, did some pilot studies, some other studies and submitted the timeline since then.

She showed where the seep occurred and showed West Divide Creek that runs through and bounded on either side by cliffs and the area where the stream runs through is what she called a "shallow alluvial aquifer" – basically a sand and gravel aquifer. A photograph of the seep area taken in winter of 2004 and shows a rather remote no homes real close to there, kind of down in the valley bounded on either side by cliffs. Our studies concluded that there haven't been any health impacts from the seep or domestic water well have been impacted. The closest water well is 500 feet from the north edge of the B Tex Plume that well is not currently being used. The impacted area is limited to 1.2 acres and there is no downstream ground water or surface water impacts away from those 1.2 affected acres. Over time the stream bubble intensity vigoriness and length of affected reach has decreased; ground water and surface water sample data indicate seep intensity is decreasing, concentrations of B Tex and leading edge of the Plume are decreasing; the overall concentrations are less currently than they were last summer and last fall; we attributed that to the mitigations to the Swartz well as natural attenuation; we've found no new seeps associated with the Swartz well and there were no impacts on aquatic life in West Divide Creek from the seep. During our environmental investigation we installed 24 monitoring wells that were specifically targeted to the Divide Creek seep area; we also installed 8 piezometers, stream gauges; we conducted some soil sampling; we also aquifer tested; so far in the studies we've collected and analyzed over 14,000 ground water surface water, soil, gas and air samples, we've determined that the ground water impacted area again is roughly 200 x 400 feet in dimension. A map showing a close up of West Divide Creek and where the seep was located was shown and where monitoring wells were installed and several areas where those piezometers paired with stream gauges to determine losing and gaining characteristics of the stream so they could see the interaction of ground water and surface water. A ground water contour map and basically they determined that ground water flows roughly to the north in that area which makes the flow of the stream; a map showing a cross section south/north cross section, and during the drilling activities we determined there was kind of a 5 foot layer of silt capping roughly 8 to 10 foot layer of silt and cobbles and then it was bounded on the bottom by silt stone which is the Wasatch formation. Roughly the shallow alluvial aquifer is on average 18 feet thick. They determined that monitoring wells located close to the cliffs were showing pretty much strictly ground water with no surface water interaction and then the monitoring wells that were located in the stream and pretty close proximity to were showing a combination of ground water and surface water. A benzene contour map that was compiled in October because during the August hearing they only had determined where the hot spot was but hadn't determined the margins, so this map represents the first map they could compile and the first set of data they had that delineated the boundaries of the plume. Another map showing the current concentrations for benzene which is the only constituent which exceeds the drinking water standards which is 5 miograms per litter and another slide showing what happened between October and March showing that the hot spot is gradually decreasing, representing 400 miograms per litter and it goes away and grades down into the roughly 250 miograms per litter range so our hot spot has become a lot less hot; the size the plume is still roughly the same and it hasn't changed in dimension but the hot spot has reduced significantly. They attribute this change to a large extent to natural attenuation, the aquifer was studied and it had high permeability on the order of a couple of feet per day to tend to the minus one feet per day and so it hasn't really gone anywhere, it hasn't migrated leaving them to believe that there's a lot of natural attenuation but also institute their program to help accelerate the clean up of that. The plume dimensions looking at contours in terms of equal distance areas representing a particular concentration from October to March the 100 part per billion areas reduced from 80,542 sq feet to 60,947. In October 2004 contrasted to March 2005 the 300 part per billion area reduced from 16,000 sq ft roughly to 846 sq feet – this is additional information showing it is reducing which is good. Benzene reappeared in the stream sporadically; it was attributed to last fall it reappeared. The reason why it reappeared was because we prematurely took the air sparges out of the stream, they still needed to be operating and they took them out and then subsequently reinstalled them and improved the air sparing process and also found out that when the stream has a low flow conditions that you sample bottle is closer to the bubbles and so therefore you can see a hit sometimes then. Other photographs were shown.

They have a ground remediation program currently and constructed 16 air spurge wells (a vertical well that has 2-screen intervals, one screened within the ground water just on top of the Wasash formation and the seconded screen internal spans the area between the top of the ground water and a little bit in the saturated zone. A blow-up map of the area showing the location of the air spurge wells are located was shown. A pilot test was run and showed concentration of methane and benzene over time and interjected air in the wells and determined based on the graphs that we felt over time they could be efficient and effective if we did air sparging in the ground water, so with that they decided to put in a permanent system.

A soil gas survey was performed and covered 210 linear miles in a 10.5 sq mile area to try and fine additional seeps associated with the Swartz well. During that study they didn't find anymore seeps associated with the Swartz well specifically. The area included 10.5 square miles and also 144 special features were investigated, everything from dead trees to just areas where landowners indicated they would like us to look into a little bit further. It was determined that those areas mostly stress vegetation where the result of discharge of saline water uneven irrigation and insects, no hydro carbons were found in soils in proximity to residences. Colorado Mountain College is also hired to perform a micro invertebrate study, basically collecting and analyzing the bugs in the creek in the Divide Creek seep area, the reason why the bugs were sampled is because they don't have any natural defense – they can't get up and run away when they detect something in the water. They were sampled at a total of 6 intervals between May and September and it was determined that no impacts to the bug populations or diversity occurred as a result of within West Divide Creek as a result of the seep. Currently, they are still delivering on daily basis potable water to the Divide Creek area residences. Weekly sampling is still occurring for West Divide Creek for the surface water,

monthly sampling is still occurring for ground water including domestic water wells and soil gas, and implementing new procedures for cementing which Joel explained. They began operating the remedial system in the ground water on March 29, 2005 and reclaimed the area beginning April 11th and automated everything electronically beginning April 18th.

Commissioner McCown - what is the on-going mediation to the ground water.

Kim – the air spurging with the two screened intervals to put enough air in to raise the water up and basically expose it to air so it will volatilize out the constituents.

Nancy Jacobson – 6538 CR 331, a resident in this area. There was another seep in the same area on another well, there was a violation issued by COGGC on that seep, it's on the Arbaney property, and was that in relationship to a fault that this natural gas moved over and go into the Detricks water well and into other areas, was that fault related such as the Swartz well or what happened with that seep. She asked Kim to describe this seep.

Joel Fox – Tody Gorody has been doing some studies in that area and near that Detrick home there's 3 saline water discharges, there was a small amount of hydro carbons detected there but it looks like there could be a possible fracture system in that area of that home that he found this white crusty – walking on the creek bed you can see areas of looks like alkaline that he found 2 to 3 of these areas in the drainage that looks like where possible seeps that could be formed from saline water bubbling up from the deeper depths so that's data is still being looked at and it could be possible but they haven't reached that conclusion yet.

Nancy - was that a cementing problem also?

Joel - No.

Nancy- That was a remediation for the problem?

Joel – right, on the Arbaney P3Pad, what we found, we've actually been looking into some shallow Wasash – one of the other concerns that lot landowners have is shallow gas, naturally occurring hydro carbons, whether it be biogenic or thermogenic in their water wells so they have been actually conducting some more in the shallow Wasash and what we're finding in that area in certain spots south of Silt, the Wasash sands where most of the water wells are completed, there are naturally occurring hydro carbons at different levels within the Wasatch that occur. Most of the water wells are completed around 200 feet to 300 feet but they are seeing hydro carbons as high as that depth in the Wasash formation.

Nancy – for clarification, is this a separate occurrence, the seep sited on the Arbaney, is this totally separate circumstances from Swartz? Can a conclusion be drawn that this is an area as EnCana put in a letter to me prone to seeps?

Joel – Right on the first question. As Kim put shown, when we did that 10 square mile survey, I expected to see more surface gas seeps, but we only found the one at Divide Creek. There were no others near the Arbaney that seep which Tony characterizes as a saline type seep from ground water migration, that's the only other spot we've any indication, so he was surprised that another one wasn't found. He would have expected 2 or 3 others. The P3 and that gas in the Detrick well has nothing to do with the Swartz incident he spoke of.

Nancy - Well it is disconcerting to live there in that area and have these two occurrences for seemingly different reasons occur and as the text book said, in a desert area these seeps aren't really apparent, so even walking it and I did witness part of the walking tour and it was not real extensive on her property, they just went up the Dry Hollow Drainages is all they did and pretty well did not walk her 47 acres – so it wasn't an extensive search. Joel – well the main goal of that survey was to look again at the area that Kim's showing to see from the Swartz well, was there any other impacted areas, that was the primary goal, but this other investigation and think he Garfield County study that Doug's heading up is to investigate the Wasash in these shallow sands because we've had numerous landowners at our Energy Expo or just in private conversation just come up and tell us they drilled their water well back in 1970 or 80's and hit gas at 50 feet or at 100 feet and it scares people. So that's when we started looking into doing some investigation; we're not finished yet but have collected a lot of good data that shows some of the gas and it does occur and it is there but it's nothing to be afraid of, it's been there for several million years.

Commissioner Houpt - What do you mean by it is nothing to be concerned about?

Joel – What we've been doing too working with Tony Gorody is that all the water wells private water residential well should have cisterns in them and we've found that during our work and when Kim found that many of the water wells don't have cisterns or place where this biogenic or thermogenic, whatever gas, can be vented off and so with proper water well maintenance and construction with down hole and also surface, the small amount of methane and we're talking maybe 12 to 14 micrograms per liter can be mitigated, its not like going to blow your house up and things you read in the paper so that's what I mean, it can be taken care of in a safe manner.

The Board requested Joel to give further updates if there is any more information to bring forward.

PUBLIC HEARING CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR AN AIRCRAFT LANDING STRIP (HELIPORT) ON PROPERTY LOCATED APAPROXIMATELY 5 MILES NORTH OF CARBONDALE IN THE UPPER CATTLE CREEK AREA, AT THE INTERSECTION OF COUNTY ROADS 113 AND 115. APPLICANT: TURNBERRY RANCH, LLP. – MARK BEAN

Carolyn Dahlgren, Mark Bean, Tim Thulson with Balcomb and Green, representing the Turnberry Ranch, Jim Bowman, new pilot responsible for flying the owners of the Turnberry out of the Ranch and Jim Foster with Panorama.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D –Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments Report and Exhibit F – the Turnberry Ranch LLP Conditional Use Permit Application. There are other Exhibits that would be entered; I believe the applicant's have proposed to request a continuance.

Chairman Martin entered Exhibits A – F into the record.

Tim Thulson stated that it was obvious that we have a lot more public input than they anticipated. This is one of the catch 22's you get when the Board of County Commissioners takes a Conditional Use Permit directly rather than going through Planning Commission and understands they are just following past practice with the most recent airstrip application, but we have not received the public comments and do not really know what they are, we would like to be afforded a time to be able to meet with the interested parties and try to address their concerns on their own rather than trying to negotiate something in a public hearing, we may come to that but at least make the attempt to meet the concerned property owners in the area. One of the problems we have in forming the application, you can go out there and try to meet with the neighbors beforehand but that is more hit and miss identifying those that have the issues when we have the public notice then they can come down and look at the application and get a sense of the substance and frame the issues. We ask that we continue this until June 20th and they would consent to that continuance; there are a number of people here today that want to make comments regarding this application. Tim said they would listen but do not have a presentation at this juncture.

Chairman Martin took public comments and made it clear that all evidence will not be heard in reference to this application because there is no presentation by the applicant until June 20th.

James E. Foster – made a statement regarding some of the documentation provided by the attorneys and the Planning Department. He received a notification that I am within some proximity to the heliport that is being considered, and also a former pilot and still has a commercial rating both in fixed and rotary wing and he was Chairman of the Garfield County Airport Authority for some time. With the six years he was with the Board and in the fact that he does have that education or he has had several of those folks who know me that are members of the homeowners association with Panorama Ranches ask me to ask some questions especially to get additional information prior to the meeting that we have no problem with the continuance on, but however, I do feel that in the document that was provided to us that Mr. Bean made reference to the fact that there will several violations that were reported regarding flight of the helicopter, and that's why he's here today because what he'd like to do for the HOA, when we do have our meeting and the fact that I am reading right off the report that's going to be provided to the Commissioners, I feel that there is additional work, especially about the legality of some of the things that we're looking for and that's the question. In that Mr. DeFord and Mr. Bean are both in the business of presenting to the Commissioners information in their report that they're going to use for their final decision, it seems appropriate that the folks that are going to be affected by the operation of his helicopter should be heard also. I do think in a meeting that we had the homeowner are interested in any damage that is done to the value of their property as a result of having this helicopter there. It is something that is a legitimate question that should be answered prior to making a final determination and that is #1. The property value and whether there is a requirement for a seller to tell a buyer in the case of living in close proximity to a recognized landing area for a helicopter, whether you have to tell the buyer whether that machine will be operating, the hours of operation and what in fact it's going to have in the way of damage and the possibility of maybe you selling your property. Going on with that, would be the requirement for any additional coverage for insurance by those that are in close proximity of the property that they have; do they have to declare that to their insurance company and is there going to be an additional charge either in your mortgage, whatever the case may be. So these are the basic problems that were presented to me and I told the attorney when he first notified me that I would be wanting information and I think that the Planning Department and your attorney should be able to come up to give you folks the Commissioners an addition to the list you've got right now of things that should be done prior to granting permission to do so. We know that we live in an uncontrolled airspace and the rights of the individual as long as he maintains certain altitudes above the ground level or above the obstacle, i.e. the house, that he has every right to operate his helicopter. The HOA is not out to make this a difficult thing, but they do want equal presentation when it comes to the authority that's going to give them to answer their questions. We're pleased that they want, they being the attorneys for their client to try to work out other problems that I want go into today because not everybody has been at the meeting, not everybody has had an opportunity to tell the HOA what their particular problems are. We don't have any turkey farms and if it goes hovering over a building that somebody's really going to be upset about, but we do know that we've got people, we don't know whether we have anyone that is an invalid, whether there's any kind of a problem with that, with the fear but I do know as your former chairman for the Garfield County Airport, that whenever we changed a departure or an arrival route there was ramifications that we had to discuss with you prior to doing that.

Chairman Martin - s it you intention to meet with the applicant and work out some of the issues and to make sure your voice is heard at that particular meeting and then reiterate everything.

James E. Foster – about the other things not mentioned in the record.

Chairman Martin – and then we'll expect testimony also at the public meeting in June.

Jeremy Darrington a resident of Panorama Ranches, my question is a point of clarification, in the proposed request it says the applicant requests approval from the Board to allow an airport aircraft landing strip specifically helicopter landing pad on their property; my question is specifically helicopter landing pad, does not say exclusively a helicopter landing pad which seems to imply that the applicant could expand their operations to a fixed wing operation which is not included in this application.

Tim responded saying if we would represent that it is a helicopter landing pad, it is not a aircraft landing strip and in that if in the future want to put in an aircraft landing strip, that we'd have to come back before the Board of County Commissioners with a new noticed application but right now they have no intention of doing that and this application addressed a helipad solely.

Chairman Martin – and it does say that a structure that would be constructed would be 4 foot circular concrete pad with a 25 foot diameter, is what you're asking to be constructed on this special use permit.

Tim Thulson, and we're not trying to make this the application ambiguous or generalized enough to where it fall into both, we just want the helipad.

Walter Stockler – I'm a homeowner at the Panorama Ranches and I think because of experience from last year when that helicopter was flying I think that it is a hell of an impact to the people at Panorama and the surrounding area and I would just say that it is in your hands to control that so we a quiet neighborhood and that helicopter is not flying day and night, it may just be flying during daytime and that actually is my concern and Mr. Foster said previously

about the maybe loss of resale value, he also talked about that we get together and sort out some issues privately which the operator of the helipad and actually that is all that I would like to put in at my point right now.

Chairman Martin – you do you plan to participate in the conservation with the applicants?

Walter- I will be out of town for a while but if I'm around I will try to be present.

Chairman Martin – will you be able to come back on the 20th of June.

Walter – Yes, I will be back.

Darlene Rabenberren and I am a neighbor also. I'm not in the Panorama Ranch so I'm not in the Ranch but we're neighbors anyway. Haven't read anything just invited here and love the history of property and that's why I'm here.

A question of No. 1, are you going to follow the guidelines of the FAA security, in other words, gun runners, drugs, that sort of stuff like you know there's nothing that going hand in a culprit to leave behind my house.

Jim Bowman, the Pilot - certainly yes.

Chairman Martin – the security.

Darlene – yes, the security.

Chairman Martin – you need security answer, what is the plan, etc.

Darlene – yes because airports have those, you hear a lot about manus and so being in our backyard we maybe should look into that. I'm sure that would be controlled because it's a good vibe place. The second question is will it ever be earmarked for flight for life if the community would need it, in this area? Or like in the general area and maybe a flight of life plane or aircraft could get in there to airlift since we're out very far away and if somebody needed it real quick.

Chairman Martin – emergencies.

Darlene – emergency preparedness for the people in all Missouri Heights.

Chairman Martin – It would be limited, I think in the application, to the individual owner and also any emergency purposes if necessary.

Darlene – flight for life helicopter, in a personal helicopter.

Chairman Martin - That can be discussed.

Darlene - How much would it be used? Day, night, how many times it can be used.

Chairman Martin – In the application there is also a limitation of time and that would be discussed in the application and then the presentation of the applicant would also put on how often it's going to be used if they would be able to work within the time frames set and established in the hearing.

Tim Thulson – We have the anticipated number of flights that we're expecting and the hours of operation but couldn't call it off the top of his head right now.

Cathleen Curry and I live in Homestead Acres Subdivision and I'm a short distance although I didn't get notification because she's outside the limit. Some of the Homeowners are concerned because of the fire danger in the summertime. We were in the Panorama fire and would not like to have a helicopter crash and start another fire. There are two homes in our subdivision burnt to the ground and now they're just being rebuilt so any kind of danger makes us a little nervous.

Chairman Martin – yes, since you're not in a fire district that makes a difference too.

Ron Hughes – 9203 Cr 115 and my request is that we don't get the paper delivered to our area so we had no inclination of this, this started as a grassroots effort phone calls that this was about to happen and when you guys have your meeting with Panorama, there are people from Spring Valley, Missouri Heights and other areas who would certainly like to attend that and we would like to know where and when you would announce this meeting so that we would have an opportunity to be represented.

Tim - we plan on taking names after today's meeting and pass out my card and try to coordinate a meeting from my office and we're not limiting the people; Jim is the only person I've talked to regarding this and we've asked for a continuance and will give you my card and if you have anyone that would like to call me, Tim said he is just going to try and coordinate the meeting.

Ron - If I can find out I can let a lot of other people know who are on my list and we would all like to attend and there's a question from people on down in Spring Valley, because as you know we've had another application in the past for an airstrip and so those people are now saying okay, will they go back and ask for a heliport to be put on that property and what will happen there so again, the more notification we could have of this meeting, the better I would feel about it.

Chairman Martin – Now Ron, you know that's not a requirement of the County, the applicant is extending that beyond what the requirements are of the County, we can only ask for the 200 feet within the adjoining properties.

Ron stated he understood that for reading all the material from the application but we are affected, we see the thing, it flies over my house too and so we would like to have a say and to express a few of our reservations before that 20th meeting.

Jan Redeerington – A resident of the Panorama Ranches, another questions follows his request is that it appears that the flights over this particular region have been random, they do not follow a particular pattern and it's been recommended by the Planning staff to follow a certain south to southeast direction which is the direction bee line to the Aspen Sardy Field Airport and that goes directly over Panorama Ranches. Other routes have been recommended and we've seen some diagrams that would be more security for us and would take a little longer but would be less impactful on residential areas of the County and would like for the Commissioners and the Planning staff to keep that in mind and whether the south southeast direction is not as, we would prefer to have another route mapped out probably more to the east, directly to the east that would go over unpopulated area rather than taking the line of most direct path that would be most impactful.

Chairman Martin – When the applicant makes a presentation of their plan that will be open to discussion. I think that we can discuss the different routes but at this present time we're not taking a position.

Commissioner McCown made a motion to continue this Public Hearing until June 20, 2005 at 1:15 p.m.

Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

EXECUTIVE SESSION – SPECIAL USE PERMIT ISSUES

Don requested an executive session with Mark and the Board to provide the Board with legal advice on application of the land use code and after that anticipates a brief public discussion. He also included Ed and Carolyn in the session.

Commissioner Houpt made a motion and seconded by Commissioner McCown to go into Executive Session to discuss the aforementioned item; motion carried.

Commissioner Houpt made a motion and seconded by Commissioner McCown to come out of executive session; motion carried.

Action taken:

Don asked that the Board consider giving staff refined direction on the method in which they would like the staff to enforce the term "Access Route" as used in the County Zoning Code where it is defined as a Use only in Resource Lands and whether or not you want that term treated as a separate use in all other zone districts knowing that the application of that would probably make that a prohibited use.

Commissioner McCown made a motion that the term "Access Route" be removed from our Zoning Code.

Mark – in terms of uses within districts?

Commissioner McCown – yes with that use especially in the Resource Lands District as it does not show up anywhere else in our other zoning districts.

Don – for clarification on that motion, could we consider that as direction as an initiated Zone Text Amendment by the Board of Commissioners if it were to pass?

Commissioner McCown – if it were to pass, that's how it would have to be done, yes.

Chairman Martin – public hearing, etc.

Chairman Martin seconded for discussion.

Commissioner Houpt - I think that what we should really do is define Access Route because what we're really talking about are routes that are created in – what brought this discussion to light is a route that will be created for access to numerous wells that will be drilled, so there will be a heavy impact with this road, and I think that we have a responsibility to look environmental impact and view sheds when it comes to creating such a road and so I do not support the notion of taking the word, any reference to Access Route out because I think it then opens the, it creates the idea of allowing one industry that doesn't fall under our regulations for special and conditional use to built access routes without any permitting process and they will be the only industry in this County held to no level of permitting accountability as I understand it.

Commissioner McCown – that's not true. They will have to get a grading permit.

Commissioner Houpt – grading permit, but a grading permit does not include environmental impact and view shed issues so I'm opposed to this motion.

Commissioner McCown – this access permit does not necessarily involve an environmental assessment either.

Commissioner Houpt – a special and conditional use permit can.

Commissioner McCown – Can. And that's how this particular access route was described was in conjunction with a special or conditional use permit. And since there are no special use permits required for gas wells in this particular case it does not apply.

Commissioner Houpt – that is because when this particular definition written into our regulations we were permitting drilling, we were under special and conditional use permitting and that industry was included, it no longer is and so I think we need to find a way of leveling the playing field with all industry in this County and I don't think this motion does that.

Chairman Martin – that's two opinions, my third is that I think Tresi has some points and that the impact to County Roads by any industry must be addressed if there's a new use or increased use and I think we have a mechanism to allow that to happen. Actually, to regulate private roads I don't think we have that unless they impact the County Roads and at the County road level. I agree with Larry that it was anticipated that Resource Lands were to be regulated because we did have some permitting process – that has gone away; I think that the definition that we're relying on now is no longer acceptable to our rules and regulations and needs to go. But I do believe every industry that creates a road has to have a grading permit to address different issues in our definition of grading permits and that gives us the ability also to bring up grading permits later on, discuss them and if we need to add more to it, have the public hearing and change the Statute.

Commissioner Houpt – I think definitely if we're only going to rely on grading permits need to talk about environmental impact and view shed and safety.

Chairman Martin – and that opens up that door to be able to do so in the future, but the motion is to do away with the definition that we have there now in Resource Lands.

Mark – not the definition, the term.

Chairman Martin – correction, the term.

In favor: Martin – aye; McCown – aye; Opposed: Houpt – aye.

Severance Tax Letter – Town of Rangeley

Commissioner McCown – did everyone get the letter from the Town of Rangeley to Governor Owens regarding taking the severance tax funds and using them to pay off the water debt. I would ask that Ed or whoever representing this Board would also write a letter in support of that position that they are using severance tax funds to pay off the water litigation.

Commissioner Houpt – I would support that.

Chairman Martin – we discussed that also and it was almost a done deal. There's also a provision under the same fund collection that allows the Governor to declare an emergency and withdraw that without any approval, so it was almost a done deal. I don't approve of it but its going to happen anyway.

Commissioner Houpt seconded the motion.

Martin – aye; McCown – aye; Houpt – aye.

Williams Energy – Royalty Check

Chairman Martin received another royalty check from Williams for \$1845.52 and received a second call from EnCana to please sign the leases of March 2005 and get back to them – obviously we're not getting through. Don DeFord sent letters and Commissioner McCown saw copies of those.

Another copy of the letters will be forwarded to both Williams and EnCana stating the Board does not sign oil and gas leases and we don't accept their royalty checks for royalties underneath our County Roads because legally we have no right to ownership.

Joint County of Garfield/County of Rio Blanco, Moffat and Uintah County Commissioners Meeting

May 18, 2005 at 10:00 a.m. – Rio Blanco and Meeker want us to meet with them and Moffat County and Uintah County, Utah Commissioners would like to meet with us and have a little Worksession in the Town of Meeker from 10 a.m. to 12 noon at Meeker City Hall.

NACO Legislative Update – Monday May 9, 2005 at noon.

Commissioner Houpt was just going to set this up for herself as the other two Commissioners have previously scheduled activities planned.

Adjourn

Commissioner McCown moved to adjourn; Commissioner Houpt seconded; motion carried.

Attest:

Chairman of the Board

MAY 9, 2005
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 9, 2005 with Chairman John Martin and Commissioners Tresi Houpt present. Larry McCown was absent – out of state. 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

o ***Out-of-State Travel Request for Brian Condie and Mike Ballard – Brian Condie***

Ed Green submitted the travel request for May 14, 2005 for the annual Aircraft Rescue and Fire Fighting Certification, SLC, ARFF 40 hour course, not offered in Colorado. The expenses would be \$1,697 for Brian Condie, Airport Manager and \$1285 for Mike Ballard, Airport Maintenance.

This is annual training in Salt Lake and the airport will be covered by seasonal help.

A motion was made by Commissioner Houpt and seconded by Chairman Martin to approve the out of state travel as presented. In favor: Houpt – aye; Martin – aye. McCown – absent.

COUNTY ATTORNEY UPDATE – DON DEFORD

g. ***Executive Session: Litigation Update; Legal Advice –contract negotiation strategy at the cleanup – Presco, New spacing application from Petrogulf – zoning issue – Silt Road and Bridge***

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin who stepped down as Chair to go into an Executive Session; motion carried.

Those to remain included: The Board, Don DeFord, Mildred, Ed, Jesse, Randy Withee and Doug Dennison

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin who stepped down as Chair to come out of Executive Session; motion carried.

Action

1) Don said he would like the Board to give him direction concerning intervention in the Petrogulf Application for drilling densities on Taughenbaugh Mesa.

Commissioner Houpt made a motion that we authorize intervention on the Petrogulf spacing application that was submitted to the COGGC for Taughenbaugh Mesa. Motion was seconded by Commissioner Chairman Martin who stepped down as Chair.

Discussion – Chairman Martin – we feel that definitely need to step in at this time, the spacing is way too dense for that area. We feel that we need to make a statement. Houpt – aye; Martin – aye. McCown – absent.

2) Don would like the Board to consider authorizing the Chair to a letter setting forth various conditions under which you would find downhole drilling locations outside of the Rulison buffer zone to proceed. We have discussed this item previously and a final discussion of conditions, it's clear that by a two to one majority, the Board was willing to consider at least circumstances under which it would be all right for drilling in that vicinity as long as the downhole locations were outside of the buffer zone.

Commissioner Houpt made a motion authorizing the Chair to sign such letter. Motion was seconded by Commissioner Chairman Martin who stepped down as Chair.

Chairman Martin – I want everyone to know that there isn't a member on the Board that is really enthusiastic or really want to see the drilling inside that ½ mile circle but this is an attempt to go ahead and only by the majority, not but the full Board, and I respect Tresi's opinion, that this is one way we can at least sit down and talk to them and find out why they want to do it, what's going to happen, what will the safeguards be if they did. So there is a distinct difference in philosophy.

Commissioner Houpt – this letter only needs to go out so we can communicate; I think it's been made very clear that I don't support the content of the letter, I also believe that there are better ways of sitting down at the table than to support the notion of not holding them to the buffer zone that's already in place for any type of disturbance.

Houpt – aye; Martin – aye. McCown – absent.

State of the Valley Symposium – Friday - Chairman Martin attended most of the meeting, some new information, some old. Mark and some staff, Doug Dennison, Jesse Smith, Dale Hancock, Ed Green, and John Martin attended.

Some of the projections that were given we need to pay attention to and how it affects us.

Ed said the projections for growth are pretty staggering even when you don't consider the potential of the baby boomers moving here to retire and oil shale. If you factor those two in, growth could be staggering.

Chairman Martin noticed three separate counties with different problems: Pitkin County has not youth, they have elderly and fixed incomes in that they have about 83% on investments and returns, that they are mostly all retired or trust funders. Eagle County doesn't have any real young or real old – they're in the middle ages 20 – 35; and Garfield County is spread out from everything from the century mark to the newborns and we have more than anyone. We have a unique problem. Baby boomers and also migration from the coast to the Rocky Mountains and it was real interesting to see that the top immigrants into Colorado – California, Texas and New Mexico and there's an age group of baby boomers that have freedom of movement, they have more than one income, and they're setting up residency here. They enjoy it simple because as they explained, this is now the 3rd coast and it's interesting.

Jesse Smith – they are predicating their predictions for Garfield County based on what Eagle County does. If Eagle County limits growth then it's going to shoot up the population in Garfield County and they are projecting we could have 150,000 by 2030.

Chairman Martin – the biggest calling card is open space and public lands and the impact on those trying to get there, that's the coast line they're trying to snuggle up to and they're going to take every bit of private land and develop it just to be next to the private lands and that's what we have to plan for.

Ed – the demographer also pointed out the gap in skilled workforce between the baby boomer generation and their kids. Ages 25 – 35 really have to assume the brunt of work in the future and there's not enough of them.

Jesse said he found interesting was the number of private sector and public sector in the audience. There's no way to develop a plan unless you get the private sector involved.

Pitkin and Eagle Counties are driving the growth in Garfield County because of their policies and we suffer from their successes.

EARTH DAY

A verbal report was given by Ed saying 427 people took advantage and 354,000 pounds of trash, 972 tires, 77 appliances and 58 mattresses.

Executive Session Item – Randy Withee and Ed need to discuss cleanup activity at the Rifle Facility with the State.

COMMISSIONER REPORT

Commissioner Houpt - I-70 Mtn Corridor Coalition met on Thursday and Friday to come to a consensus for a recommendation to CDOT in response to their PEIS – it was an amazing 2-days and accomplished a great deal. We have 31 jurisdictions participating from Clear Creek County to Garfield County including Grand, Lake and a few of the other outside Counties and 26 were represented. At the end of the week they prioritized and support for minimum action identified in the PEIS along with additional pinch point areas they felt needed to address. Transit should be a part of the plan and that money from the I-70 budget should immediately go to research of technology and identifying and preserving our corridor for transit. 10% was mentioned but we don't what the ultimate recommendation will be. The final report will be submitted May 24, 2005. It was agreed that somehow we recognize there is a need for 6 – lane capacity but that didn't mean widening highway from Clear Creek County through to Eagle where the recommended lane widening end. Recognition of Georgetown Hill and Silverplume and Idaho Springs needed to look at other options like cut and cover and berming and some great photos were brought to the Retreat that will be submitted as well. Thought it was important that the plan extend beyond that 20 year limits. The funds don't begin to address what we'll need to address along that corridor. The Coalition will get specific on where to start during that 20 year period but that whole notion of transit and planning beyond those will beyond 20 years. The Coalition enjoyed working together and decided to continue working together to create a Transportation Management Organization and CDOT has committed to working with us beyond the comment period through the planning process.

Smart Highways was also discussed.

Chairman Martin said local money to be raised as well and a priority to be looked at if we are going to contribute to the State Highway On system or not because of the impacts we have.

Commissioner Houpt - The monies locally would be in terms of transit; if you bring transit to a community how do they then connect with your local transit systems, that and planning is a key issue and what do we want to look like beyond 20 years and how to accommodate people once they are up here.

Chairman Martin – Met with the wildlife Commission in Avon on Thursday; they did take our recommendation from the wolf working group unanimously which is really interested because it dealt only with wolf migration and how we handle them. We've had numerous sighting so the next step is setting up the reporting process which goes to one person in the DOW who then charts it and verifies it by going out and attempting to locate the different wolf

sightings. We will be asked on August 4 and 5th to host a wolf workshop sit down, clarification what happens after recommendations have been taken by the DOW and the Wildlife Commission. Chairman Martin has invited them to take part in our picnic August 4th. That would be an extra 20 people at the picnic. Meeting we've been asked to go to at the Sheriff's Auxiliary meeting on Tuesday 6 p.m. at Battlement Mesa and he's covering for Larry on CMC issue on Thursday. Mtn Family Health grand opening between Noon and 2:00 p.m. and also mentioned that he saw Tresl and Jeff Houpt standing on the corner at the Mother's Mile run doing traffic control.

Ed – Transportation Meeting – Wed at 10 a.m. at Road and Bridge.

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 Acknowledgement of Partial Satisfaction of the Subdivision Improvements Agreement for Phase B of the Valley View Village Subdivision. Applicant: Darter, LLC. – Fred Jarman
- f) Authorize the Chairman to sign the Resolution of approval and Coulter's Pocket Exemption Plat. Applicant: Coulter's Pocket, LLC. – Fred Jarman

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin who stepped down as Chair to approve the Consent Agenda Items a – f absent c; carried.

REGULAR AGENDA

PUBLIC MEETINGS:

CONSIDERATION OF RESOLUTION VACATING A PORTION OF COUNTY ROAD 315 RIGHT OF WAY AND ACCEPTING QUIT-CLAIM DEED AS NEW PUBLIC ROAD – MAMM CREEK RANCH CO.

Jeff Nelson, Don DeFord and Bob Wheeler were present.

Exhibit A – attached to the Resolution

Don submitted the draft of a Resolution that would accomplish this as the agenda item. A small portion of CR 315 is to be relocated in an agreement between EnCana and the property owner. Jeff has looked at the proposal and layout design and in the Board's packet there was a copy of his engineering report of April 26, 2005.

Jeff Nelson submitted a memorandum stating he has reviewed the Wheeler Ranch Road realignment design plans and commented that the roadway design by EnCana's engineer appears to be adequate for future traffic needs and safety concerns though Bob Wheelers Ranch. This design has been discussed with Bob Wheeler and appears to adequately meet his requirements for location and least impact to his existing irrigation ditches. The plans have been sealed by a licensed engineer in the State of Colorado; The contractor shall be responsible for all necessary permits including but not limited to Garfield County Road and Bridge road cut permits; the contractor shall be responsible for contacting the landowners prior to construction and adhering to their requirements while impacting their property and EnCana shall be responsible for submitting the necessary drawings, plats and documents required by the Garfield County Attorney to have the existing County road right of way transferred to Bob Wheeler in exchange for the proposed County road right of way through Bob Wheeler's property.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to authorize the Chair to sign a Resolution concerned with vacating a portion of public road right of way otherwise known as a portion of County Road 315 and acceptance of a quitclaim deed as new public road right of way from Mamm Creek Ranch Co. Houpt – aye; Martin – aye; McCown – absent.

GLENWOOD SPRINGS BEAR RESPONSE PLAN – DARREN CHACON – DIVISION OF WILDLIFE REVIEW OF A PROPOSED AMENDMENT PLAT FOR LOT 1, LACY PARK SUBDIVISION – MARK BEAN

Darren Chacon, a roving officer for DOW reported that the DOW will undertake a more aggressive approach to handling bears in the Glenwood Springs area this year.

The problem is bear-human conflicts in Glenwood Springs.

The purpose is to reduce bear-human conflicts in this area; reduce conflict calls; reduce the number of bear and the frequency of those bears in town and to prevent Glenwood Springs and the surrounding area from having bears become habituated to human surroundings for several generations.

The City of Glenwood Springs Police Department responded to over 140 bear calls last year with the majority of those being a bear in someone's backyard or a bear knocking over trash.

The City Council is considering adoption of a wildlife resistant trash ordinance.

The Protocols include:

1. Trap and Destroy bears that:
 - Injure or kill a person
 - Pose an immediate safety threat
 - Have been previously ear tagged causing conflict
 - Break into locked homes through locked doors or windows, - this does not include screen doors, screens)
2. Trap and Relocates bears that have been
 - Killing or attacking livestock (i.e. 4H animals
 - Killing or attacking dogs
 - Breaking into locked physical structures (secured outbuildings)
 - A marked/hazed bear that is recurring problem in same neighborhood for at least 7 days

3. Establish Safety Zones

- Zones where heightened public safety concerns exist. A bear within these areas would be removed by tranquilization
- Schools – applicable where children are present.
- School perimeters – within one block area.
 - Mark
 - Haze aggressively for period of one week
 - of return to this zone after hazing period, set trap and relocate
- Core Business Area:
 - Along Grand Avenue from 7th Street north to 10th street south and
 - Colorado West and Cooper east as boundaries.
- City Parks
 - Due to the location and nature of the various city parks, the
 - presence of a bear in a park will warrant the bear be marked and
 - heavily hazed during operating hours of the park if no immediate
 - safety threat is present. Physical removal of a bear from a park
 - through tranquilization would be warranted if the bear is
 - presenting a public safety situation or due to the amount of people
 - if the bear is presenting a public safety situation or due to the amount
 - of people present, i.e. Strawberry Days at Sayre park.

4. Mark Bears by DOW and PD officers

- Mark bears in town that are causing problems with paint balls for easy identification of “problem” bears, to be followed up with hazing.

5. Hazing by DOW and PD officers

- Haze with pepper spray, pepper balls, rubber buck, bean bags, etc. to the edge of established perimeter and beyond, and extend out to either the river on the west side of town, or basically up to the hillside and city limits on the east side of town. No hazing if bear is in a tree, up a pole, etc.

6. Site Visits by DOW and PD code enforcement.

- Increase initial site visit within about 1 week to see if compliance
 - Give written list of things that need to be cleaned up
 - Do secondary site visit within about 1 week to see if compliance
 - Upon return of bear(s), if not in compliance issue citation.

CSU has a project with a graduate student covering the Glenwood through Aspen area doing bear awareness.

Commissioner Houpt is in favor of an ordinance with bear resistant containers. People need to take responsibility for their habits as well.

Darron would wholeheartedly support this.

Glenwood’s policy is not to leave trash out – put out by 6 am and use bear proof containers.

Raccoons and skunks are also a problem getting into the trash.

Darron hopes more volunteers will be available.

REVIEW OF A PROPOSED AMENDED PLAT FOR LOT 1, LACY PARK SUBDIVISION

Mark Bean, Neil Goluba and Carolyn Dahlgren were present.

Mark stated that the applicants, Rocky Mountain Baptist Church of Rifle Lacy Park, LLC, propose to expand Lot 1 lot line to the south and east and reduce the adjoining 40 acre tract by the same amount. This amendment will result in an exchange of approximately 2.514 acres with the adjacent land owner. The adjacent property, owned by Lacy Park LLC, is a meadow and bounds property containing at least 40 acres. No new roads, new lots, or dwelling units are proposed as a result of the proposal.

Neil stated they were going to amend the Original Declaration of Covenants and asked if they wanted them submitted with the Mylar.

Chairman Martin thought submittal with the Mylar would be fine.

Staff 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 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. 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.
3. Lacy Park, LLC shall be required to complete a lot line adjustment application obtained from the Garfield County Building and Planning Department to reflect the change in the larger parcel. This shall be completed and the necessary documentation recorded in the Office of the Clerk and Recorder concurrently with the recordation of the final plat for Amended Tract 42 of the Antlers Orchard Development.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman John Martin to approve the amended plat request for Lacy Park with conditions proposed by staff. In favor: Houpt – aye; Martin – aye; McCown – absent.

CONSIDERATION OF WHETHER OR NOT TO REFER A REQUEST FOR A WATER STORAGE AND EVAPORATION POND SPECIAL USE PERMIT APPLICATION BY ENCANA TO THE PLANNING COMMISSION – MARK BEAN

Mark Bean and Jimmy Smith were present.

This is a SUP application for storage, processing and material handling of natural resources for a lined water storage and evaporation ponds on a 30.45 acre property owned by EnCana Oil and Gas USA, Inc. located approximately 4 miles south of Parachute, near Pete and Bill Creek.

Wagon Wheel Consulting is the representative and they propose to construct 3 ponds, with a combined capacity to store 310,000 barrels of produced water from drilling operations on the High Mesa area.

Staff recommendation: Due to the limited nature of limited potential impacts to surrounding properties, minimal visual impact and the minimizing of traffic impacts, staff recommends the Board direct staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

Tresi considers these to be huge impacts and asked when Mark would recommend for these to be referred to the Planning Commission.

Mark felt this was not a significant facility and the Board has heard these directly before. This is also to keep the traffic impacts. Part of it is the Planning Commission's agenda.

Jimmy Smith stated he could see going to the Planning commission if the impact was a totally impact project. The impact of these pond facilities that meet all the county's standards as far as the type of impoundment along with the associated tankage for skimming hydro-carbons off that water so the water in the pond if there is a potential of exposure to the community is just that – water and in many cases better water than is being brought to the ponds from the river due to the settling time, the treatment that the water goes through. The company's concern is the time involved going through the Planning process. The road impacts will be adversely affected if there is a longer delay. Chairman Martin felt the Commissioners need to be aware of the impacts and should be out there seeing what is going on as the oil and gas industry is the biggest impact in our County.

Commissioner Houpt felt the Planning Commission is a great avenue and valuable part of the process but with this one she would accept hearing this with the Commissioners.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to direct staff to schedule a public hearing for the Board.

Commissioner Houpt would like to sit down and discuss the Planning Commission role in these hearings. Houpt – aye; Martin – aye; McCown – absent.

WOOLDRIDGE HANGAR CONCEPTUAL PROPOSAL – BOB WOOLDRIDGE

Victor Terrell for Bob Wooldridge, Carolyn Dahlgren and Brian Condie were present.

Bob Wooldridge has been flying into this area for at least the last 30-years and he's been recently been flying to the Rifle Airport and he's been leasing space from the FBO and at this point he is interested in building his own hangar to park his aircraft in when he comes to the area. So from that standpoint, he's interested. He's a private owner with a jet aircraft and he's not interested in doing anything commercial regarding aviation; he's interested in two to three stories if that's allowable with the second floor being used for commercial purposes. The bottom level would be for the aircraft, the second level for commercial and possibly within the next 10-years adding a third story if allowable.

Chairman Martin stated the interest on the second level is for a planning room, restrooms, conference rooms, break rooms, snooze rooms, kitchen and storage.

Brian answered the questions posed as to the difference between an FBO. This was the question he had in the summary clarification of real estate, commercial activity and this was cleared by they want to move a full time staff in there and run a real estate office out of the second story. Initially the FAA, Scott Frederickson stated that's unacceptable – non aeronautical activity, commercial activity on prime aviation real estate even if aircraft is underneath it.

Carolyn Dahlgren – as our Zoning Code is written now the public airport zone states that offices for the conduct of business or profession will be related to airport activities. However, she added that the introduction to that list of uses says uses authorized by the BOCC in accordance with rules and regulations, minimum standards and the adopted airport master plan. To my knowledge the master plan has never included commercial real estate or commercial anything offices. She was not sure it would require a zone text amendment due to this introductory statement.

Discussion was held with respect to the problems in adding the second floor. It was determined it was not the second floor but the business itself.

This would put more people in the aeronautical situation and onto the airport that really have no business on the airport. With the security issues and the operations, there is a risk for the general public going to an airport and it is limited in our master plan in how the County wants to develop the airport.

Brian has discussed this and there is a problem with the FAA for approval.

Victor stated this may not necessarily be a good deal for the County because the lease amount would remain the same for the land; it would be a good deal for Mr. Wooldridge because he can locate a commercial operation upstairs in his hangar since he already has the building and the primary purpose of the building is aviation related, so it's not as if he was a commercial entity looking to get into airport property to run a business. It was strictly a secondary type situation in terms of trying to utilize existing space or space that he could add onto.

Commissioner Houpt asked what other airports our sizes do.

Brian – the FBO would have a conference room that they would use or locate the business off. The FAA is not opposed to conference rooms in a structure like this or planning rooms, or snooze rooms anything like that but when you have a full time office staff that conducts business out of there, that’s when they have a problem not related to airports.

Some of the land around large airports is locked and you can’t reach aircraft so then the FAA will allow you to use that land to create revenue for the authority because its non-aviation related. So shops, restaurants, lounge, baggage, ground transportation are considered support services for aviation.

Mr. Wooldridge did want to move forward with a single hangar, and wants a 25% cap rate over the length of the entire contract. Brian didn’t put a cap in there, it gives the County the ability if the land triples in value we can raise the lease rate and Bob’s concern is that is going to triple in value and he wants some assurances that his lease rate will remain relatively to what it is now.

Carolyn cautioned the Board that we have no other lease with such a cap in it.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin to approve the building of a single level hangar for the Wooldridge based Complex and enter into a 20 year lease with 2 – 10 year options and the leasing options are consistent with the structure.

Carolyn – the proposal – metal will not become County property and we don’t take ownership of the metal structure and we cannot commit to purchase the hangar. This is different than our commercial property. In favor: Houpt – aye; Martin – aye; McCown – absent.

Executive Session - Code Enforcement and Protection of County Property

CR 205 and a dangerous structure to take action on.

Don requested Ed, Jesse, Mark, Carolyn, Mildred and the Board.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin who stepped down as Chair to go into an Executive Session; motion carried.

A motion was made by Commissioner Houpt and seconded by Commissioner Chairman Martin who stepped down as Chair to come out of Executive Session; motion carried.

Action:

Don stated there are two items for which staff will need direction. The first concerns property located on County Road 305 to determine whether not current improvements being constructed by Mr. John Lyons are on his own property or on County property and for that purpose to give authority to the Road and Bridge Director to compensate the County Surveyor to accomplish that task. Houpt so moved; Martin seconded – carried.

Second item concerns a potentially dangerous building on the Mahan Properties and staff would like authority from the BOCC to proceed as we need to under the Building Code or other separate statutory authority.

Houpt – so moved; Martin – seconded; carried.

ADJOURNMENT

Attest:

Chairman of the Board

MAY 16, 2005
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 16, 2005 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. Recognition of Rifle High School Graphics Art Class for Winning Statewide 2006 Weed Calendar Art Contest – Steve Anthony*

Steve presented the 2006 Weed Calendar Art Contest Winners

Eric Sanchez, Ms. Liz Waters, Graphic Arts Teacher from Rifle High School and Steve Anthony were present. Each spring Colorado Big Country Resource Conservation and Development (CBCRCD) sponsors an art contest to encourage weed awareness among high school student. The selected artwork is published in the next edition of the Colorado Weed Calendar. The contest is open to art classes throughout the state. Each class that submits more than 3 entries will receive \$50 for their art program. The student submitting the winning entry will receive \$100 from CBCRCD. Honorable mentions receive \$25.

This year the winning artwork of chicory was submitted by Juan Conejos, a senior at Rifle High School Juan receives \$100. Eric Sanchez, also a RHS senior, receives \$25 for his Plumeless thistle artwork.

The Commissioners presented the checks to the students and the Graphic Arts Teacher for the program.

- b. Grants from Colorado Department of Agriculture – Steve Anthony*

Steve submitted the two grants from the Colorado Department of Agriculture for the Board's consideration:
\$12,500 Absinth wormwood/Plumeless thistle management and
\$ 2,150 Absinth wormwood/Plumeless thistle mapping/inventory

The IGA with the Department of Agriculture, Plant Industry Division was submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the IGA with the Colorado Department of Agriculture, Plant Industry Division \$12,500 for weed irradiation. In favor: Houpt – aye; McCown – aye; Martin – aye.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the IGA for \$2150 with the Colorado Department of Agriculture for mapping and inventory. In favor: Houpt – aye; McCown – aye; Martin – aye.

c. Review New Rules and Regulations regarding Colorado Noxious Weed Act – Steve Anthony

Steve Anthony presented.

The Colorado Noxious Weed Act was amended in 2004. The State has tree noxious weed lists: List A, List B, and List C.

List A

There are 18 species designated as List A. These species are rare in Colorado and must be eradicated when detected.

The exception is myrtle spurge, which is fairly common in landscape situations through Colorado. Most municipalities in Garfield County have some myrtle spurge. This plant is a problem in unincorporated Garfield County. This plant is a problem in landscape situations in some subdivisions in Battlement Mesa.

List B

The "B" list consists of 40 species. These plants, at the discretion of the Commissioner of Agriculture, may be eradicated, contained, or suppressed. Because of the length of the list, the State Weed Advisory Board is going through this list and developing management plans at the rate of 5-6 plants per year. This means that there will be changes in the rules and regulations every year that we may have to react to.

This year the State Weed Advisory Board developed management plans for tamarisk, spotted knapweed, Chinese clematis, plume less thistle, and absinth wormwood.

Since absinth wormwood and Plumeless thistle have special management requirements, Steve included the Plumeless thistle, the Absinth wormwood and the Tamarisk– Statewide maps and the Garfield County" areas of eradication" maps – mostly in Missouri Heights, Silt off Peach Valley Road and towards New Castle.

Plumeless thistle is all around the Roaring fork River; Rifle Creek Drainage, and scattered all through the County. Salt Cedar is all around the areas. Sweetwater and Deep Creek are the areas of focus.

d. Recap of Earth Day at the Garfield County Landfill – Marvin Stephens and Kraig Kuberry

Marvin Stephens presented.

The Garfield County Landfill Earth Day Celebration was held on Friday, April 22, 2005.

421 Customers

354,870 pounds of trash x 0.234 = \$8,516.88

972 Tires x \$2.50 = \$2,430.00

77 Appliances x \$10.00 = \$ 770.00

58 Mattresses x \$5.00 = \$ 290.00

Total customer savings **\$12,006.88**

In addition, they took in 114 Batteries.

Jesse Smith volunteered at Earth Day and Marvin stated they really appreciated his help.

An event for Saturday for Household Hazardous waste – paints, etc. Road and Bridge 625-8601 set up a schedule, schedule every 5 minutes. Hours are from 9 a.m. to 4:00 p.m. and check the webpage. Electronic Waste is in June – Computers, Monitors, etc. Contact the Road and Bridge Office for more information. This will be held at the Garfield County Fairgrounds.

e. Move 92K from Road Impact Fees to Road and Bridge Budget – Marvin Stephens

Georgia Chamberlain, Marvin Stephens, Jeff Nelson and Carolyn Dahlgren were present.

A draft Resolution approving of Road Impact Fees, Traffic Study Area 8 (County Road 117 a.k.a. "Four Mile Road") was submitted.

Carolyn advised the Board that we may need to set this up for another public meeting for signature of the Resolution, we've been collecting the back-up vouchers and chasing down Resolutions and talking with the Treasurer's Office and Georgia was present with some handouts as well to back up the dollar amount coming out of the Road Impact Fee fund held by the Treasurer under your Subdivision Regulations to cover work on Four Mile Road.

Actually work has already been done on the road several years old and Georgia has some of this, Ed and Patsy collected the vouchers and warrant numbers to show the work that's been done – it had to do with the design of the intersection at the bottom of CR 117 and also literal work on Four Mile Road so the question for the Board is, can we add up all those dollar amounts that we've already spent, move it out of the Road Impact fund, reimburse the Road and Bridge budget for work actually done on Four Mile Road.

Jeff Nelson, County Engineer explained – the intersection of CR 117, there was some design created by the County Engineer prior to Randy Withee and Jeff Nelson to assist the City of Glenwood for a Roundabout or a T-Intersection and then some donations given to the City of Glenwood to actually come up with a Roundabout design, also part of an agreement that was for the County to improve a small portion pass the Massingers to about the Fire Station near Four Mile Ranch Subdivision.

Carolyn pointed to the draft Resolution handed out today, about the actual dollar amounts and the warrant numbers showing the literal dollars spent. The biggest question today is whether or not the BOCC's going to be willing to move that \$94,000 which was the County's proportioned share of the reconstruction of the Intersection at the bottom of Four Mile – whether or not that's going to be moveable from the Road Impact Fee fund over to Road and Bridge because the money came out of Road and Bridge. The issue is that our Subdivision Regulations

require the BOCC to return that money to the developers and other folks who put money into that Road Impact Fee, with interest, if the actual improvements are not made within 20 years.
Commissioner Houpt – what will happen to the money given to the City of Glenwood Springs for \$94,000 for the intersection if nothing is ever done to that intersection?

Carolyn – good question.

Commissioner Houpt – will it be returned?

Carolyn – you have an agreement with the City, it's in the pre-annexation agreement and that commits the City to use the money, it says that the City will start construction as soon as the annexation has happened, that annexation has happened no construction has been started. So we don't know what the Board wants to do. If you don't want to move that \$94,000 we also have these series of warrants that we can move money out of the traffic impact fee back to Road and Bridge for improvements that we, the County, have done. The risk is that 11 years from now, the City still hasn't done those improvement, that somebody up Four Mile who's contributed to these funds could say, give me back my money with interest.

Commissioner McCown – that's only if we transfer that money out of there. Right now the Road and Bridge money that went to the City, no one could come back for that portion of it only if we don't use the money that's been in that fund can they come back after it. There is going to be ample work done on Four Mile to easily take care of the \$94,000 and any other funds that may be in that Impact Fee. Even this paving project that we're going to be doing in conjunction with SpringRidge will probably utilize all the funds in that Impact Fee Fund.

Jesse – the way the Resolution reads on the Impact Fund, it has to be spent on projects that were specifically identified in the Capital Improvement Plan and that didn't include resurfacing the road, that was the Intersection was No. 1 and Black Diamond Curve was No. 2, so we've got a little dilemma there as to how we can spend these funds.

Chairman Martin – another sticky – each section of Four Mile was divided into 7 different impact areas.

Commissioner Houpt – at some point we will be doing the drainage project.

Commissioner McCown – not in favor of using Impact Funds for the City's portion of that; let's use the Road and Bridge Funds and use the Impact Fee on the road that we know we're going to fix – we can control that.

Ed – those invoices were about \$78,000 on the Intersection improvement for drainage.

Commissioner McCown – that money has already been spent and wants to leave this alone.

Commissioner Houpt – whatever you put in this Resolution, put in those projects that we know we can back up and it won't have anyone questioning whether those monies were spent, or how they were spent.

Commissioner McCown – on the re-prioritization of how we want to spend this money going up Four Mile Road, what does it take to say we want to spend it on pavement or surface improvement as opposed to Black Diamond Curve or whatever?.

Don DeFord – There were 2 priorities in the Capital Improvement Plan, the Intersection and Black Diamond Curve; it's was his recollection that the Capital Improvements Plan encompassed more than 2 projects because the impact fees are fairly substantial. Not sure of the total scope of improvements in the Capital Improvements Plan that was approved.

Jesse – as we read that, any fees that have been collected up-to-date have to be spent on those projects in that original Capital Improvements plan, they can't be re-prioritized.

Don – that is right but it is, what is the scope of that plan and the impact fees as they were originally calculated would far more than cover the improvements to Black Diamond and the Intersection, so there is somewhere a Capital Improvements plan that includes more than just 2 projects.

Jesse – it did talk about guard rails on upper Sunlight and lower Sunlight portion of Four Mile, which have been done.

Don – those may also qualify but that is a lot more that could be funded and we need to see what the total scope of the Capital Improvements Plan is.

Commissioner McCown – when the basis of that impact fee was initially done it was to completely rebuilt Four Mile Road from the Intersection to the Ski area so it was projected to be significantly more funds than we're talking about today.

Don – the original study, covered about \$30,000,000 and the then sitting Board of Commissioners including John and Larry, was so vast that the County did not believe that they could fund that project and so I believe the Commissioners landed on a plan that was about \$10,000,000 over the life of the project. That covers more than the Intersection and Black Diamond; we need to get this plan in front of the Board and the administration so we can decide what projects are included in that. With that said, Jesse was originally correct; you are tied to whatever than plan is in terms of these impact fees. You will be seeing at some point soon, a transportation study and proposal for a new impact fee system that has a different scope of Capital work for this road and others for that matter. But right now we're dealing only with this area.

Commissioner Houpt – what is the life of the plan?

Don – the current plan is 20 years.

Commissioner Houpt – so the monies that have been collected on impact fees really need to go to those projects identified in the plan; has everything that has been approved and developed since that plan came out allowed for those projects?

Don – needs the plan.

Commissioner McCown – the work that the County has actually performed in the Intersection, not the donations to the City not anything else, just the stretch of road that we rebuilt as the County government, we could be reimbursed from that and there wouldn't be a question. So that would clearly be a transfer that we could support and not cause any problems down the road in paying it back. I think we move forward with that.

Don stated he was relatively certain that's in there.

Commissioner Houpt suggested to go through the Plan and make sure that whatever we put in here is in the plan and if they're certain its in there, that's fine but otherwise just fill in the blanks according to what was accomplished in that plan and what's on deck for the near future.

Ed – the reason that we were going through this exercise was that we only budget \$200,000 for this project in Road and Bridge and we did not realize the CIP was so myopic in its focus, we believe we can take the \$143,000 or \$145,000 and appropriate that to the project as well. Since the CIP is myopic it causes us a problem in being able to use those funds. If we can't use these funds then we've got to decide whether to proceed with this project or whether we're going to take more out of the Road and Bridge fund to accomplish the project.

Carolyn – the project we're talking about is the asphalt in front of the new development that is now called Spring Ridge Reserve.

Commissioner McCown – thought we would be talking about the replacement on the surface on the part of the road that is getting the line in it, not necessarily in front of the development.

Carolyn – agreed. It might be helpful if they give you the specifics of that because it's changed since the last time this was in front of you because the City has made some changes that the developer has to abide by in terms of where there's going to be force main, where there's going to be gravity feed and that's made some differences in what's happening on the County's road.

Commissioner McCown – the City's made that change in the unincorporated Garfield County Road?

Carolyn – as part of the developer's pre-annexation agreement for the sewer lines.

Don – to go back again, on the Capital Improvements Plan, the project you're about to talk about maybe included in it, we need to see the plan. It may be included in the Capital Improvements Plan, the project you're about to talk about may be included in it, we need to see the plan, it's not one of the two priority projects but it may be included within the scope of the total improvements in the Capital Improvements Plan.

Commissioner McCown - who's got the plan?

Don didn't know.

Jeff Nelson – has a copy of the Four Mile Road and Glenwood Springs Alternate Route Connection which is what I understand part of the plan.

Carolyn – it's part of it that is incorporated in the actual Capital Improvements Plan/

Jeff has in addition the HP Geotech Study in 1995 that goes from the Intersection all the way to the Ski Sunlight and explains a quick summary of the plan. It says proposed construction, the proposed improvements will include widening and straightened Four Mile Road in order to reduce the grade in some areas, cutting and filling will be required and it goes into detail there but it's basically to widen, improve and straighten.

Commissioner Houpt – but not to repair and this is a repair job because it is being torn apart.

Chairman Martin – yes and no because you're improving the substructure.

Jesse – but it does not look like this HP Geotech study is incorporated in the CIP. It's a separate entity and the problem that I think accountings going to have is that we got to at a point and time before we accept this new Traffic Study, we have to draw a line and say any impact funds collected to that point and time are driving by the old CIP and then any funds collected after that will be driven by a new CIP and we've got to track them as separate.

Commissioner Houpt suggested this come back to the Board later after more information was available to the Board on the CIP.

Commissioner McCown – the timeline on the project might be affected by a delay whether we're going to have a paved or a gravel road up Four Mile.

Carolyn – There's been some changes in the project which included not only changes that the City in the pre-annexation relationship that the developer has with the City but also we found out recently that more utilities want to go into the trench. We may be out a little further; she wasn't aware if any meetings have happened with these utilities.

Jeff – they haven't had the meetings; the project is still generally the same and yes there's some more specific utilities that want to go in the road, but the scope is still generally the same. They will tear up ½ of the road, both horizontally and vertically and then the finished road will be paved all the way across. Our cost has been estimated at about \$340,000 for just asphalt, most the grading and drainage issues is being taken care of by Spring Ridge Reserve.

Ed - \$200,000 budgeted in Road and Bridge and we want to take the remaining \$145,000 out of the impact fund and apply that to it and then we'll have the \$350,000 out of Road Impact fees.

Chairman Martin – What we need to do then is make sure the impacts that we have that we can identify have been paid for, bring that back and make a motion to transfer that money and we're specific about the projects.

Commissioner Houpt – sounds like guardrails and some of the work done on the intersection.

Jeff – so a project summary on the specific projects that are equal or above \$143,000.

Carolyn – clarified the direction – you're saying do not move the \$94,000; instead come back to you with a list of the actual expenditures by the County. That deals with the Road Impact issue.

Commissioner Houpt – we have no control of the \$94,000 at this point.

Carolyn Dahlgren – you do under your the Pre-Annexation Agreement with the City; there is a way under that agreement that you can deal with that issue. That would become legal advice in terms of interpretation of that contract. The second project with Pat Fitzgerald, the developer with Spring Ridge Reserve, there's some other issues having with do, on the assumption that we do this as a joint project – what's the process for selecting the contractor, what's the process for paying the contractor. You are bound by State Law that says expenditure of public money on your County Roads will be by competitive bid; you have a Procurement Code that does not make any exceptions; there are some practicalities to this project that the developer, R & B and the engineering would like to see it happen in a different way. That's another discussion that we need to have.

Commissioner McCown – I think it would affect the price significantly if we went out to bid on ½ of the surface.

Don - the entire road is a County road. The whole road is subject to bidding, not just ½ of the road, even the portion being done by the developer.

Jeff – clarified exactly who's responsible for what money – the County's responsible for asphalt and Spring Ridge Reserve developers are responsible for everything else.

Carolyn – we're also responsible for stripping the asphalt after it's all done.

Don – confirmed that the Board should go through the procurement process on the entire road improvement project.

Jeff – are we clear, we're not doing the utility work, the developer is so the direction we were given 7 months ago was to put this in a Road Cut Permit to deal with the developer and have the utilities go under the Road Cut Permit and now all of a sudden I'm hearing we need to do a open bid for them to put the utilities in the road.

Don – no, if you're talking about a permit to put in utilities that is subject to our permitting process, but my understanding is that this is actually a road reconstruction.

Commissioner McCown – it's in conjunction with the road permit that was the whole thing.

Jeff gave the history – Bobby had slated to resurface the road and the developers had proposed to put in the utilities so we said well why not just make it one project and do it all at once. So it wasn't really a road construction project ever, it was a road resurfacing for Road and Bridge and then they were going to put the utilities in.

Commissioner Houpt – but you just told us it was more than just maintenance resurfacing, that it's an improvement to the Road and that's Don's point of concern is that it is an improvement.

Don – most permitting projects, first of all don't go down the middle of the road, some do, but others don't but if you're talking about putting the utilities in the road and that's all, it is subject to permitting and under the permit we can require that the road be restored. But in this case what I have been told by many is that the road will essentially be reconstruction, they'll be new road base put in and....

Jeff – if they would have put the utilities in also.

Don said he can only advise the Board of the Statutes, if the Board chooses to not follow that, that's up to you. The Statutes require that a road construction project go to bid.

Jeff – what's the definition of road construction because if they would tear up half the road and put utilities in they would have had to put road base back and then some asphalt and then of course they would have to overlay the asphalt and messed all the way across so you didn't have this.

Don – we've given you our opinion, so you guys take it from here.

Jeff – perhaps I didn't explain it clear enough but you get just now what is going to happen with the entire project.

Ed – the other complication is the developer already has a contractor for his portion.

Pat Fitzgerald, on behalf of Spring Ridge Reserve – We have bid the entire road project; we don't have to take that bid, we haven't given notice of award yet to the successful bidder. Understanding the regulations the County has to work under, he would guess you can never get it done as cheaply because of the synergy that we've got here. The people who are tearing it up and the people who are going to rebuilt it. We have a timing issue that will affect those two of you who live on Four Mile Road where we'd like to be paving it right behind tearing it up. We've had 8 contractors look at it and only 3 bids on the project.

Commissioner Houpt – could we use those bids or would we need to start the process all over?

Carolyn – this has to be a public bidding process through your Procurement Code through your administrative process and the bottom line question now becomes are we going to bid out separately the asphalt that we're responsible for under our project. We also have a road stripping contractor – has this contract been let yet?

Commissioner McCown – the issue before the Board today is are we going to do this project under our authority as a road cut permit and improving the surface of the road as a part of that permit, or are we going to start all over and go back to the bid process and that's the choice we have to make. You have informed us, we thank you for that, I say we move forward under the road cut permit and we get the road built, move forward with the contractors that they have gone through the process with, and it has to be done to our standards and specifications, no question about that, but the road would be improved through this permit rather than starting all over with our bid process. I would make that as a motion.

Commissioner Houpt – seconded.

Discussion

Carolyn – the follow up question to that motion on the floor, is then how does the payment channels work – does the BOCC direct a warrant being cut to the developer to pay a contractor, what's the payment channel, how do the warranties run?

Commissioner McCown – the contractor that bid this and I have no idea nor do I want to know at this point, has the numbers readily available as to what it will cost to simply do the work that the County is responsible for; we can cut a check directly to the contractor for that amount.

Commissioner Houpt – understanding a great deal more costly to go out to bid and try to do this project separately?

Jeff – yes, a very accurate assumption.

Marvin Stephens – timing is an issue, the whole project will get done all at once and if we have to go out separately with a pavement contractor it could a month later or a storm and this is a tight schedule anyway up to when school starts again.

Commissioner Houpt – Jeff, what you're saying is if they were laying the utilities and getting a road cut permit instead of a road rebuild, they would be doing everything that they're going to be doing anyway.

Jeff – yes, they would be doing about 95%. With Bobby's overlay project we were going to overlay the whole road when they were finished or before they even started, so they just backed off and put it on the piggy back with Pat's project.

Chairman Martin – with new change orders from the City of Glenwood Springs, does this affect us cost-wise that would affect the County?

Jeff – it shouldn't affect the County is that we're paying for asphalt so the developer was going to....

Yancy Nichol, engineer for Spring Ridge Reserve – didn't think it would cost more to the County.

Jeff, Yancy and Marvin – will get together.

Chairman Martin requested any major changes would be brought back to this Board.

Don – as part of the road cut, is any additional right of way needed particularly through Bershenyi Ranch?

Yancy Nichol – no.

In favor: Houpt – aye; Martin – aye; McCown – aye.

Funding

Ed will put together a list and if there is a delta do you want that to come out of the Road and Bridge fund?
Commissioner McCown – we will make that decision when we see the list.

f. Payment channels to partake in a joint project to improve 3-mile road with Spring Ridge Reserve owners – Marvin Stephens and Jake Mall

This was decided in the above discussion.

g. Road and Bridge Organizational Discussion

Jesse Smith, Marvin Stephens – Director of Road and Bridge, Mike VanderPol – Business Manager, Jake Mall, and Bobby Branhan were present.

Road and Bridge held a meeting where Bobby Branham, Ed Greek, Kraig Kuberry, Jake Mall, Jesse Smith, Marvin Stephens, and Mike VanderPol were present.

The Discussion format included:

- Examination of the changes that have taken place in the past 3 – 5 years in Garfield County and the Road and Bridge Department;
- The anticipated changes that will take place in the next 3-5 years;
- The impacts on the road & Bridge Department based on the past and anticipated future changes;
- If a Road and Bridge Department were being formed for the first time, given the identified impacts, what functions/concerns should be addressed;
- Comparison of current Road and Bridge Department organization to the identified needs.

A list of the environmental changes of the past 3 -5 years were identified as:

Increased – traffic, oil and gas development, construction in rural GARCO, population of rural GARCO; demand for maintenance of GARCO roads.

More – interface with public; between R & B and other county departments;

Growth in Motor Pool

Increase in growth and demand on R & B budget

Significant increase in the acquisition and qualify of R & B equipment.

Size of the R & B staff has remained fairly constant over the past 5 years

All new R & B facilities

Consolidation of District 2 and District 3 into the same facility

Increased emphasis on safety of roads and R & B operations

Increase in training provided to R & B employees

Significant improvement in R & B wages

Significant increase in the benefits

Significant increase in Mag Chloride on GARCO roads

Water has become increasingly harder to acquire, requiring longer haul distances

Demands and responsibilities have increased on R & B foreman

Increased use of Garfield County road right-of-ways for placement of utilities

Use of county roads has changed from primary rural agricultural use to commercial haul usage

The anticipated changes over the next 3 -5 years include:

Exponential increase in Oil and Gas activity;

Oil Shale development and growth;

Major increase in retirement population in rural Garfield County;

Increased business development in Garfield County;

Major increase in population and business growth in GARCO will take place in western GARCO from New Castle to Parachute;

Continual deterioration of bridges in GARCO and demand to repair or replace them;

Significant increase of traffic on GARCO roads;

Increase demanded from public to upgrade roads to handle increases in traffic;

Road use will continue to change from residential/farm use to commercial use;

Changing expectations of residents for services in GARCO – specifically the quality of GARCO roads;

Changing political environment based on increases in population demographics;

Increased recreational demands (trails and access to public lands);

Increased use of Road Impact Fees

All these have impacts on Road and Bridge and will result in:

Increased impact of Road and Bridge budget;

Need to begin an aggressive repair/replacement program for bridges within GARCO;

Need to upgrade road surfaces within Garfield County (gravel to Chip & Seal, Chip & Seal to asphalt);

Level of maintenance and services of County roads must keep pace with growth;

Expectations of residents as demographics change;

Need to expand no removal to 27/7 on primary roads;

Increase in political pressure/impacts on the R & B dept;

Need for increased project management and work flow analysis;

Increased use of outside contractor's exp for construction and bridge projects;

Need for increased budget control and management;

Increased liaison and management input with the oil and gas community;

Increased safety concerns/emphasis (signage, guardrails, road width and surfaces);

Need to research, document and acquire road right of ways

Need to increase quality control, assessment and assurance of County roads and driveways;

Need to aggressively educate the public on road maintenance, scheduling, and how priorities are determined;

Need to develop and maintain a public information program informing the public of road maintenance/condition

Need to improve the way we respond, and handle complaints concerning roads and R & B employees.

Potential Responses to these Impacts

- Complete the Traffic Study now underway – this will drive a new CIP
- Prioritize maintenance, upgrades, repairs, and/or replacements of County roads and bridges – a 3-year plan to be presented to the BOCC
- Determine budgets and man-hour requirements for each identified project
- Complete the installation and use of Pub-Works and NWS project Management Module – control over all this and tie into the budgeting process
- Develop a primary Road and Bridge liaison within the R & B Dept, with the Oil and Gas community – work with Doug Dennison to be a team and try to manage the development so they will become an active partner
- Develop a pro-active program with the Oil and Gas community to prepay for road improvements to mitigate potential impacts on Garfield County roads from the Oil and Gas development activity
- Develop/Maintain a schedule for bridge repair and/or replacement – the old CIP had that we were to be setting aside funds to do this – proposals in for Federal Grants
- Identify and contract with outside vendors for bridge repairs/replacement
- Outsource road construction projects allowing the R & B staff to focus on maintenance projects
- Develop a R & B resource to monitor/manage outside contractors working on R & B projects
- Improve the process for inspection of County roads to assure that quality control standards are in effect and maintained
- Use Website to inform public of maintenance schedule and road conditions

Marvin and the crew suggested these **specific responses** to increasing expectations:

- Present a prioritized 3-year plan and update annually
- Stress prioritization and safety aspects of the maintenance schedule
- Develop a quick response team to respond to minor emergency/safety issues and concerns and resident complaints
- Educate the public on how priorities are set and what is involved in road maintenance and construction, including costs
- Post public services notices on the radio, in newspapers, and on the Garco Website.
- Publish the R & B maintenance schedule on the Garco Website.
- Research, document current GARCO road right of ways
- Acquire additional rights of way for County roads;
- Develop a complaint process that documents complaints, responses to complaints, and closes the loop with the complainant
- Develop an inventory control system and a critical inventory order point
- Increase the use of project management tools tied in to budget management and control

The **specific needs** in Road and Bridge Operations was defined as:

- Maintenance Crews
- Sign Crews
- Quick response crew
- Oil and Gas Road and Bridge specialist
- Permit specialist
- Complaint coordinator
- Inventory control – purchasing specialist
- Budget control specialist
- PR – Information specialist
- Safety officer
- Quality control specialists
- Right of way specialist
- Scheduler/dispatcher
- Outside contract coordinator

And suggested the following **functions** could possibly be grouped under a specific individual:

- Permitting, Oil and Gas Liaison, and Quality control and assurance
- Public information, complaint coordination, dispatch
- Budget management, inventory control, purchasing
- Project management, contract coordination, scheduling
- Maintenance, signage, quick response teams

Without increasing staffing and budgeting, how we can do all that is needed.

A **proposed organizational structure** was presented. A new position was proposed.

Proposed that District 1 Foreman– Canyon Creek to Basalt under Bobby – assist in the public works arena and printing/tracking bridge repairs.

District 2 Foreman – combination of Districts 2 and 3 under Kraig Kuberry who would continue to fill the Landfill Pit operations and Quick Response Teams – 9-35-00

Move Jake Mall to Administrative Foreman to handle Permitting, Quality Assurance, Road Inventory and Grading, Road Right of Way Inventory Management; Oil and Gas Liaison, and Verification of Oil and Gas Employee locations.
This will create the priority list.

Jesse thinks we can increase income with the Oil and Gas and this position would pay for itself. This also has direct impact of the oil and gas severance. How to fill these forms out. A joint effort between Jake and Doug to make sure they don't live in Post Office boxes.
Jesse would like to implement this immediately.

Jesse supported the changes proposed due to GASBY – all residential, business development, oil and gas development is impacting permitting and that permitting has gotten to the point where foreman are spending more of their time working permits than they are out supervising projects on the road. This was a major issue in the discussion. We need to increase our quality control assessment and assurance of projects that are going on out there. We have a situation that by the end of 2005 GASBY is requiring us to have a complete inventory grading system in place on all County roads. That is something that has to take place right away. One thing that has increased in interaction between R & B and the public – this will accelerate and in watching the GAPP project as it went through and the public relations effort came out loud and clear that they did on that project. It really alleviated a lot of problems that could have happened due to the aggressive nature of notifying the public what they were doing, when and how. This is something that we need to take a lesson and put in place in our road and bridge operations as well. We need to complete the Traffic Study that is on-going; this will drive a new CIP and that will set out the direction we need to look at in Road and Bridge.

Prioritize maintenance and upgrades and repairs to roads or replacement of roads and bridges so we develop a 3-year plan that can be presented to the Board and it can be updated annually on this process so we get ahead of the curve as to what our needs are and what is the impact of those needs on both our staff and our resources. To do this we need to complete the installation and use of the public works program within R & B and tie that into the World Systems Project Management so we have control over all of this and it can tie right into the budgeting and accounting processing.

We need to develop a road and bridge liaison within the R & B Department that is going to stay on top and work directly with the Oil and Gas community and work in tandem with Doug Dennison so that they become a team to get out in front of this and try to manage the oil and gas development so that those folks become an active partner with R & B in road maintenance and road development improvements.

We want to be proactive with the oil and gas community and make sure they are paying their way on the impacts that they're having on the roads.

If we are monitoring the activity that taking place within the County, the impacts on the roads, working with these oil and gas companies to pay their fair share, that this position would pay for itself very quickly.

We can also do a better job of locating where their employees are and that has direct impact on Mineral Severance and would probably more than pay its way.

Discussion

On the verification of the Oil and gas employees, are we saying that all of the forms that the operators currently fill out and send into the Department of Revenue will have to come through our office first?

Jesse – no, we would work with them as to where these employees are actually located so instead of them putting down PO boxes they would actually put down a GPS location of where their employees are and then we can identify if they are in the unincorporated parts, a municipality, or whether they're totally out of our County. Commissioner McCown – there is already a block on that form that says city or county and they have historically checked both.

Jesse – yes – there is the confusion as to how the mineral severance is allocated.

Commissioner McCown - The oil and gas have to monitor those forms and those go directly to the Dept. of Revenue. How will we get in the loop?

Jesse – educate and work with them on where the employees are and how to fill those forms out. It would be a joint effort between Doug and Jake and working with the oil and gas companies to try and get them to do a better job. This could have a million dollar impact.

Commissioner McCown said once a year Associated Governments, Northwest Oil and Gas Forum and everyone encourages the operators to properly look at those forms and fill them out. You only get one shot a year and once they're gone you can re-educate all you want to the next year but you need to catch that window before they send them in and we have done that repeatedly. Repeatedly people show up that live in the City of Rifle that live in the unincorporated part of the County; in Parachute that live in Battlement Mesa, etc. because it's all the same zip code whether we like it or not. It's broken out by zip code and whether the State is going to honor GPS locations, he didn't know.

Jesse suggested "paying their fair share" and he was primarily talking about on the roads. This would be a constant quality assurance on the roads and to what's happening, what is it doing to the roads, talking to the oil and gas companies and bringing this to their attention to see if they will voluntarily take on projects that we are now doing.

Commissioner McCown – was absent at the last meeting and contacted by an individual from another County asking when we were implementing out Impact fees on a per will basis to the energy companies. Its \$3453 a well – can any one enlighten me on this.

Jesse said it's in discussion but it's not at a point. It's part of the traffic study.

Commissioner McCown said the information leaked out some way from somewhere to the other counties that we're going to implement it.

Commissioner Houpt – said this was not part of the meeting; there is a lot of discussing to do before we implement anything.

Jesse said it will be part of the traffic study.

Commissioner McCown expressed that based on the number of wells in this county, and once that impact fee was in place they're going to be less optimistic in stepping up to the plate and donating. Finding that balance is going to be critical. If you impose an impact fee they will assume their obligation is done.

Jesse – for you as Commissioners we need to put together a cost benefit analysis as to the way it's working now versus the future and the direction the Board wants to go.

Commissioner McCown has a concern and the major concern with a lot of maintenance is the lack of drainage. 70% of the culverts in Garfield County are plugged. When you get rain, the water goes over the road and adds to the maintenance cost. To get a grip on the drainage so we can maintain the integrity of our roads.

Jesse assured the Board this was a priority.

The request is for the Board to bless this concept so they can move forward.

Commissioner Houpt – it's very practical and a great deal of thought went into it.

Commissioner McCown – not being a nay sawyer, he's not sure we're there yet and wants to continue evaluating these changes and see how it works.

Marvin recognizes there may be some changes and wants the opportunity to tweak it.

Chairman Martin – the proof is going to be in how much is done and that's how the public will view it.

Commissioner McCown – how will the grading or classification of roads be done?

Jesse – this will be a joint effort between Marvin and Jake to look at these roads and set up a standard that they will be classified against and rated.

Traffic Plan – this will be coming before the Board very soon and it will address some of these concerns.

TRANSPORTATION WORKSHOP – PRESENT THE TRAFFIC STUDY

Scheduled – June 14th – 10:00 a.m.

Meeting with the District Attorney

Scheduled - June 15, 2005 – 1:00 p.m.

Human Services Building

Ed reported on the building – a meeting was held on furniture and phones for the new building and they are short in the budget. Both DSS and Public Health agreed to reductions in furniture budget. DSS will be able to absorb the delta from the \$303 that they have budgeted to the \$338 they need to spend through added cost recovery on the various funds including TANF. Public Health cannot to that so we may need later in the year to allow them to have an additional \$15,000 to accommodate the phones.

Letter of Request from Carbondale – Crystal River Bike Trail

Ed mentioned the letter of request in reference to the Trail and requesting a payment of \$381,244. That's not in the budget.

Chairman Martin thinks it is a request to put it in the budget for 2006.

Pitkin County has it budgeted this year.

Commissioner Houpt asked about what kind of funding they were looking to seek from this Board when they came to meet with the Board and they said oh, we're not coming back to you for funding – in-kind. This is confusing; it's a communication breakdown – a project we've supported but first time to see this number.

Chairman Martin – we allowed the \$5,000 for the feasibility study and then bring it back to discuss the possibilities; possibilities came up but dollars never were put on it and suggested more discussion, design etc. and if we're going to commit this. The discussion was for some Conservation Trust funds.

Three significant projects in Capital Funds:

\$1.5 million for the Joint Court/Police Facility in Rifle in 2007;

\$1.2 for our share of the Airport runway improvements in 2007;

\$1.5 if we opt to build a full scale dog kennel. (This could be reduced if other cities participate and a DOLA grant.)

Four Mile Fire Station

John Groth and Ed talked about the Fire Station; they finally had their meeting and they said they are not willing to provide any water for that facility.

Chairman Martin – they already have a well permit and the well's being drilled.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice – Presco, Petrogulf, Legal advice and discussion/direction regarding Enforcement of Section 3.10 of the Garfield County Zoning Code – Access Routes and Mildred has a personnel matter to discuss

Doug Dennison and Dr. Thyne are present to provide information on the Presco 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.

COMMISSIONER REPORT

Commissioner Houpt – made the end of the meeting on June 11th on the JQS access issue and then stayed for the meeting for R & B on the Transportation Study; on Thursday a meeting to discuss the Traveler and a committee has been put together to come up with a proposal on how to define the traveler in the future and access more monies and identify what kind of monies are necessary; Mt. Family – Open House on Friday – facility is great; Tuesday – Lunch with Betsy Hoffman from CU at Hotel Colorado 12:30 p.m. and Meeker meeting on Wednesday. Dan Burden will be here for Glenwood to discuss Hwy 82; and on Thursday, the I-70 Mt. Corridor Coalition will be meeting to do the final revision of the their recommendation to CDOT; Thursday, Fitness Fair – Ruedi Board

May 23rd – John and Tresi will be at NAACO’s Western Interstate Conference in Washington.

Commissioner McCown – May 11th had a road meeting with Road and Bridge with Williams and a property owner, wanting to develop some oil and gas activity that would entail the use of JQS access; afternoon same day in Rio Blanco for a tour of the Shell Oil Shale Facility; same evening – a golf course meeting; on Thursday returned to Meeker for the Northwest RAC. Wed. May 18, 2005 a meeting at 10 a.m. at Meeker Town Hall with Meeker, Rio Blanco and Unitika County, Utah; This Thursday and Friday is the AGNC sponsored Coal Conference starting at Meeker on Thursday and moves to Craig on Friday.

Chairman Martin – Tuesday – The Sheriff’s Auxiliary down at Battlement Mesa; Traveler meeting at CMC on Thursday - Jesse is on that committee – and need the identification of monies already spent and where their priorities and new mission statement and thanked Jesse for volunteering; Mt. Family Health – Open House; Western Governors in Wyoming on the 20th; Statewide Annual Meeting of the Colorado Community Corrections Boards (CACCB) – a Convention at Hotel Colorado on Friday and Saturday, May 20th and 21st. Bike Rodeo – 275 Safety Helmet promised and that will take place in Silt on Saturday 21st.

June 6th meeting – CCI Summer conference.

Mark stated there were a few things in the morning and it will be short.

A seminar in the afternoon on June 6th with CCI that the County is supposed to attend.

Mildred will also be gone for Clerk’s Conference in Durango, CO.

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 a) Partial Letter of Credit Release/Reduction Certificate and b) Acknowledgement of Partial Satisfaction of the Subdivision Improvements Agreement for Eagles Point Subdivision. Applicant: Battlement Mesa Land and Development Company – Fred Jarman
- f) Authorize the Chairman to Sign the a) Partial Letter of Credit Release/Reduction Certificate and b) Acknowledgement of Partial Satisfaction of the Subdivision Improvements Agreement for Sun Meadows Estates Subdivision. Applicant: Sun Meadows Estates LLC.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f, absent c; carried.

REGULAR AGENDA

HUMAN SERVICES COMMISSION – INDIGENT AND HOMELESS SERVICES – MIKE POWELL
Lift Up

Mike Powell submitted the reports to the Commissioners and stated that the demand for services during the year 2004 was consistent with the population growth. The two biggest under funded needs are rental assistance and prescription assistance. The population of Garfield County is growing and projected to continue to do so. The number of homeless in the area seems to have remained constant in the last year.

Mike said the demand for services from the drilling industry is starting to increase in the western part of the county. Some concern has been expressed about the drilling industry contracting labor as opposed to hiring labor. Contract labor, of course, has no protection built in should a person miss a day of work or if an injury occurs. Lift-Up does not qualify anyone for help with food. Many are coming from the oil and gas industry. The Thrift Store in Parachute is often frequently by these employees.

Services in Glenwood Springs should improve after Catholic Charities moves into their new home at the old St Stephens church. They hope to house other service organization there. Lift-Up may be able to offer something similar after the construction of their new building is completed.

With Catholic Charities and Lift-Up moving into new facilities, the evidence is clear of the long-term commitment. Salvation Army is also moving toward building a facility in conjunction with other organizations.

Extended Table - 2004 was up 30%; first quarter of 2005 up 217% over last year. Since the City implemented the No Panhandling restriction, the extended table has increased.

Sally Brand in Rifle has been finding volunteers to help with the construction of their new facility at the corner of 8th and Railroad. Occupancy may not be ready until January 2006.

Salvation Army is actively looking for a place to call their own. Currently they are operating out of the Mennonite Church.

Tom Zieman presented for **Catholic Charities**.

Catholic Charities provided for: rent, utilities, lodging, food, pharmacy, medical/dental, transportation, insurance, etc.

Fiscal year	total households	expenditures
Jul 2001-Jun 2002	152	\$28,682
Jul 2002-Jun 2003	416	\$63,445
Jul 2003-Jun 2004	382	\$60,333
Jul 2004-Mar 31, 2005	488	\$33,969

The Family Transitional Housing Project is a HUD sponsored project along with Advocate Safehouse Project. It provides rent assistance and on-going case management for previously homeless families. At any one time there are 12 families in the program and families can stay in the program for up to tow years. That HUD grant is up for renewal this summer.

Catholic Charities consulted with Resource Center of Eagle County and helped them to start a transitional housing project for domestic violence victims coming out of their shelter project.

Catholic Charities will move to the St. Stephens Church later the summer of 2005. Lift-up has agreed to move their Glenwood food bank into the building. They are anticipating having the “Feed my Sheep” day program for the homeless use the basement. Salvation Army has also been offered space in the building. The aim is to create a one-stop location for those that have basic needs.

Feed My Sheep Ministry – Serving the Homeless

Carolyn Spencer director of Feed My Sheep, a non-profit organization funding by the churches and some grants. The homeless men and women in our valley are a diverse group with a common thread that weaves them into the same cloth. Each one is struggling to live and work in our area. They work at least part-time or seasonally, as jobs are available in construction, maintenance, landscaping, and clerking. Basic necessities such as shelter, food, clothing, cleanliness, heat, lights, phone, mail, messages and transportation are a constant struggle to find and maintain. Feed My Sheep Ministries opened in December 2003 and is a community involvement of Alpine Resort Ministries. A day center opens from 8 a.m. with a cold breakfast and sack lunch, shower, rest, and phone. 70% work, mostly part-time. This place allows them to be stabilized and helps them to maintain.

2004 Statistics

153 individuals were served: 122 – male and 31 – female

4 families were served

Total visits were 2,934

Daily average: Winter – 12 to 19; summer 15 – 28

She doesn’t serve kids and the Rainbow people – big hair and earrings because they are not here to work and maintain themselves and be part of the community. Carolyn wants to help those that want to be here and be a part of the community. No violence and no sexual offenders are served. The regular’s do not refer anyone until they have checked them out and know they are okay.

Silver Spruce Motel is their location. A larger space would be wonderful.

BOARD OF SOCIAL SERVICES

Diane Watkins and Allen Christie presented.

a. Accounting Conference

Lynn Renick, Michelle McMullen and Joanne Nelson are attending the Colorado Dept of Human Services Annual Accounting Conference in Frisco on May 16 – 18, 2005.

b. Approval of EBT/EFT Disbursements for April 2005

For the month of April 2005, client and provider disbursements, for allocated programs totaled \$272,548.11. Client benefits for Food Assistance and LEAP (energy assistance) totaled \$156,513/15. A copy of the certification summary has been included in your packet and the Department is requesting Board approval and signature.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the electronic benefit transfers as shown on the report. Houpt – aye; Martin – aye; McCown – aye.

c. Consideration and Approval of Out-of-Home Placement Contract

The Department is requesting the Board’s consideration and approval of one out-of-home placement contract: Client I.D. Y383205 at Hand-Up Homes in the not-to-exceed amount of \$10,440.70.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve this out of home placement; Houpt – aye; Martin – aye; McCown – aye.

d. Core Services Discussion

Allen Christie, Core Services Manager and Diane Watkins, Services Administrator gave a brief presentation on the child Welfare Family Preservation/Core Services Program. Current statistical data regarding the service components of the program were submitted to the board.

Life skills and in-home workers have made a difference in the number of out-of-home placements.

State of Colorado – Bilateral Change Order Letter – increase contract

Jesse Smith presented a letter stating the State of Colorado in increasing the Bilateral Change Order to increase the contract payment amount based on accurate client counts. The DSS will receive a lump sum payment in the amount of \$35,160.00 for services rendered during fiscal year 2004-2005.

Houpt – authorize Chair to authorize that change; McCown seconded. Houpt – aye; Martin – aye; McCown – aye.

BOARD OF HEALTH

Mary Meisner presented.

CDPHE Contract

The Amendment No. 1 to the original contract adding \$72,668.30 to perform the work identified in the original contract for the renewal period of 1 year ending on June 31, 2006.

More dollars later in the year may occur to increase funding.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair and approve the Contract CDPHE No. OLL FAA0500019 in the amount of \$72,668.30 and authorize the Chair to sign.

Houpt – aye; Martin – aye; McCown – aye.

Clinical Training Agreement

Mary requested approval of the Clinical Training agreement with The Regents of the University of Colorado, School of Nursing for students while learning clinical experiences while in the School’s Nursing Program.

Commissioner McCown made a motion to approve the Contract with the University of Colorado for the placement of a 4th year nursing student within the Colorado Department of Health and the Garfield County Department of Public Health for the intern program. In favor: Houpt – aye; Martin – aye; McCown – aye.

Commissioner McCown made a motion to go into the Board of Health. Commissioner Houpt seconded; McCown Houpt – aye; Martin – aye; McCown – aye.

County Wellness – May 19th – this year the focus is on a Fitness Fair.

Health and Human Services Building in Rifle.

This is coming along nicely. Ed reported on the furniture and phones previously.

Environmental Resource Position for the Public Health Department

This would be a new position directly reporting to Mary Meisner. She submitted the basic job duties with a salary range of \$54,261, pay grade 8, with benefits totaling a sum of \$70,981.00. The new position would have a wide range of responsibilities including with oil and gas on research and studies, and would collaborate with the Colorado Department of Public Health and Environment relative to food service inspections for retail markets, food manufacturers and restaurants, food service training and licensing as well as working with a member of the Garfield County West Nile Task Force.

This will require a supplemental to the budget.

Commissioner McCown questioned if this was a strategic position in creating and filling this budget, then why wasn't this budgeted?

Ed explained they wanted to evaluate first, bring it to the Board for consideration, and then position before budgeting. Commissioner McCown – acknowledged this was a science related position rather than health. Mary said they will be looking for an individual with environmental engineering, a good solid science background, environmental health and other related fields. It will help and cross a number of positions. Ed said they will be looking for a background with an environment and science, a single task person. Mary felt this would cross and help a number of other departments. Nuisance complaints and inspections and lessen some of the duties for Mary Meisner. If there is a hearing, Mary would be doing the hearing. This individual would work in conjunction with others on items such as assistance in septic tank failures, contaminants, vegetation, oil and gas liaison and code enforcement issues, nuisance complaints and inspections, hydrologic study, cumulative study, West Nile, and the health risk analysis.

Commissioner McCown expressed concerns for an overlapping in contracts and adding another county employee – once you add them they are already here. Staffing next year for the dog kennel, the jail and road and bridge, possibly others as the county grows.

Commissioner Houpt – you scrutinize any new position, but she is impressed with this new position. All the different impacting activities occurring in the County, and she would support evaluating other positions in the County to see if they make sense where as there are other positions in this County we should not work without.

McCown – Sandra, Laurel, all managers. This new one would be a new manager. Staff support – dynamics on the growth in the County.

Mary – this person will not replace the Sanitarian position in the area.

Martin thinks this person will pick up the slack and extremely busy.

Ed – the most compelling issue is that this position will help Doug Dennison.

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

New position

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the creation of the Environmental Resource position within the Public Health Department and allocate funds for that position in an amount not to exceed \$70,981.00.

Chairman Martin – if the job proves to be ineffective or that it becomes burdensome or that it becomes unnecessary we have the opportunity to revisit that and to eliminate that job description. So that person has a lot of pressure now to develop themselves.

Commissioner Houpt – that's true with all jobs. In favor: Houpt – aye; Martin – aye; McCown – aye.

PUBLIC MEETINGS: CONSIDER REQUESTS TO AMEND THE FINAL PLATS FOR LOTS 127, 139 AND 140 OF THE IRONBRIDGE P.U.D., PHASE 1 PLAT. APPLICANT: LB ROSE RANCH, LLC – MARK BEAN

Mark Bean and Carolyn Dahlgren were present.

This is a request to amend the building envelopes on Lots 127, 139 and 140 of the Ironbridge PUD.

Staff recommendation:

The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. 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 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. 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.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the final plats for Lots 127, 139 and 140 of the Ironbridge PUD, Phase 1 Plat for the LB Rose Ranch, LLC. Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A RECOMMENDATION OF SITE LOCATION APPLICATION FOR SEWAGE TREATMENT WORKS FOR THE RAPIDS DEVELOPMENT CORPORATION. APPLICANT: RAPIDS DEVELOPMENT CORPORATION – MARK BEAN

Mark Bean, Carolyn Dahlgren, Gene Hilton, and Lee Leavenworth were present.

Rapids Development Corporation is proposing the construction of a wastewater treatment facility at the Rapids on the Colorado Subdivision. The development consists of a 92.269 acre tract that was subdivided into 33 single family lots in 1997. All of the lots are served by a central water system supplied by two (2) on-site water wells and wastewater is to be treated by engineered septic tanks and leach fields. No building permits have been issued for the development since the original platting.

The Rapids Development Corporation is requesting Site Application approval to construct a Wastewater Treatment Facility to treat all wastewater generated from the proposed PUD. The effluent will then be discharged into the Colorado River. The “service area” will consist of the existing subdivision and a 64 acre tract southeast of the existing subdivision.

Staff Recommendation:

Staff would like to note that this application has been one of the most frustrating applications to understand. The application submitted as an amended application included statements from the first application that are no longer correct and there have been a number of supplements added to the document since it was submitted.

Based on the current comprehensive plan designations in the County Comprehensive Plan, which acknowledges the Town of New Castle’s 3-mile area plan as the guiding land use documents and the Town’s determination of the consistency with a number of the Plan’s elements; the consideration of consolidation with another local service providers and adjoining properties, **recommend approval** of the site application for the Rapids on the Colorado Wastewater Treatment Facility.

It should be noted by the applicant that the recommendation of approval in no way obligates the County to approve the proposed PUD or any other additional development, nor is the County bound by any of the stipulations the Memorandum of Understanding with the Town of New Castle.

The Town of New Castle and the Town of Silt have declined to serve this development due to the site location.

Lee Leavenworth reviewed the proposal. Today, they are here to talk about the request for approval for the site approval. The plant will meet your other policy in your Comp Plan in preventing the proliferation of ISDS systems. In addition, the plant site, and part of our agreement with the Town which we understand is strictly between us and the Town, but part of it is to make sure the plant site had sufficient land area available to allow to be expanded by 3rd parties subject to the Town’s consent since any additional service would be within the Town’s Comp Plan boundaries. There are 60+ acres adjacent to the plant that could be served as well as Apple Tree Park but in talking with them they were not interested in doing anything jointly with us at this time. They have a permitted plant and didn’t feel the capital expenditure at this point would be warranted.

Any amendment in the zoning is not before the Board today.

Mr. Hilton reviewed the proposed site and submitted a paper copy of his proposal. Lee requested approval of this site application.

Commissioner Houpt – the building of this plant isn’t reliant upon the approval of your proposed PUD that you’re working on.

Lee stated they intend to come back before you with the proposed PUD. The plant could serve the existing 33 units; there are four houses under construction out there – they are owned by Rapids Development and we have not constructed any ISDS associated with those – we haven’t asked for a CO on them and they will be consistent in terms of their location with any proposed amendments – they’re also consistent with our plant. We’re deferring any ISDS construction until we pursue the other alternative.

BOCC Motion

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the site application and forward it to the State and authorize the Chairman to sign the application. In favor: Houpt – aye; McCown – aye; Martin – aye.

Board of Health

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the site application and forward it to the State and authorize the Chairman to sign the application; Houpt – aye; McCown – aye; Martin – aye.

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

CONSIDER WHETHER OR NOT TO REFER AN APPLICATION FOR A SPECIAL USE PERMIT FOR STORAGE, MATERIAL HANDLING FROM MAMM CREEK COMMONS, LLC TO THE PLANNING COMMISSION – MARK BEAN

Mark Bean, Carolyn Dahlgren, Larry Mincer representing Mamm Creek Commons, LLC, and Donald Scarrow were present.

This is a SUP application for three buildings to provide “sales, storage and repair of equipment and sales, storage and handling of materials and natural resources” for the gas industry on a 47.19 acre property owned by Mamm Creek Commons, LLC, approximately 1 mile south of the Garfield County Airport on County Road 319.

Staff Recommendation:

Due to the nature of the potential impacts to surrounding properties and area, and the changing of the land use that is supposed to be an agricultural/residential area, to an area more light industrial in character, staff recommends the Board refer the matter to the Planning Commission for a recommendation.

Larry Mincer pointed out that what they are doing here is in an area that has the same similar type of facilities that they are trying to construct. The particular tract of land is located approximately one mile up from the Airport and beyond that is a rather large storage area and commercial/industrial area for gas owned by Dalbo, Inc. So what we are doing is putting additional facilities between the Airport and the already existing uses that the gas industry has in that area. The nearest residential structure to the proposal is approximately 2.5 miles up Grass Mesa Road. The facility is across CR 319 to the two buildings recently constructed and they are all located in the bottom of an area which is not visible from the residential area on Grass Mesa because they can't see down in the valley at that location. One of the things he noticed in looking through the gas industry's, there's a substantial amount of wells being built and drilled to the south of this property up 319 Road as well as the other road. This facility would enable to avoid travel through the Airport Blvd. area and into Rifle. The other thing they are looking at is trying to make it easy to access the Interstate by using the Airport exist rather than having to go through Rifle because we feel that this type of development is consistent with what's there now and asked to be able to go forward with the presentation to the County Commissioners.

Chairman Martin – the Board of County Commissioners rather than the Planning Commission?

Larry Mincer – yes.

Don Scarrow – reiterated that everything around these buildings within 2 miles is being used for oil and gas operations and its industrial operations are all around us. The SUP is compatible with area use around us and it is all being used for the oil and gas industry. These buildings are providing I believe a necessity for these operations and not impacting the area any more than is already there.

Chairman Martin asked if they were proposing the same type of buildings that are across the street.

Don Scarrow – confirmed they were. The landscaping that they have put up has had no opposition from the local people. Most of the people that have stopped by during our construction and complimented them on the job they were doing – the trees are 14' to 18' tall and we have river rock berms and it is beautiful.

Commissioner McCown – the buildings across the street, were they referred to the Planning and Zoning?

Mark Bean – didn't remember.

Don Scarrow – no sir.

Commissioner McCown – my memory tells me they weren't. My question to staff is what is unique about this operation that's directly across the street from that was not referred.

Mark Bean – basically at the time those two buildings were approved there was discussion about doing the planned unit development and rezoning the property to be more of an industrial use. Industrial uses that are identified, yes, they were approved by a SUP but the zoning is basically agricultural and residential and still is. We acknowledge that certainly there's a lot of gas activity in that area; there's another large piece of property in the area that is zoned by a group that will soon see development here and suspect we may see other buildings proposed on this particular piece of property down the road providing they can answer and deal with the water issues they have to deal with. But we're just starting to see it turn into more of an industrial type of zone as opposed to this being an ag/residential area, that's why he suggested referral.

Commissioner Houpt – I think it makes sense; we're looking at an area that is going through a transition and think it would be beneficial to have another group of people look at it and look at the change in that area and they may have a more widespread recommendation to us for that area as well. We seem to be hesitant to send things to the Planning Commission and I'm not sure I understand why. So I would support the staff's recommendation to send this to the Planning Commission, not because I don't think that it's a use that is occurring in the area right now and I don't know about the application because it's not in front of me, but from what I've heard today I'm sure it's a fine proposal but I would make the motion that we follow the staff's recommendation and refer this Special Use Permit for sales, storage and repair of equipment, and handling of materials and natural resources to the Planning Commission. Commissioner McCown seconded.

Chairman Martin – clarification, is that a hardship to the applicant in any way?

Don Scarrow – yes sir it is. We are under obligation at this point with the Redman Pipe and Supply to take the lease of our first building – they want to occupy that building.

Chairman Martin – how far away from the completion of the building if you've even started it yes.

Don Scarrow – it's being worked on, we shut down on the process of putting the building up, we have trusses lying on the ground that we need to continue with.

Mark Bean stated the length of time to get this before the Planning commission would be in July.

Commissioner Houpt – I think it's important when people plan developments in this County to understand the time line of doing that and I'm getting not frustrated with you in particular but am getting frustrated about, to see the number of people and the growing numbers of businesses who are coming in and saying we have to do this yesterday because we're already in the process and your timeline doesn't fit with us; we have a process in place and it doesn't seem to be part of the planning process for a lot of applicants and that's pretty frustrating to me.

Vote on the motion:

In Favor: Houpt – aye; Opposed: McCown – aye; Martin – aye

Commissioner McCown made a motion that the Board of County Commissioners hears this matter on the materials, sales and storage of equipment building at the next available date before the Board of County Commissioners. Commissioner Houpt seconded. Commissioner Houpt – I think we should lead our decisions and not other people's schedules.

Chairman Martin – I think that's a legitimate concern; I think we had part of this discussion the last time we had a building come in this particular area from the applicants sitting in front of us as well. Those buildings went pretty well and we did a fairly decent job and in fact we get comments on them that we did a good job, so I have faith in this Board as well as the Planning Commission and I guess we do have to serve notice that the process is

to be upheld and to go that way; once in a while its discretionary that it comes before us and it is a discretionary process.

Mark Bean – and that building permits should be acquired before buildings are built.

Commissioner Houpt – yes but building permits should be acquired before buildings are started.

Chairman Martin – unless of course it's agricultural.

Commissioner McCown – I think that's another issue. There are means to enforce that.

Mark Bean – I understand.

Vote on the motion: In favor - McCown aye; Martin – aye. Opposed - Houpt – aye.

PUBLIC HEARING:

CONSIDER A REQUEST BY THE BOARD OF COUNTY COMMISSIONERS FOR A ZONE DISTRICT AMENDMENT OF THE ANVIL POINTS COUNTY LANDFILL PROPERTY FROM OPEN SPACE TO RESOURCE LANDS (GENTLE SLOPES AND LOWER VALLEY FLOOR) – FRED JARMAN

Fred Jarman and Carolyn Dahlgren were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. The posting was done by Cody Smith of Wagon Wheel Consulting. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D -Application materials; and Exhibit E – Staff Memorandum. Chairman Martin entered Exhibits A – E into the record.

Garfield County, owner of the Anvil Points Landfill proposed to rezone the subject property from Open Space (OS) to Resource Lands (Gentle Slopes and Lower Valley Floor).

The property is presently zoned Open Space which was the zoning on the parcel when it was owned by the BLM. Once the transfer of the property to the County occurred, the property remained Open Space. Prior to the purchase of the property, the county obtained a SUP for a Landfill. However, once the transfer occurred, the County should have more appropriately rezoned the property to be consistent with the surrounding zoning of Resource Lands (RL) because Open Space zoning is a designation reserved only for federally or state owned public lands. This will correct the zoning on the property.

Staff recommendation:

Staff recommends the Board of County Commissioner rezone the subject property from Open Space to Resource Lands finding that 1) an error was made in establishing the current zoning and 2) that the conditions of the neighborhood have changed to such a degree to support the requested zone change from OS to RL.

Commissioner Houpt – point of clarification – there have been other pipelines and a lot of activity in that anyway and this doesn't really change the use it just brings it into more suitable compliance with our Code.

Fred – any other future pipeline under the current scenario would also have to come back to this Board.

Mark – in terms of that zoning where our a lot of our zoning requires the use be delineated to be allowed, in case of the federal lands as long as its allowed by a federal or a state agency who controls those it is allowed. There are certain ones we've identified that we should be subject to our land use regulations.

Commissioner McCown – we need to create in this new land code plan, a zone district that is FL, Federal Lands and be designated as such, because we did not control the uses that take place on that. Lands that are true open space where Garfield County controls the use on need to be shown as Open Space and we need to get away from the delineation that Federal Lands are our zone open space – that is not a true picture. There needs to be a point of clarity between the two types of lands because we do not control the use or activity that takes place on federal lands.

Mark said we have a limited amount of authority of federal lands, we cannot deny an application but we do have the ability to impose what are called equivalent to our Conditional Use Permits where we can impose standards that do not preclude and activity from occurring but would be issues that we would consider i.e. road impacts for example that we would want to be addressed as part of those application.

Chairman Martin – and we've also been upgraded that it is mandatory now that all land uses on the Federal land will come to the local jurisdictions for comments, not necessary vetoed.

Commissioner McCown – we would not be precluded from doing that as well. There is some confusion in that all the federal lands in Garfield County are deemed open space under our zoning regulations, not necessarily the federal governments.

Mark said they would note that for the consultants.

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

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the rezoning of the Anvil Points County Landfill subject property from Open Space to Resource Lands stating the finding that an error was made in the establishing the current zoning in that the conditions of the neighborhood have changed considerably to such a degree to support the zone change from Open Space to Resource Lands. In favor: Houpt – aye; McCown – aye; Martin – aye.

PUBLIC HEARING:

CONSIDER A SPECIAL USE PERMIT REQUEST BY THE BOARD OF COUNTY COMMISSIONERS FOR A PIPELINE TO CROSS THE ANVIL POINTS COUNTY LANDFILL PROPERTY – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, Cody Smith and Jimmy Smith with Wagon Wheel Consulting were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. This was posted in the Glenwood Post but it was a day late and also timely in the Grand Junction Daily Sentinel, a newspaper of general circulation in the area of concern. She advised the Board they were entitled to proceed.

Commissioner Houpt requested if we are going to post the public notice in a paper other than the Glenwood Post that the public needs to be aware of it.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A – Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Application materials; Exhibit E – Staff Memorandum; Exhibit F – Letter from US Army Corporation of Engineers dated 5/06/05; Exhibit G – Email from Road and Bridge Department dated 5/3/05; Exhibit H – Email from County Oil and Gas Auditor dated 5/5/05; Exhibit I – Memo from the County Vegetation Manager dated 5/10/05; Exhibit J – Environmental Assessment from the BLM dated November 1996; and Exhibit K – Land Patent of Sale of the Property from BLM to County, Recorded on January 13, 1998 and Exhibit L – additional language. Chairman Martin entered Exhibits A – L into the record.

Fred said this is a Special Use Permit for a 10-inch gas pipeline to cross the County Anvil Points Landfill located north of I-70 and east of Rulison on CR 246 on 259 acres with access from County Road 246 and 246a goes directly into the Landfill.

This was brought to the Board on April 18, 2005 at which time three specific topics related to the requested SUP were outlined:

- 1) Right of Way Request; 2) Rezoning of the Landfill Property; and 3) Referral of the SUP.

The Board of County Commissioners decided to hear this matter directly.

Fred gave the history of the Landfill saying BLM as the former property owner and important to know with respect to the Special Use Permit is when the sale happened as well as when the initial lease happened, there was an environmental assessment conducted by the BLM that basically took a look at resources were on the property as well as a variety of other things, environmental impacts and so on for sighting a landfill. They did that once with the original lease and they did it a second time when the sale happened. These documents were provided to the Board; the EA ultimately had a number of proposals or alternatives that the BLM likes to use in evaluating projects and in this case they had to proposed action of proposal alternative which they did approve which was ultimately determined that there was a finding of no significant impact. The reason Fred brought this up and why it's interesting and important the Board in reviewing this application is what we're identifying as cultural and Paleontologic resources

Staff Recommendation:

1. That all representations made by Williams in the application and as testimony in 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. Williams shall ensure that copies of the following plans are kept at the work site during the entire construction of the pipeline:
 - a. Fugitive Dust Control Plan;
 - b. Stormwater Management Plan; and
 - c. Fire Prevention and Suppression Plan
 - d. Spill Prevention, Containment and Countermeasure Plan
3. Williams shall comply with the following conditions asserted by the County Road and Bridge Department:
 1. Prior to the start of the project, Williams Production RMT and any necessary subcontractor shall hold a meeting with the County Landfill Manager in order to ensure the construction phasing plan and these following conditions will be met;
 2. Complete the work around the guard shack and the sludge ponds as soon as possible;
 3. Use the back (east) gate as much as possible so as not to interfere with customer traffic;
 4. Traffic control according to MUTCD standards and proper signage when working next to the road;
 5. 97% compaction on or near the road, all other area's need a minimum of 95% compaction;
 6. Spacing of the above ground natural gas pipeline markers shall be spaced at a distance required by the Landfill Manager;
 7. Working hours within the landfill are limited from 7 a.m. to 5 p.m.;
 8. A Garfield County Utility permit will be issued upon the approval of the BOCC; and
 9. Dust control will be required as needed at the discretion of the road foreman on the roads impacted by the equipment used in the construction of the pipeline. Damage to the surface of the roads shall require replacement or reconstruction for that portion of the damaged road;
4. Because weed problems on pipelines and their revegetated corridors tend to occur after there is maintenance activity on a section of pipeline and the ground has been disturbed, Williams shall respond to any complaints by landowners either private or public, regarding noxious weeds in a timely manner.
5. During revegetation, Williams shall submit the tags from the bags containing the approved and certified seed mix for verification that the seed mix used in the field on the corridor is acceptable. These tags shall be submitted to the County Vegetation Manager for verification prior to the reseeded of the disturbed area.
6. Prior to the issuance of the Special Use Permit, Williams shall post a revegetation security in the amount of \$16,000.00 for the portion of land disturbed by the pipeline. This may be in the form of a letter of credit, if deemed appropriate by the County Attorney's Office, or the funds may be deposited with the County Treasurer. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan.
7. Regarding stormwater, erosion and sediment control measures, the Williams shall only use straw bales as sediment barriers so long as they are certified as weed-free bales.
8. Prior to the issuance of a Special Use Permit, Williams shall submit the following approved permits to the County Building and Planning Department:
 - a. US Army Corps of Engineers: Nationwide Permit (or other appropriate permit required by the Corps of Engineers)

- b. Road and Bridge Department: Approved Utility Permit
 - c. Colorado Department of Public Health and Environment: Construction Dewatering Permit & General Construction Stormwater Plan
9. Williams shall comply with the following Industrial Performance Standards in Section 5.03.08 of the Garfield County Zoning Resolution of 1978, as amended including:
- a. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes;
 - b. Vibration generated: every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located;
 - c. Emissions of smoke and particulate matter: every use shall be operated so as to comply with all Federal, State and County air quality laws, regulations and standards; and
 - d. Emission of heat, glare, radiation 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.
10. The installation and maintenance of the pipeline does grant any additional rights otherwise regulated by the provisions specifically contained in the Land Patent from the Bureau of Land Management which is memorialized in a document recorded on January 13, 1998, in Book 1049, Page 941, having a reception number of 519059.

Discussion

Exhibit L – Fred handed this our earlier and read it into the record: “if the issuance of a permit by Garfield County to Williams Production RMT for the sole purpose of the installation and maintenance of the pipelines does not grant any additional rights otherwise regulated by the provisions specifically contained in the land patent from the Bureau of Land Management which is memorialized in a document recorded January 13, 1998.” Fred read in additional language suggested by the County Attorney’s office which is Exhibit L – “the Board of County Commissioners grant a permission to use the designated area for the limited pipeline purposes named will not include any warranties as to the board’s title to the Anvil Points Landfill. The permittee is responsible for gaining any additional permit of right to use the land that maybe required by the Bureau of Land Management or any other federal agency.”

Carolyn stated this was sent out for referral to BLM and no comments were returned. Our patent says we cannot give away or convey an interest in the real estate – a real property interest, that’s why we’ve ended up with a permit rather than an easement. However what we didn’t know was whether BML was going to require Wagon Wheel on behalf of Williams to get any further permission from BLM – apparently not but by adding this language it makes it clear that the BOCC is saying, should BLM require you to do something else, you have to go do it. We the County are not going to get whatever else BLM is going to require.

Fred – specific to the EA that was conducted by the BLM, there were two provisions and Fred included those on page 4 of the staff memorandum numbers 7 & 8 specific to requiring the County to allow access to officials of the BLM to go through the Landfill to get to their properties north of the landfill.

Commissioner McCown – on the crossing of Charward Creek, once in a while we get an event that plugs that creek, are we going to be deep enough with our pipeline that we can maintain the integrity of the ditch and not have to worry about getting a permit to dig over the pipeline?

Fred said they did discuss this and the applicant nodded that it was deep enough.

Commissioner McCown – the second thing, its standard procedures on revegetation, are most of those areas revegetated at this time?

Fred – there is vegetation on the corridor as it sits today.

Cody Smith with Wagon Wheel Consulting, submitted the Army Corp of Engineering application permit, Exhibit M was submitted by Chairman Martin.

Williams agrees to comply with all the staff’s concern. The depth in Charward Creek drainage, it will be a minimum of 60 inches of cover and Williams agrees to put fill over the top so there’s no worry about ever coming and digging. The other alternative that is up to the Army Corp of Engineering is to rip rap that drainage.

Marvin Stephens – they’ve taken elevation and have a reference point if they need to dig.

Cody said they have agreed to everything Road and Bridge has requested of Williams. We’re 10 foot off their access road into the ditch where they will not have

Carolyn – 1) to ask Road and Bridge Director to please send the form, right of way utility permit to the County Attorney’s office for review because it isn’t in a right of way and makes it slightly different and 2) security for revegetation – in the past the BOCC has approved the use of letters of credit, we now have a form Treasurer’s deposit agreement should the applicant want to deposit cash rather than dealing with a Letter of Credit. So, if the BOCC will agree to either of those, depending upon what the applicants to do or the BOCC to specify.

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 pipeline and grant Williams a permit to cross the property with the conditions stated by staff, item No. 6 to indicate \$16,000 in security to be deposited either by a line of credit or cash with the appropriate entity which would be the County Treasurer, so either would be acceptable depending on which Williams sees fit. In favor: Houpt – aye; Martin – aye; McCown – aye.

**CONSIDER A SPECIAL USE PERMIT REQUEST FROM ENCANA OIL AND GAS, USA FOR
“STORAGE AND MATERIAL HANDLING OF NATURAL RESOURCES” TO STORE PRODUCED
WATER RESULTANT FROM WELL DRILLING. - FRED JARMAN**

Fred Jarman, Carolyn Dahlgren, Jimmy Smith, Wagon Wheel Consulting were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Application materials; Exhibit E – Staff Memorandum; Exhibit F – Letter from the County Vegetation Manager dated 5/11/05 and Exhibit G – May 12, 2005 from the Grand Valley Fire Department.

Chairman Martin entered Exhibits A – G into the record.

This is a request for a SUP for “Processing, Storage and Material handling of Natural Resources by EnCana Oil and Gas USA, inc. on a subject property located at the end of CR 215 northwest of Parachute (UNOCAL Property) on approximately 27,000 acres access CR 215. The zoning is Resource Lands.

The applicant in this case is EnCana Oil and Gas USA, Inc. and the representative for this proposal for the applicant is Wagon Wheel Consulting.

The proposal is to obtain approval for a produced water, processing and storage pond. The location for this is the former UNOCAL property where so much of the oil shale activity happened some time ago, which is north of Parachute basically at the end of County Road 215. Size of the project is 3 acres of a 27,000 acre parcel. Zoning for the property is Resource Lands, adjacent zoning is the same and access to the property is via CR 215.

Fred reviewed the Power Point and discussed the staff recommendations fully. The Power Point included photographs of the area, the pond, the fencing, the liner, gravel and some 3 inches of water in the liner to hold it in place. The photographs also showed the surrounding area and the staging for the former oil shale operations.

Background: Staff did bring this before the Board about a month ago to see if referral to the Planning Commission was something they wanted to do. The Board decided not to basically on these following points: 1) the limited nature of the impacts to the area; 2) the remove location of the property itself in the fact that it is at the end of a dead end County Road that’s generally and primarily used for industrially traffic serving as there are industrial uses in the area and very limited general population traffic; 3) the site itself is situated again in an area characterized as having heavy intense industrial activities from the past and also serving the present and lastly 4) the pond is primarily intended to serve the natural gas drilling on this property which is called North Parachute Ranch which I’ll refer to all through the presentation. The idea is it will pull some of the heavy tanker trips off of CR 215 and wouldn’t have to leave the property.

The proposed area where the pond is to be located is situation at the conflux of the flat area of west east middle forks of Middle Forks at Parachute Creek, the site is about 3 acres that the pond would take up and its associated infrastructure. It’s surrounded for the most part by fairly steep topography and the drainages themselves of the three branches of the creek have fairly mature vegetation along those. Much of the area has been denuded as a result of the former oil shale operations but continues to serve as general staging for a lot of natural gas exploration in that area on the North Parachute Ranch. The access has a locked manned gate as you enter this property. Last week staff did make a site visit to the property and showed a series of photographs of the nature and character of the area. The staff did find that the pond has been built. While the pond has been built, all the grading and earthwork has been done, it’s lined and in fact does have water in the bottom of it and there is a pipe in the bottom of it which would be a withdrawal pipe. None of the associated infrastructure that’s related to pulling the water out, setting the water in, treatment tanks has been constructed or as far as Fred could tell was actually even at the property but the pond itself has been constructed. That’s an issue for one particular reason in that as you will recall this Board approved the Grading Permit requirements for anyone in this County in October of 2004 and in the application materials the applicants went to bid and constructed and did all the earthwork and lined the pond in at least January if not February of 2005 so what it stands for us at least is a violation of the 2003 International Building Code or IBC and that basically is that all the earthwork had been done without an appropriate grading permit.

One point of clarification in the memorandum, Fred actually stated that this also served as a Zoning violation and that this is NOT a Zoning violation so he wanted to correct the staff report. You can build a fresh water pond in this zone district as long as its less than 80 surface acres. If it were 80 surface acres or greater contain fresh water, primarily for agricultural uses, it’s called a water impoundment – this in fact is not that. So this is not a Zoning violation. If it fact all the associated pumps, the associated treatment tanks, water containment tanks were in place and produced water was being treated and sent in then it would be, it’s not at the moment and wanted to make that clear.

Back to the project specifics, the idea is that this pond would serve as a temporary holding tank – the idea being tankers would bring produced water from well sites to this pond, off load the water into what are called separators or treatment tanks where the solids would separate out and those would be scooped or skimmed off, taken and disposed of and then that water then gets sent into the pond. When tankers need to take that water out to sites for use in drilling then they’d be able to do that with what would be treated produced water. Under the COGGC rules produced water is EMP wastes exploration productions waste and a lot of the way that the way this water is dealt is covered by the COGGC however it’s very specific in Section 900 rules that local zoning regulations, in fact do apply and this is the case before you today for storage, material handling and for processing of this produced water.

Generally speaking, the pond is to hold 215 thousand barrels at it’s peak capacity; the trips to and from the pond per day would be about 10 tanker trips, 2 pick-up trucks for maintenance to make sure the pond was operating properly and make sure the pumps were being operated properly. Fred pointed out a couple of specifics to the pond showing a photograph. The bottom of the pond has an elevation of 5903, the next layer out is the internal slope which is slope of 2.5 to 1 so it’s a fairly gradual slope and then you hit the top of the berm which is 5815 and there is a 2 foot free board for the water to deal with overtopping so the water elevation is 5813 so the depth of the pond is 10 feet. Also noted in the geo-tech reports submitted with the application they’ve found that the water table underneath this is

5794 so fairly close water table. He showed the profile view of the berm itself and to the right the proposed water level, idea that water's pulled out through the pump located in this 10 x 10 pump building so its enclosed idea of being there to protect the pump and sound dampening. It would be an electric pump not a diesel generated pump. The pond will operate 24 hours a day, year round.

Currently there is 6 inches to 1 foot of water in the pond in there and has been told its fresh water, it's not produced water. They put this water in there to hold the liner down so to keep the liner in tact. The top of the pit has been graveled; it's fully enclosed with a chain link fence with barbed wire on the top, has two access gates on the east and west side. In one photos it showed a partially developed compressor station, it's under construction that should also say we're investigating – we do not have a special use permit in our files for that structure or the compressor itself both of which are regulated by Garfield County zoning and building permit. Fred stated there is an obvious violation of the building permit with the grading plan, we have also pointed out that there appears to be a compressor station being constructed without appropriate land use or maybe building code requirements. However, given those two things staff has recommended approval of this, its staffs understand that the applicants representative recognized that the applicant was moving a little perhaps too quickly and they needed to come back and get approvals from the County, at least for the zoning for the pond and that is what's before you now to correct that issue.

In reviewing this staff took a similar approach to what the Board has already reviewed if you recall the Benzel, that was an evaporation pond and it is similar only enacted a spray evaporation component – this proposal doesn't have that piece but staff reviewed it very much the same way and applied the same conditions with some adjustment so there really isn't much difference – it's a pond for EMP waste. So there's not much difference in this as to what the Board's action was on the Benzel property. That also included an annual monitoring of the water in the pond. These are more particular issues; there a number of other issues but the facility is for the sole use of EnCana and not to be leased out to any other folks bringing water in and around. That what was not discussed in signing the separator tanks that would contain the initial produced water where the solids were pulled off, with the Benzel property you will remember that was contained with the actual concrete pads on grade so in the event there was some kind of spill there was a secondary containment plan in place and we're suggesting that also be constructed as part of this should you approve this request. There are a number of wildlife concerns as you will remember. The Benzel property had existing netting over the top of it and the proposal was to pull that netting off, the Board did agree to that, the applicants at that time proposed an alternative kind of water foul monitoring deterrent system. With this project in reading the application materials there was a bid for a group to put a net over this specific pond and in discussion with Wagon Wheel, they had committed at that time to putting this netting over this pond, we agree there are a lot of water foul in this area. We do believe it's a good idea. They also agree and they have suggested they are going to do that so I'll ask them to discuss this with you directly. There was the concern of having a platform in the event animals do get in this fence, it's a good fence, chain link 6 foot but this would be a way to get out if they did. The Board had agreed and required Benzel to put in a platform and reporting of any foul that do find themselves in this pond that are dead, those get reported.

There are obvious a number of revegetation and reclamation concerns, they do have a reclamation plan almost identical the reclamation plan that you saw for Benzel that returns the site to it's natural grade, removing all liners and everything else. With the revegetation as seen in the photos, it is bare ground and it needs to be addressed with revegetation. There are a number of conditions that the Vegetation Manager suggested should you approve this project. Finally, with grading fees, this is our attempt to address the issue of the violation and Andy Swaller, the Chief Building Inspector to talk about what kind of action we would normally take in the event, or suggest you take in the event of a violation of IBC which we apparently have here. We have suggested a doubling of the grading fees which may be somewhere around \$900 if the grading fee would be somewhere are \$450, this is \$900 but the issue still remains that this was done without the proper approvals by Garfield County.

Staff recommendation:

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 unless explicitly altered by the Board.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
3. That the Applicant shall comply with the fire protection provisions included in the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the National Fire Code as the Code pertains to the operation of this facility.
4. The issuance of the SUP shall be subject to an annual review of the water chemistry contained in the evaporation pit at such time when free standing water is within the pit and water samples collected from the ground water monitoring well. These analyses shall be submitted to the Building and Planning Department on the first day of July for every year the pit is in operation. The cost of this analysis shall be born entirely by the Applicant. If this water is determined, through these analyses, to be hazardous or toxic based on applicable standards, the Applicant or owner / operator of the facility shall be required to submit an additional SUP to specifically address / mitigate any detected potential hazards.
5. The County reserves the right to retain outside expertise, at the expense of the Applicant / operator of the facility, in order to conduct tests or analyses of the physical nature, water chemistry or groundwater properties on or away from the site.
6. That this facility is for the sole use of the Applicant. If any other entities are to be added as users, then they would be subject to an additional SUP as well as rules and regulations as administered by the COGCC.
7. The Applicant shall submit a landscaping plan.
8. That all out-of-state vehicles and equipment associated with the operation of the facility be properly licensed within Garfield County.
9. All produced water brought to the facility that is contained in any above ground storage / treatment / separator tanks shall be contained within an adequate secondary containment structures constructed from impermeable materials to prevent any spill from impacting groundwater.

10. The Applicant shall comply with the following requirements in order to mitigate adverse affects of this operation on wildlife:
 - a. The Applicant shall monitor the pond for the presence of oil as a matter of typical operation and maintenance duties and to prevent wildlife from being harmed. If, in the unlikely event, oil reaches the pond water, the Applicant shall take measures to immediately remove it.
 - b. The Applicant shall install a waterfowl deterrence system that consists of the placement of high-tensile wire at regular intervals across the pond. These wires act as a visual deterrent to birds attempting to land on the water, and as a noise deterrent, as the stretched wire creates an ultrasonic (inaudible to humans) sound.
 - c. The Applicant shall immediately report the death of any migratory bird caused by activities or structures at the facility to the Colorado Division of Wildlife and the United States Fish and Wildlife Service in accordance with state and federal regulations.
11. Prior to the issuance of a Special Use Permit, the Applicant shall submit the following items to the Count Vegetation Manager for approval:
 - a. The Applicant shall map and inventory the property for the County Listed Noxious Weeds.
 - b. The Applicant shall provide a Weed Management Plan for the inventoried noxious weeds.
 - c. The Applicant shall augment the site reclamation plan by providing a plant material list and planting schedule for the reclamation.
 - d. The Applicant shall provide a Mosquito Management Plan that will address how the Applicant intends to monitor and manage this site for mosquitoes.
12. The Applicant shall be required to pay double the grading permit fee to be determined by the Building and planning department prior to the issuance of a Special Use Permit.

Commissioner Houpt – just a question on the wildlife condition, in the report you mentioned the fencing and the platform but she doesn't see it in your conditions.

Paragraph 10, page 16.

Fred said the reason he left this out was that Benzel property had a much shorter fence that wildlife could get over, this is a pretty tall fence that's going to preclude any wildlife from getting in and we don't feel that it's appropriate for this project. You may not agree with that. It is ultimately a wildlife proof fence.

Commissioner Houpt – are there any provisions in our Code for fining this type of latent disregard for County authority. Do we have anything in place besides maybe doubling a fee to identify the significance of this type of impact?

Fred – that a good question, as he said before, right now we don't have a zoning violation but what we do have is an issue with the Building Code.

Andy Swaller – there is something in Section 1:13.1 of the Building Code that ties back to the ability of a misdemeanor or the possibility of an injunction; it goes back State laws and then you have to go to the State laws to see what the options are there. Other than that all we have is the doubling of the permit fees that he can put to something.

Chairman Martin – at that point it becomes a State Statute and it becomes a judicial issue and then you would have to take it court and then the court would have to do that, but then the fine would probably go to the State of Colorado and not to Garfield County if it was so deemed.

Carolyn Dahlgren – and that assumes that you would instruct us to go under the criminal statutes instead of simply going to get a civil injunction saying, "stop that".

Chairman Martin – and the civil injunction would be to stop building the pond that's already built so I don't think that would satisfy anything there.

Carolyn Dahlgren – apparently there are other things going on the property as well.

Chairman Martin – well, we'll take one at a time.

Chairman Martin – our options are injunction, civil matter or criminal statutes into the court system according to your 1.13.1.

Mildred Alsdorf - on Page 15, Condition 8 in reference to the vehicles. I think that all out of state vehicles and equipment associated with operating the facility be properly licensed within Colorado instead of Garfield County and would also ask that they provide me with a list of those for licensing.

Commissioner McCown – what enforcement action do we ever take on this, Mildred? You get a list and what do you do with it?

Mildred Alsdorf – I can get the Port-of-Entry to come up and check it out and then they would give them a warning and also make sure they licensed within a specific time.

Commissioner McCown – and this is the same EnCana that's on Mamm Creek and Divide Creek.

Mildred – they gave me a list before and just wanted to make sure.

Commissioner McCown – its probably going to be same list.

Fred – only one other last thing I would like to specifically call out on page 15, strike number 7; not necessarily on landscaping plan that we're looking, a revegetation plans is what we're looking for so you could actually strike No. 7 altogether since we've got that covered in another place.

Commissioner McCown – did you inquire as to how long that ground has been bare, Fred?

Fred – no.

Commissioner McCown – the early 80's – that's the old lay down area for the entire oil shale project and I know it was bare in 1981. Well graveled, maintained, sterilized most likely.

Jimmy Smith, Wagon Wheel Consulting – on the site excavation itself, where the pond, the need for the pond to start off with that, the need for the pond is to store produced water that has been in contract with well bore with the

drilling program and transfer and recycle that water back to those wells for additional completion and for the drilling, so that is the need for the pond. The benefit of the pond is two fold: 1) to allow the operator to truck and store already produced water versus using fresh water for that purpose; the other is to reduce and limit the amount of truck traffic on CR 215 due to those drilling activities. The site itself was in fact itself a pre-disturbed site that EnCana acquired from UNOCAL that was part of the UNOCAL oil shale operations at that time and in the past there were in fact some buildings potentially some offices, some underground buried pipelines and things of that nature, big, huge cement substructures that were buried in this site, so the original excavation that EnCana took on back in late January and February was 1) to determine what was in place. There's no site plans or an as-built drawings that were given to EnCana or available to EnCana to determine whether this site was going to be amenable to a pond and what was in place. During that excavation there were large concrete structures that were sub-surface that were found, pipelines included, fuel storage lines that had been abandoned and in place so that excavation and research in that area to determine if this was going to be amenable plant site, or pond site included even more that this 3-acre site. Once that excavation was done, the decision was made rather than to leave that disturbed from that excavation to go ahead and build a pond. Now I advised the client under prior understanding that earthwork did not, in fact I had no knowledge of a Grading Permit requirement at that time in all honesty. And we have been instructed by County staff, planning staff in the past that you could do earthwork and earthwork only without the contingent upon your getting a Special Use Permit later and in fact that what was done, the liner was put in and that liner is on top of a Benzoate improved ground sub-structure to prevent ground water from encroaching to the pond as well as any, if there were any potential leaks contacting ground water then the liner itself is on a felt pad and double lined to prevent any migration of water. There is in fact leak detection in place in the pond and the fence was put around to prevent wildlife from entering the pond and then work had stopped at that point. No further structures were to be built and no buildings, no pumps, no other pipelines, nothing associated with the pond other than the dirt work until the SUP was approved.

Commissioner Houpt – you were here not long ago when this whole thing came to our attention and we decided not to send it to the Planning Commission, and you've been working with our planning staff and yet what I'm hearing today is that there was no indication made that any work had been done on this before the site visit. I just have to wonder how seriously we're being taken, you know, it makes no sense to build a structure and then come in front of us and apply for a Special Use Permit for something that's already in place and after the first meeting not even disclosing to us that it was already in the process or completed. I'm just wondering why we're here.

Jimmy Smith – I understand that and again the earthwork construction the pond and understand that this is only a portion of the project that we're trying to permit here today, that was done at my telling the client and being totally unaware that we were requiring a site plan because other grading permit, I'm sorry, was required for this project. We'd built pipelines, pads, other facilities under the instructions before that earthwork did not require a permit and I had no knowledge until after the fact when talking to Mr. Jarman on another project, another pond project that was being proposed to the Commissioners that we had the access to a grading permit if we wanted to start the dirt work. And that when in fact we filed one for the other project and the building permit that is, there has been a building permit filed with the Building Department for another part of that other facility so the

Commissioner Houpt – for the Compression Station?

Jimmy Smith – the other part of the facility, that Compressor Station, Wagon Wheel Consulting has not been contacted to assist with any permitting requirements for that.

Commissioner Houpt – okay.

Jimmy Smith – and the water as Fred stated that's in the pond was put in for that one sole purpose is fresh water and it was to hold the liner down until the rest of the facilities would be built. But we have anytime a company takes any action to build a pond, or a road, or any other facility they're at some risk as to whether they want to do that or not contingent on acquiring the permit. The benefits of having the pond to the company and the County, I told EnCana it was worth the risk to go ahead and do the earthwork under what I had instructed them to do.

Commissioner Houpt – Worth the risk of maybe not having it approved but already building it, is that what you mean?

Jimmy Smith – that's correct, we

Commissioner Houpt – so it's all

Jimmy Smith – the company cannot think of any reason not to approve

Commissioner Houpt – so why do this?

Jimmy Smith – a pond with the benefits that are associated with it.

Commissioner Houpt – but doesn't it seem, it would be like building a housing development, putting that in place before the final application was approved because you're assuming there's no reason why it shouldn't be approved.

Jimmy Smith – I would agree to that to the point of a builder might in fact do earthwork construction only prior to obtaining that if the timing associated with the need of the pond or their situation would warrant them.

Commissioner Houpt – one more question, is there a way of getting into better sync between your companies and the County on the process that really needs to be gone through. We deal with this so regularly I think we need to figure out how we can get around either getting around either having this scenario or having somebody say well I don't have time to go through that process so will you waive it for me, we have processes on the books to protect this County and I don't understand why you guys can't plan ahead far enough to be able to go through our process in a legitimate way.

Jimmy Smith – I completely understand where you're coming from and in Wagon Wheels Consulting's interest to make sure that we advise the client to obtain permits as they are required and have done so. I will readily admit to the failure as far as earthwork construction of what happened in the past and we were instructed in the past and having no knowledge of the grading permit until recently, in fact EnCana has applied for a grading permit for another project very similar to this one now that we understand that that is available to us, not only that it's a requirement, but that's its available. So the timing of the projects philosophically you don't need until you need it. And then once you need it you're already behind, that's the nature of the industry, so I would have to defend the industry in saying that they plan to the very best of their ability. And whether or not you know, if they drill wells that are dry, they don't need a permit, essentially, if they drill a well and hit it and makes a lot of water, they need that pond yesterday so

that's the best way I can put it as far applying and I would have to say that the fact that EnCana's in here today, with me representing them to apply for a permit, of the pond and not going any further with the associated equipment of this pond until that permit is acquired is definitely a mark on their behalf, they are willing to do that permitting and not trying to avoid it.

Chairman Martin – all right.

Commissioner McCown – where they're going to re-inject the blackish water that is stripped off and where are they going with the water now that is being produced by the wells they've drilled in the east fork are they hauling it all the way back to the Benzel property for water storage and purification?

Jimmy Smith – at the current time, and I might ask for a clarification, if what I'm not saying is true, and I'll know when the book has been ----- but the drilling activity that's going up there right now is such that the water that's being produced from, well this is a brand new field as far as current production, so the water that's currently being produced has been able to be distributed by truck to other drilling wells and where EnCana's very early in that stages of drilling, they have not wrapped up the full scale drilling program, and may not until these wells prove themselves out. Now EnCana's also not only on this project but on other projects looking to Tom Trucking Company by a bid process of whatever a truck stays on the site, in other words, it doesn't have to travel CR 215 to get to the site – it's on site all the time.

Chairman Martin - other questions?

Carolyn Dahlgren – I wanted to clarify that where we could go to court on the building code violation or the zoning code violation, we wouldn't just be asking the court to make EnCana stop, we could ask the court to remove everything. But that seems to fly in the face of the process we're involved in right now and we've heard from Mr. Smith how it is that we got where we are. But I had not let you know that was also an option. I suspect t you knew that already but I wanted to make sure we knew that we could ask the court to make EnCana move everything.

Chairman Martin – it is. And then they can apply for a putting a pond on there and then they start all over and dig up the same sights, so yeah that makes a lot of sense too.

Commissioner McCown – Fred back to referring to striking number 7 because everything's covered in the Reclamation Plan, this is barren ground, it was barren ground with structures on it before it started, I don't see in here where a revegetation bond, that we talked about on the earlier project, do we know the number of acres involved totally are you asking for that and just failed to do are you going to reclaim a gravel parking area, if you will, back to a 3-acre oasis of grass surrounded by a gravel parking area, or what are you suggesting we do here?

Fred – I'm suggesting that first off, the landscaping plan is more of an atheistic or beautification scenario or screening scenario that is called, Benzel was required to do by a previous sitting Board on that project and they hadn't done that yet so we're asking them, the applicant at that time, to do that. This is a little different, this is bare soil that does need to be anchored, and it needs to be revegetated by way of the recommendations of the Vegetation manager. So that's, we're not looking for screening, trees and bushes, etc. we're looking for this soil to be anchored so it doesn't blow away or erode away.

Commissioner McCown – you're talking on the existing slopes or are you

Fred – I'm talking on the existing slopes.

Commissioner McCown –when I hear reclamation, I'm thinking when this pond is done, the leveling of the berms, and taking the ground back down to the natural grade, then reclaiming.

Fred – I heard you say revegetation, you're saying Reclamation. Yeah, to take this back, your point is there was nothing there to begin with should you reclaim it back and then seed it.

Yes, we agree you should.

Commissioner McCown – okay.

Fred – because it was bare and denuded begin with doesn't mean that was necessarily a good thing for the property.

Commissioner McCown – but if it's in the best interest of the landowner and its still the existing same landowner to put that back to a gravel parking lot, why should they have to plant grass on it and then come back in, tear the grass off and put gravel on it?

Fred – you know that's clearly your call. There's a reclamation plan suggested.

Commissioner McCown – to me you're talking an individual landowner's rights to do what they want to do when they reclaim, it's their pond, it is on their land.

Carolyn Dahlgren – they have provided you with a reclamation plan that says what they're going to do. And I assume that reclamation plan said that they were going to level it.

Jimmy Smith – in fact there are some ongoing things now, the slopes to the wall have already been reseeded, EnCana's currently hired a contractor to put together a proposal for landscaping of the entire area because since EnCana owns so much acreage up there and very proud to own this acreage they are spending a lot of money to landscape and make this a class location.

Commissioner McCown – okay, so what happens at the end of the day when this bond is no longer needed 30-years from now? That's what I'm calling a reclamation plan.

Fred – yes, we agree with you. It's in here. Page 8, of the application book.

Chairman Martin – remove all surface equipment and liner, restoration

Jimmy Smith – the other one Larry, that's the Williams,

Chairman Martin – restoration, re-contouring a grade of original conditions, restoring and replacement of stock pile, top soil, compliance with all the prevailing Oil and Gas Conservation Commission and Garfield County Regulations, governing final reclamation, so that would come from Mr. Anthony as well as the oil and gas, so it's in there if we accept that reclamation plan.

Fred – Again, this is what they're proposing to do to this property.

Commissioner McCown – yeah, I just don't want us to get the business of someone has an asphalt parking lot and they decide to build a pond and when they get finished with the pond they want an asphalt parking lot back, for us to make plant grass and go in and tear it up and build they asphalt parking lot – its ludicrous.

Carolyn Dahlgren – and this is what they said they were going to do, what Steve’s concerned about, the revegetation, to answer your first question, Steve Anthony is asking the applicant to quantify the acreage of disturbance so that he can then recommend a security, but that’s for short term revegetation not long term reclamation.

Commissioner McCown – right, on the existing berm of the disturbed area, I realize that.

Steve is asking the applicant to quantify the amount of acreage.

Chairman Martin – and they’re saying they’re going to use this facility for 20-years before they do the reclamation – that’s not short time – that’s a long time. So we want to make sure there’s a separation there.

Jimmy Smith – add to Fred’s comments about the netting, since we have even discussed it, EnCana has come up with another plan in lieu of a physical netting over the pond, it’s called a floating all system and it has actually been proven to be better even than the ribbon fencing wires or the netting, it’s a floating ball system that keeps migratory birds out of the pond and that is what they would like to do in lieu of netting. Netting can be a big problem on a scale like this where snowfall is heavy up there and your netting ends up in the pond, no matter what kind of structure you build to maintain that netting, the structure may stay but the netting tears down, so EnCana has done an extensive study with wildlife biologists

Jimmy added to the comments – netting – EnCana has come up with another plan, called the floating ball system to keep migrating wildlife off the pond. It’s better with heavy snowfall. EnCana has done extensive studies with wildlife biologists, certified wildlife biologists and they have come up with a plan called this floating ball system to prevent migratory birds in the pond.

Carolyn – so are you asking Fred then to make that change in his Condition of approval?

Jimmy Smith – yes that is correct.

Fred – to be clear, there wasn’t a netting provision in No. 10 on page 16, I was going to suggest that the Board take a look at that issue with the testimony of the applicant but what you’re hearing here is they’re going to propose an alternative scenario.

Commissioner Houpt – for 10b?

Fred – yeah, it would be 10 b – that’s correct.

Commissioner McCown – if we just changed the wording in 10 b, struck high tinsel wire to a system that is approved by the Division of Wildlife, be adequate and that way it would be non-specific, if they want to use a ball, if they want to use a net, if they want to use high tinsel wire, if the Division of Wildlife supports it, that would satisfy our concerns wouldn’t it?

Fred – it would, I’d like to see documentation that they do support it.

Commissioner McCown – that’s what I say. That’s the only way it would be valid is if we had a written letter from them saying they support this type of deterrent.

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

A motion was made by Commissioner McCown that we approve the Special Use Permit for processing, storage, and material handling on natural resources i.e. a water storage and handling facility with the conditions of staff starting on page 15, striking number 7 and correct 8 to read licensed with the State of Colorado, striking Garfield County and 10b striking high tinsel wire and just merely stating a deterrent system with written approval of the Colorado Division Of Wildlife should be present prior to granting this permit and all other conditions, with the provision that once the amount of disturbance is determined by the applicant, a \$1,000 acre bond will be placed either in the form of letter of security or cash with the County Treasurer.

Commissioner Houpt seconded the motion.

Discussion: Commissioner Houpt, yeah I can really appreciate the fact that you weren’t familiar with our new grading requirements but I’m really distressed with the fact that there’s a compressor station that hasn’t been permitted and I understand you’re not a part of that and the practice in the past seems to be moving forward before coming to us for the appropriate permitting and we have valid reasons for having permitting requirements and Counties don’t have that much authority over this industry and I think for those few things that we regulate respect from the industry for County authority should be there. And I’m just very disappointed understanding you’re lack of knowledge there, I’m disappointed in the trend that I’m seeing and it’s really hard to support projects when you know that there is that lack of respect for the process.

Chairman Martin – no Jimmy I can’t take testimony from you, we’ve closed the hearing.

What it amounts to is yes, it’s unfortunate that this happened, it’s not the first time, but I think that again it’s a new leaf in that admitting that it did take place, we’re suggesting ways to mitigate it and living up to our responsibility from the industry side, hopefully it’s a new beginning and I know that we’ll be more vigilant and we’re aware of things that do happen, we’ll depend upon them to be a little more forthright so hopeful again that this will set a trend of reverse the past history.

In favor: Martin – aye; McCown – aye. Opposed: Houpt – aye

WESTERN COLORADO LAND PURCHASE CORPORATION CONCEPT – HARLAN HANSEN

Harlan Hansen presented the concept of the Western Colorado Land Purchase Corporation stating in Garfield County, Colorado, natural gas is being produced efficiently and profitably by a number of competent energy companies. Hundreds of mineral estate owners are being paid handsomely for natural gas extracted from their lands. Taxes paid to Garfield County are increasing dramatically due to the abundant production of natural gas. Other than environmental concerns, which we also need to address, what could possibly be wrong with such economic advantages? There is one entity that has been nearly completely left out of the loop. Landowners, who are neither mineral owners nor producers, are being left out of this loop and forced to live with sometimes unpaid or insufficient payment of damages to their land, and in some cases, a reduction in value of their property.

How do we solve this problem? How can we make sure landowners are treated fairly?

1. Form a new corporation ... working name.... Western Colorado Land Purchase Corporation

Concept and Purpose

The Corporation would purchase land from landowners who owned no mineral rights, who wanted to see, and who could not receive a fair price for their property due to energy extraction operations which may have temporarily devalued the land.

Prices paid would be based on evaluation by respected and competent realtors and appraisers who would consider that no energy extraction operations had ever taken place on their property.

The landowner would obviously be free to accept or reject the offer made. Conversely, the Corporation would not be obligated to pay the appraised price if it believed the price to be too high.

Upon acceptance, the landowner would be paid and the property purchased would immediately be listed for sale by local brokers at a price to be determined. In the interim period between purchase and sale, the property would be leased or rented, subject to sale, to qualified renters with a standard share cropper's agreement, and contracted with a real estate management company.

Income from operations on the land and from annual damages paid by energy companies, over and above expenses, would be paid to shareholders on an annual basis.

After all drilling operations had been discontinued and only production operations remain, every effort would be made to sell all remaining property owned by the Corporation, shareholders would be paid, and the Corporation would cease to exist.

The Administration, Financing, Rationale, and End Game are additional information submitted for the Board to look at.

2. If this corporation idea won't work, at this writing future prices for natural gas were hovering around \$6.00 per million – mbtu) mmbtu, a few years ago this was \$2.00 per mbtu. Would the gas industry consider taking a portion of the price mbtu and use those dollars to pay landowners instead of initial and annual damage payments. As an example, a gas well produces 400 mcf or but of gas per day at \$6.00 per mcf would be 1% instead of damage payments. 6 cents x 400 mcf = \$24.00 per day, every month that's \$720; \$8,640 per year; and over a 20-year life \$172,000 which would pay for the damages to the land and pay for any denotion of value that the land might suffer because of those operations.

Any extraordinary damages would be paid separately.

The 12.5% royalty payment to mineral estate owners has sometimes been increase to 15-20%.

This concept has been endorsed by the EAB and asked the BOCC to endorse the concepts. Financial support for the land purchase corporation could possibly be funded by debt, or by grants, as well as by equity. If the BOCC will endorse the concept, he would then like to present the proposal to an organization such as Club 20 or any other organizations the BOCC might suggest to see if they would take this and run with it. Finally, if the BOCC agrees with this, what role would suggest the EAB play?

Chairman Martin - the first one that comes to mind, it income tax in reference to earned or unearned income in reference to the property owner receiving the payment back to him at \$.6 cents per mcf. Is that a negative back to the landowners in increasing his overall income tax both federal and state?

Harlan – yes – it's income to the landowner. The operator would deduct it as an expense. But it would be no different having royalty payments coming to a landowners who own minerals.

Commissioner Houpt said she likes this in concept.

Commissioner McCown – what is the next step?

Harlan – some organization, if Club 20 would run with it initially start with a private offering of stock and sell stock at say \$5.00 a share and try to get a million or ½ million. Buy some property that would be for sale that would be above the appraised price because of what's happened to it; now you have a corporation up and running, then you try to get another stock offering to the public and to benefit those who got in initially make that stock at \$10 a share with the reservation that you couldn't sell your \$5.00 stock for a year or two and see how much money you can get in.

Commissioner McCown – this is not a non-profit.

Harlan – this is for profit. High, high risk.

Commissioner McCown – and its not a conservation easement driven type, it's strictly a land purchase and entity that will offer a fair price for the land if the individual feels they haven't been able to obtain that price.

Harlan said he's talked to some land owners who feel their land value has been cut in half. Some others say that appraisers won't even come out and appraiser it because they're uncomfortable.

Commissioner McCown - That has not been the case the Garfield County Assessor has found.

Chairman Martin – some people are working on legislation and this may tweak their imagination and stop legislation and go toward this way so he'll put you in touch with those.

Commissioner McCown – supports in concept, either method. The one method where we're going to ask operators to take a percentage of their royalty, they're going to take ½ of theirs and ½ of the mineral owners and so the mineral owner.

Harlan –there are some cases where the royalties are in excess of 12.5 %.

Commissioner McCown – this Board has no control over that.

Harlan – if they're going to pay a mineral owner say 15 – 16% seems they could negotiate a 1% payment to the landowner.

The BOCC did not have any objections to Harlan going to Club 20 in the auspices of the EAB and try and make a presentation to that Board.

Commissioner McCown – asked Harlan to convey to them that the BOCC supports in concept only.

Chairman Martin –wanted Harlan to talk to the Assessor and see what the staff research is showing, it is very interesting.

Executive Session – continued

Presco litigation, Petrogulf and access routes were to be discussed with Mark Bean, Doug Dennison and Dr. Thyne included.

Don said he has the letter of May 10 that is of public dissemination and has informed the Board of various discussions that has taken place during the course of last week that may or may not result in changes by the County Commissioners to the content of that letter, particularly item on page 2, Item 4e and on page 5, second paragraph, relating to the limitation on frac lines and the other relating to the time in which Presco could submit an application for drilling downhole locations within the buffer zone.

Commissioner McCown – the question to this board is do we want to offer either of those paragraphs to allow Presco to go forward with the one well and they would in turn allow Presco to pull their application in July to move the ½ mile barrier, drill this particular well that the surface is inside the ½ mile radius downhole as of the outside ½ mile radius.

Don – correct and in regard to the current proposal set for hearing in July they would pull that application but would be allowed to re-submit it at the one-year mark subsequent to some conditions that you suggested such as submittal of all supporting information, data and reports that this could be done in a safe manner.

Commissioner McCown – Presco has agreed to provide that information to us if this well is allowed to be pursued.

Dr. Thyne – that was the verbal report. Brian Richter, a consultant retained by Presco indicated to me that they would provide all that information, however it was verbal and didn't have any information in front of him. This was the indication and they were quite specific in saying they would provide all the information that they will use to support their June 06 application for removal of exclusionary zone as well as 10-acre spacing to us in a timely fashion well before that hearing would come up. A specific date was not agreed to.

Chairman Martin – are we willing to go ahead if we allow the site to be drilled, making sure that our recommendations are followed or go ahead and challenge that recommendation, protest the drill and then be prepared to go to hearing in June 05 to consider conditions on the single well, second in July for the full application to drill downhole and we can again gather information, have a year to do the analysis, Dr. Thyne will be a paid consultant at that time, plus his other team and many other folks involved in this that will continue to research the data, analysis the data and make the recommendation – it does not compromise us to protect after that one year or intervene.

Commissioner Houpt – be cautious, because what she just heard was that this was an agreement between consultants verbally and let me clear that I am still holding to my position that I believe all activity within that ½ mile zone should wait until after the DOE's report comes out in 2007 but if we're relying on a verbal statement or you are, and modifying the recommendation with that information, I think you need to greater assurances.

Chairman Martin – I'm also relying on the Department of Energy information that was supplied from 1969 and 1970 that Dr. Thyne has also reviewed as well. There is a moderate risk or a minor risk no matter what, but so is life. If we're able to do one well, surface occupation because of the impact to adjoining property owners, making sure that they're using the directional drill and the jirosopic monitoring, etc. and all mud that's coming up is being analyzed and all the precautions in place and that downhole spacing is outside a ½ mile marker that the Oil and Gas Commission of Colorado put in place, even though it's greater than the Department of Energy Boundary of 40-acres, and then be able to use that information from that single well and be prepared for what we know is coming and that's drilling within that ½ mile with a drill plan armed with some information, we're better off than just to protest it and be in the total dark and trying to rely on everybody else's information, DOE 1007 report. We'd better be prepared and this gives us the best opportunity to be prepared for the future. We have the consultants on board now and I think we need to move forward with it.

Commissioner Houpt – perhaps, there's still no guarantees and what I was specifically alluding to though was the notion and it'll probably be in the letter that the agreement would only be there if they did wait and did share all their information.

Commissioner McCown – I don't think we can expect them to wait longer than July 2006, they have said that, so that gives us a year at best to evaluate the information created if we allow this one well to go forward and I want to clear up that we are not acting in a haphazard or reckless manner here. This information, Dr. Thyne has looked at, he has said the same thing that I have said that they could set directly over this location that's proposed and drill this well; the only reason it came back before the Oil and Gas Conservation Commission is the surface location is inside the buffer. They would not fall under the new rules where they would have to do the mitigation, do the monitoring, sample the drilling mud, none of that would have to be done if they drilled directly over this downhole site. It is very important that everyone knows that. The only thing that brought this to the table was the surface location inside the ½ mile buffer; we simply asked the Oil and Gas Conservation Commission for their interpretation of their own rule which said no activity inside the ½ mile radius. That is their rule; it is not DOE's rule. Did it mean no surface, no downhole – no downhole – no nothing – explain to us – that's what brought it all to a head. I do not think that it is irrational or reckless to place that surface location 500 foot inside that ½ mile buffer established by DOE, allow the directional drilling entering the Williams Fork Formation well above the point of the blast which I believe Dr. Thyne alluded to this morning was around 8500 feet and it exceeded to up only by 500 feet; they are not going to come close to that level in the inside the ½ mile radius. There are going to be 5,000 to 7,000 foot between where they are going to cross that plain of the ½ mile radius in that 8,000 foot level.

Dr. Thyne – suggested that one way, and your point is well taken, that we have a verbal agreement between two consultants at this time to provide the information to the County; I was wondering if Don DeFord might enlighten him if we could draft a letter and put that in writing prior to

Don – what is actually being proposed now is to alter the letter itself that was sent out on May 10th based on current information we received last week and after your review, so the letter would go to the Oil and Gas Commission; if they and Presco accept the conditions of the letter, that has to be done by the company acting through its principals, that's the only way to accept the conditions that we're proposing. If the company doesn't wish to accept the conditions then there's no agreement. One thing to ask Dr. Thyne, would it be acceptable to you if our condition was that information currently in the possession of Presco that supports their position to day be

submitted by September and newly developed information after the first of June would be submitted by the first of January of 2006.

Dr. Thyne – that would be reasonable.

Don clarified – starting from the back, he would suggest that if the BOCC are going forward under the method we've discussed today, that you state in that paragraph that they would withdraw their current application set for hearing in July, that they not resubmit that application until no earlier than the first of June 06 and that prior to that date they submit by September of this year all information currently in their position and control supporting their position and any subsequently developed information by the first of January 06.

Chairman Martin – and it wouldn't be out of line also that the Department of Health, the State of Colorado, also who is working with the Department of Energy would help monitor that as well as report back to the Garfield County if something was wrong, one way or another.

Don – that's an excellent suggestion, and forgot to mention the DOE had told me they view that the Department of Health is a review agency in this matter.

Chairman Martin – and open lines of communication between the State Department of Health and Garfield County. Commissioner McCown made a motion that we change the letter to reflect that and allow the Chair to sign the letter to go out to the Oil and Gas Conservation Commission and Presco.

Chairman Martin stepped down as Chair to second the motion.

Discussion

Don – clarification – there is one other condition that we put in the letter that based on current technical information may be impossible to meet with Presco and that is the question of the 300 foot fracing limit and we need to address that in some fashion.

Commissioner Houpt – it's my feeling that if Presco's information really proves that it's safe to drill in that guarded area, then it would be beneficial for them to do that without forcing us to allow them to move into that buffer zone before its lifted. I don't agree with that process; I also look at the atmosphere in this country and see a lot of streamlining of permitting for oil and gas activity and I see the DOE putting money toward a more comprehensive report for the Rulison Area and making a commitment to be finished with that in 2007 and I have to wonder why an administration that is so concerned about streamlining permitting for oil and gas would want to have a more comprehensive report so I have to still stick with supporting the notion that it's important for us to remain conservative in our judgment until the DOE has completed that process.

Chairman Martin – just to add to that, this took place in 1969 and I was here and they vented the gas in 1969 and 1970 and they had the information in 1970 and that overall report has been from 1969 to 2005, now that's a pretty good timeline to get something together. What is amounts to is hey, 2007 why not – bureaucracy in action. If this was so vital to the life blood of this country, why didn't we get it done sooner?

Commissioner Houpt – it wasn't being looked at, it didn't make sense financially to drill over there so now it does and now they want to finish.

Chairman Martin – the explosion that took place in Rio Blanco at the same time and how much information do we have on the Rio Blanco blast and the Rulison blast. Are we just singling out one area or are we going to say, Department of Energy, answer some questions here, it's been 30 plus years.

Commissioner McCown – I don't want to misinterpret this so I'm going to ask you again for the number. This morning I believe you said that the gas was vented three times and they went back into the blast site, drilled directly down into that thermos bottle formation that we hear so much about and they vented the gas three times and the final time the gas was vented, what was the level of radioactivity, was it harmful?

Dr. Thyne – this is correct. The level of radioactivity was not judged to be harmful according to health and environmental standards.

Vote on the motion:

In favor: Martin – aye; McCown – aye. Opposed – Houpt – aye.

Petrogulf and Access Requirements of Zoning – Executive Session

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this meeting until Tuesday, May 17, 2005 at 8:30 a.m. In favor: Houpt – aye; Martin – aye; McCown – aye.

RECESS

Attest:

Chairman of the Board

MAY 17, 2005
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, May 17, 2005 with Chairman John Martin and Commissioners Tresi Houpt present and Larry McCown via telephone. County Administrator Ed Green, County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder were also present.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:30 A.M.

Public Session

Sheriff's Memo – Firearm Certified – 10 deputies – Ed Green
Lou Vallario submitted a memo to the Commissioners requesting that we provide 10 of his Detention Deputies with basically pro pay in recognition of the fact that this is the 10 guys he's going to have in the firearms division. He's tried to qualify everybody but it hasn't been terribly successful, so he wants to focus on 10 of them and give them a boost on a monthly basis to recognize the fact that they have that special qualification. The total cost is \$7200 for the year and he can handle that in vacancy savings this year.
Commissioner Houpt – so this means that they are the only ones who will carry firearms?
Chairman Martin – if it's within the budget we could make those adjustments.
Ed said this won't affect next year because he's got vacancy savings.
Don stated this needs to be approved by motion and statutory requirements that occur in the salary schedule. The 10 would be firearms certified.
Ed noted that this wasn't the swat team.
Commissioner McCown said they don't even allow firearms in the Detention area but should there ever be an event, these would be the first responders.
A motion was made by Commissioner McCown and seconded by Commissioner Houpt we authorize that and we'll see if it works as far as retention and if it doesn't we can take another look at it. In favor: Houpt – aye; McCown – aye; Martin - aye

Human Services Building in Rifle
Ed stated it appears that we will be able to free up an entire floor in the Courthouse Plaza with the building of the new Human Services Building. The question for the Board, is do you want to do anything in preparation for freeing up that floor as in taking a look at the design, layouts for this year. We don't have any money for reconfiguration this year and suggested not to do it anyway because Lynn's staff will still be here from September through December and we'll probably need to let them occupy the 4th floor until at least the end of the year. He suggested we take a look at all floors rather than just the 4th floor.
Commissioner McCown didn't have a problem with looking at what's available; he doesn't see making any moves this year and sees that as being held in abeyance until a need is particularly there to create the need for any remodeling. He doesn't want us to act prematurely and then have to change it.

Executive Session: Litigation Update; Legal Advice and Receive Direction – Litigation on Petrogulf, Legal Advice and Action in Public on an Application for Zoning Code to the Extent that it regulates Access Routes.
Don said he will ask the Board to give us direction on the enforcement of the access code provisions and may ask for direction concerning Petrogulf litigation.
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 stated at 10:00 a.m. on Wednesday, May 18, 2005, the Board will be meeting in Meeker at City Hall. It's a work session.

Adjournment

Attest:

Chairman of the Board

JUNE 1, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 1, 2005 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Manager Ed Green, Assistant County Manager Jesse Smith, Operations Dale Hancock, County Attorney Don DeFord, and Mildred Alsdorf Clerk & Recorder.

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

DATES FOR TOWN MEETING
Ed presented the subject of Town Meetings; we are going to arrange for two town meetings, one in the Rifle area and one in the Glenwood Springs area and Dale needs to know what dates this summer will work this summer of all three commissioners to participate.
Board of Equalization – in July; John will be gone July 15 – 19 out of state and then the Baord of Equalization takes on from there and goes to the 6th of August.
Tresi will be gone the last week of June.
Larry can do the 21st of June; so can John and Tresi.

Don said Shannon is encouraging settlements with the protestors.

The 6th of July was okay.

Ed stated for the first time we were only going to do the two town meetings as we still have eight of nine focus group meetings going on. Those will be in Carbondale, Glenwood, Rifle and New Castle, Silt. Next year we won't be doing the focus groups so we can increase the Town Meetings.

The time was scheduled for 7:00 p.m.

June 21, 2005 – Glenwood Springs and July 6, 2005 – Rifle.

Commissioner Houpt – a real problem in just selecting two communities for Town Meetings.

Ed stated it's a matter of resources with the (8) eight focus group meetings and two (2) town meetings – that's enough.

Chairman Martin suggested calling them County/Public Meetings.

Commissioner Houpt – because you still have two communities that you're meeting with. If we decided to hold town meetings throughout the year, she could see that and we only scheduled one in June, one in July, one in August and just continue until we met with all of our communities but to say Glenwood and Rifle are the most important towns and we'll just have two town meetings is the wrong approach and I think it'll backfire. So I'm suggesting that it's fine to keep this June and July date but let's set an August date, September date, October date November date and meet with all of our communities.

Chairman Martin suggested to wait and see what kind of a turn out we have and what kind of agenda's we can go ahead and do and see if it's going to be worthwhile and make a decision after the second meeting if we want to visit the others.

Dale said as he understood it, a town meeting was not one that was set to have an agenda but it was just going to be the board and designated department heads just willing to field questions or address any issue that shows up. The idea was not to exclude other communities but it was to have east end/west end as much as anything else and just let those folks know.

Jesse said to give information out. Instead of calling it a town meeting, call it Public Meetings with the BOCC and they're advertised in the paper so it's all people come.

Mildred – you'll have to pull all staff in for this too.

Chairman Martin favored an analysis to see if it's working and make sure this fills expectations and if we get good participation, say it's successful and then plan to do more.

Commissioner Houpt – summers are busy and people are away and we shouldn't gauge the success of these two meetings. During the summer we're not going to capture the attention of too many people and for that reason we should wait until the fall.

The first week of school was suggested. We have the focus groups during the summer.

Jesse said the focus groups go through June and through the last week of July.

Dale suggested that something that may come out of the focus groups could be a discussion.

Commissioner McCown – fine with me whatever you want to do.

Commissioner Houpt – if we're valuing doing this, the summer months are not the time to do that.

Henry Building – 625-0908 for Larry McCown to receive a fax.

Chairman Martin thinks we need to do the meetings in the summer; Commissioner McCown – let's delete the summer meetings and go into fall and hope we can find dates that work for all three.

The majority wanted this, so the June 21 and July 6 will be deleted.

SPECIAL PROJECT – BUDGET CYCLE

Ed said the Budget Kickoff for all Department Heads and Elected Officials the 21st of June. It will probably be around 9 a.m. and wanted the Commissioners thinking about special projects they want administration to evaluate and integrate into the 2006 budget. The information could be submitted to Ed or Patsy.

Innovation through Collaboration - Meeting in Vail – Jesse Smith

Jesse attended the meeting called Innovation through Collaboration and the tag line on it was developing a Consensus Strategic Plan for the State of Colorado. There was about 120 people in attendance and most of the them were leaders and educators in education K – 12 and State Legislature, key business people and non-for profits and spent 2 ½ days going though a lot of excellent presentations on the state of the State in the areas of environment, health, economic development, education etc. At the end of this, the bottom-line was is it worth the time and the effort to try to pull together all of the various interest groups and come up with a consolidated strategic plan for the State of Colorado similar to what happened in the State of Oregon and the person who let the initiative in Oregon was there and did the kick-off and how they went about doing it. The bottom line was unanimously a yes it is worth the effort. We went thought several breakout sessions in which we talked about each of the 5 key areas and we did not want to set the vision for the State at this point and time or objectives because we felt there needed to be another session that had more of the movers/shakers, there wasn't enough representatives from political arena nor from key businesses and they felt another meeting needed to be pulled together but carefully orchestrated and it needed to keep the interest of all these people that were there to sit down and come up with this collaborative effort. A steering committee was appointed out of the 120 people and Jesse was asked to serve of that steering committee to bring this together and make it happen. It was one of the best meetings he has attended in a long time.

Commissioner Houpt had heard about it and wasn't able to make the meeting.

HVAC SYSTEM – COURTHOUSE PLAZA

Dale Hancock and Ed presented. Ed said there have been various complaints about the fact that it just doesn't meet the needs in particular in the area of cooling during the summer. Dale has had an outside contractor take a look at it and has made some recommendations. Those recommendations translate into money.

Dale – RLR Engineers went through the building in the earlier part of May, 2005 and probably fair to say the greatest number of concentration of complaints were coming from the 3rd and 4th floor. The finding basically were that there needs to be additional BAB boxes to provide proper zoning and spaces should be balanced to address the newly

calculated air flow, supply air, diffusers in each space should be changed to a type that provides for a better horizontal air flow pattern. The variables are volume handling units are expensive, about \$525 a pop and we need about 16 of those. By the time you take that and the engineering, you're looking at about a \$50,000. One more phone call to make to see if we can just boost the outputs on the existing units on the roof or drop another unit on the roof and overcome it and see if that makes more sense financially.

Commissioner Houpt – this is not really an energy efficient building. Her office is always freezing in the winter regardless of how high you turn the heat up and wondering if they had looked at tinting windows, some kind of added insulation so we're not losing heat and a more efficient building and not putting all our money into energy generation.

Dale said if they tint the windows they use the warranty.

Commissioner Houpt wants to do a cost analysis and figure out whether it's more cost effective to tint and then pay for replacement windows or its more efficient to keep the warranty. She wanted them to look at those options as well. The first floor is having as many difficulties as any other floor.

Jesse said the 3rd and 4th floor is causing the problems for the 1st and 2nd floors. He didn't believe it was insulation that was the problem, but what's happening is the temperature on the 3rd and 4th floor goes so high that the cooling system loads up and when it does it lowers the temperature on the 1st and 2nd floor horrendously to the point that it's just uncomfortable and there is some problem in the air flow on the 3rd and 4th floor and in order to get it cool you have to crank those units up so high that you freeze everybody on the lower floors. It's not the outside temperature that's causing the freezing on the lower floors; it's the air conditioning units pumping tremendous amounts of cold air to cool down the upper floors with limited success.

Patsy recommended a specialists such as Rocky Mountain Institute – the green development team or similar to look at the building and give us some ideas.

Commissioner Houpt – agreed this was a good idea.

Dale – Johnson Climate and others will do those assessments at no cost and the bottom line is they will tell you how much of their product they will sell you to fix it.

Commissioner Houpt – that's why you go to someone like Rocky Mountain Institute who is not selling products.

Commissioner McCown – the recommendation will include buying products somewhere, correct?

I'm confused, the 4th floor is going to be a non-issue by the end of the year for problems; a lot of the problem originated and were caused by our own arranging of the building, if you will. The AC and the HVAC was designed for that building on a square footage basis before you cubby hole and cut up a building the less efficient any of that works because you have a constriction of air flow that cannot circulate, the cooler air cannot get back to be re-circulated therefore you're dealing with a hot air or cold air situation all the time. If you tint the windows you're going to lose any possibility of passive solar in the winter – that is a significant part of the heat source for that building. All of the offices on the south side and the west side can attest to that, most of those have drapes or window coverings of some kind. I think it would be foolish to go in and tint windows giving up the passive solar in an attempt to help cool it in the summer that is not the problem. The problem has come from the chopping of the little private offices that we've created that will not allow for the air flow.

Commissioner Houpt agreed, we're all making layman's guess and that's why it might be a really good idea to get somebody in that knows what they're doing to make a recommendation so that we just don't throw money at things that we think might help.

Ed – the engineering perspective's recommendation is that the system is out of balance, so what I'm hearing is we may need to evaluate other aspects of it besides just the engineering.

Jesse asked if when the engineers came in and looked at it, the building when it was designed has two units on the roof, but they divided the building right down the middle in each unit is addressing all four floors, one is the east end of the building and the other is on the west end of the building. Did they look at the possibility of re-doing those two units so that one unit addresses the 3rd and 4th floors and the other the 1st and 2nd floor so that you don't have this pushing of cool air onto the lower floors.

Commissioner Houpt made a motion to have Ed talk to Rocky Mountain Institute or a consultant similar to those who is not connected with any company that's trying to see their product and have them assess the building as she wants to see is how a cost saving over the years on energy.

Commissioner McCown – one think they will tell you is to go to geothermal heating but we are limited on room and we'd have to drill a well in the parking lot somewhere.

Chairman Martin – then you'd have to file for mineral rights against...

Commissioner McCown – you don't have to file for mineral rights for geothermal heating, all you'd doing is using the earth and not the water.

Commissioner McCown seconded for discussion. I guess I don't want to see us spend more design, redesigning a building we have in place than we would save over the next 20 years on heating bills, let's see what the Rocky Mountain Institute is going to charge us for this evaluation and then move forward but I'm not going to give them a blank check.

All in favor: McCown – aye; Houpt – aye; Martin – no vote.

Leases of Oil and Gas – More Leases

Chairman Martin has more gas leases on oil and gas well, 8 more and Williams Energy doesn't seem to get the message that we're not signing those and asked Don to send another letter to them.

EXECUTIVE SESSION – LITIGATION UPDATE – PRESCO AND PETROGULF

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.

Doug Dennison, administrative and legal staff was asked to remain and Don may call Jeff Thyne depending on the direction of the Board for input. Don expects public direction on one or both of these items upon concluding the Executive Session.

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

Action

Petrogulf, Inc.

Don stated he was asking at this point that Petrogulf, our intervention is still pending all the matters placed on the consent agenda for the Oil and Gas Commission on Monday both the Applicant and the Commissioners are interested in our position as to whether or not we will retain our intervention or not, I've explained to you the lack of response he received from the staff concerning impacts and their commitment to include both drilling rules as well as surface operation rules as part of the OGCC order; given that what is the position of the Board today?

Commissioner McCown made a motion that we pull our intervention in the Petrogulf Drilling plan. Chairman Martin seconded.

Don commented on the motion saying he would suggest if you go forward with it that it be conditioned on final agreement on the language of the Helmer Gulch Operating Plan that they have committed to make already in writing and wanted to make sure that was part of the order.

Commissioner McCown – I was under the assumption it was given previously but yes it is included in the motion.

Commissioner Houpt – I agree with the language changes, I would expect them to have written it the way it's being proposed by Doug and I appreciate all of the work that went into that by both Doug and Don, my initial problem on this application was more toward the spacing issues that we've argued on in the past on but we're getting to a point where I think we really need to look at what kind of spacing we have in residential areas – there are visual and noise and environmental, economic, health and some other issues that have to be looked at but as we continue to have more activity and suddenly the assumption is that 10 acres is okay, if it's even ... directional we all know that a greater amount of land is disturbed and if it's 10 acres, just downhole then, maybe I'm getting my terms wrong, but then you have a lot of disturbance too, but either way we're multiplying the disturbance and I think it's important for the State to know that we're concerned about short and long term planning and what kind of impacts this is going to continue to have on the property owners in our County, so I still don't think that my initial concern was addressed and I understand we lost this argument in the past but I think it's still a worthy argument and we need to really figure out where spacing is going in this County, it's pretty evident that suddenly the State thinks the 10 acre spacing is okay everywhere and I simply don't agree with that.

Chairman Martin – well, 10 acre spacing is a big concern and not just recently, but 8 years ago it was a concern and we wanted to We knew that there was even going to be 5 acre spacing underground, that's what the signage says, that's what the technical issues are and we have no standing in that issue.

Agree or disagree Tresi, it's out of our hands in technical review. We don't have that expertise and we don't have standing in that process but we do have concern in reference to the overall cumulative impact and that's why we've taken it to a different arena instead of fighting it in the technical issue. We take it to the public, we take it to the cumulative impacts, we bring all that information as well as including the State Department of Natural Resources, the Health Department, etc and we make a very focal point of yes, there are detriments to this type of spacing that they need to reconsider but not in the technical arena. If we can put our stuff together and share it with every County with the State, etc. we have made greater progress than spending money in the technical battles that we are going to lose that we started out initially. So agree or disagree, we need to collect that information, we ask for impacts, the smoking gun if you will on this application and came up empty there is nothing, it is a basic application, we will continue our cumulative impact study, I don't think that we can protest this because we have no grounds to do so.

Commissioner Houpt – I don't agree that there isn't an impact and I agree that we are moving forward with the cumulative impact study, I wish we could do that faster, move faster because so many people are harping actively at this point and whether or not positively or negatively and whether or not there's a dispute technically on impact is what was our, I don't think we should ignore the fact and I'll state the fact that there is concern about spacing in this County regardless of whether it's in the more general sense or ...

Chairman Martin – I don't think we'll ever run from that fact that spacing is a concern, we've never taken a position that it is not a concern, so it is a concern, however, our approaches are a little different.

All in favor of the motion: Martin – aye; McCown – aye. Opposed – Houpt – aye.

Presco, Inc.

Don said we have a matter coming before the OGCC Monday concerning their proposal to modify the language concerning drilling in what I will refer to as the buffer zone around the Rulison blast site; we've discussed that at some length, we've intervened in the case that's set for July, which is drill inside the buffer and we have indicated that we wish to participate in the discussion of modifying the existing order for drilling that's proposed to start in the buffer zone but be completed outside the buffer zone. I'm interested in the position of the Board concerning the latest proposal of Presco and their response to our proposed conditions under which that order could be modified.

Discussion

Chairman Martin – I'm taken back just a little bit because I felt we had come to terms that one well shared information going forward with that for one year and then do the analysis and move forward with what the County could agree with, even though there may be minimal risk etc, through Dr. Thyne's information I still think it's a gentlemen's agreement that they need to stand on that. One well with shared information on year, do the modeling and come back and either prove their case and show to the public that it's as safe as can be that all the information is right and then proceed is a much better way to go about it.

Commissioner Houpt – well as you know I didn't agree with the one well for a year and I don't agree obviously with four wells. My position has not changed on this project and I think we have to wait on DOE's final report in September of 2007 and I still stand on that with all the information.

Chairman Martin – you've got a lot more faith in the Department of Energy than I do, they've been working on since 1970 and they haven't come forward with anything yet that we can put a hat on so I don't a year and one-half is going to be much of anything.

Commissioner Houpt – but they’ve committed funds and time and expertise to a comprehensive study of that area and I think that it’s important that we wait.

Chairman Martin – as they have since 1970 and I still don’t have faith that they’re going to come through with modeling that will answer any questions; it’s still going to be up to the State or to the industry to prove that it’s safe and that’s why I was willing to go with one well.

Commissioner Houpt – we’ll see.

Commissioner McCown – I think that most likely this has not been stated but thinks the Department of Energy’s is going to be relying on any activity that Presco does in and around the blast site, the Rulison blast site, I think they’re going to use information garnered from whatever takes place around that well for their lively. I don’t think they have anything or any mechanism in place or any plans to do anything barring any evidence as to what’s down there – there’s no test wells proposed, they’ll have to go through the Oil and Gas Conservation as well, but there’s nothing out there other than what we’re seeing on these wells that would reveal any new information to DOE to base their modeling on, so we’re damned if we do and damned if we don’t. If we oppose this and we are cutting off any information in both the Oil and Gas Conservation Commission for our professional that we’ve hired and for the DOE to obtain any information on the residual effect of this blast. If we allow it go forward and there is some contract with any radio activity at that time, all of the other drilling has the capability to be stopped and the proper handling and disposal of the radio active gas and material would swing into place, so it’s a very tough scenario – the toughest part of it would be to move the target of one well to four wells that showed up. I have never been in any discussion with anyone from Presco ever heard four wells in this initial plan. I don’t know where that came from; I don’t know if negotiation off the table if we decide today to not support the four wells, guess we gear up, hire our respective attorney and expert witnesses and spend another \$400,000 and go to battle on four wells that could be applied for and we could impose through the APD process but they could be drilled vertically outside of this circle, so I’m really torn on where to go with this.

Commissioner Houpt – I think that’s its premature to assume that DOE isn’t going to look at gathering additional information, we’ve talked in the past about the difference of a test well for study purposes and a production well and that has been part of my concern as well and everybody has admitted that there is a difference between the way you would approach those two different types of well. One would be less intrusive – the test well would be so that’s....

Commissioner McCown – I guess I don’t understand how a test well built to the same depth and the same method would be less intrusive.

Commissioner Houpt – well, we’ve heard from our expert and from the industry that it’s approached differently.

When you do a production well, you’ll whole point is to extract as much gas as you can; with a test well you’re under a more controlled process so anyway, I’m going to let you and John figure out to move forward because I don’t agree with the one well anyway.

Don – Larry let me tell you that I have handed to all present, this is a public session, so I gave the public a letter from Bill Keefe to the County of May 24th and he specifically asked four questions, two needs to be resolved. The first two, the second two are actually ones that I think have been resolved. But these issues I need an answer from the Board are set forth in the first question – Does the County object to the four wells that are currently understood to be proposed and secondly does the County wish to maintain its default position that if there is a violation of the conditions of approval Presco has to wait for the 2007 report? I need an answer from the Board on those two to get back to Keefe so we know where we’re going with this.

Chairman Martin – I object to the four wells.

Commissioner McCown – I have to object to the four wells.

Chairman Martin – I would like to maintain our position that one well with shared information that they go forward, etc and that I do also on the last question in reference to on the second page, and not have to Presco. I think they need to meet any obligation under the Presco and automatically postpone...

Commissioner McCown – I don’t think we have power to impose that would have to come from the Colorado Oil and Gas Commission.

Chairman Martin – I know but they want to know our position if they fail to abide by the rules instead of taking a fine should they cease operations totally until they can do their September 2007 report.

Commissioner McCown – again we can voice our opinion and

Chairman Martin – that’s all it is Larry.

Commissioner McCown – that’s what we would like to see but we will not be a party to that.

Don – should tell you in return correspondence to Keefe, I’ve made the last position you’ve stated very clear that we are only speaking for ourselves and what position we will take in front of the Oil and Gas Commission that Commission is free of course to set the approvals or denials as it sees fit.

Commissioner McCown – I agree.

Chairman Martin – that’s what we feel and if they violate it, it’s in the findings to cease operations until 2007 and that could be shown that it’s safe.

Don – asked for a motion giving me direction on these issues.

Commissioner McCown – do we want to say 2007 or do we want to say until completion of the modeling report by DOE.

Chairman Martin – yes and it’s currently anticipated to be 2007 so I think if we word it the same way we’ll be all right; or you can shorten it up by just saying when that’s completed, the modeling report is completed.

Don – Larry, the only reason I didn’t want to use the more general language that you’re proposing is there’s been some discussion that the actual final written in stone, if you will, document may not occur until 2011 because DOE needs various agencies including the State of Colorado to review their report, so there won’t maybe technically be a final report until later, DOE has represented to me through their attorney that the report will be complete and usable by 2007.

Commissioner McCown – and if it isn’t, the applicant can say, well, it’s not our fault DOE hasn’t got the report done, we’ve moving ahead.

Don – that’s right.

Presco Motion - Direction

Chairman Martin – our motion then is to object to the four wells? Do I hear that?
Commissioner McCown – yes.
Chairman Martin – I’ll second that motion and hold discussion on it.
Discussion
Commissioner Houpt – can you tell me what the whole motion is?
Commissioner Chairman Martin – the whole motion is that we object to the (4) four wells, that the caveat was that we continue our position that (1) one well would share information and nothing else until the one (1) well is completed, I think that’s what our position was. That’s the agreement we wish to wish to live with.
Don DeFord – technically we’re responding to this letter of May 24, 2005.
Commissioner McCown – so given this motion and our response, this will be tabled until, following, we will go to a full blown hearing on this and possibly....
Don – well, I imagine that was Mr. Keefe’s position to me, I imagine he and I will be discussing that more fully today.
Commissioner McCown – I think that would be a safe assumption, sometime later in the summer or fall we will be going to hearing on this issue.
Chairman Martin – Larry, are you ready to act on the motion or not?
Commissioner McCown – I’m ready.
Chairman Martin – Is the motion understood?
All those in favor? Martin – aye; McCown – aye. Opposed: Houpt – aye – opposed because I still don’t believe that (4) four or (1) one well is a good idea at this point.
Chairman Martin – the second motion then is to go ahead and the stipulation if they fail to abide by the conditions that they must cease their drilling operations and our position is that they should, not that we’re going to enforce it, but we’re making a voice opinion that they should stop it if there’s a violation.
Commissioner McCown – so moved. Chairman Martin – seconded the motion.
Discussion
All those in favor? McCown – aye; Martin – aye. Opposed – Houpt – aye. Once again because I cannot even support any action on this based on our information, I’m opposed.
Don – let me quickly ask the board for scheduling purposes, do you wish to participate in the Oil and Gas Commission Monday by phone if they go ahead with some type of consideration of Presco’s proposals?
Chairman Martin – Well we have an abbreviated meeting on the 6th in the a.m. only with a tight schedule and then we have CCI Conference in the afternoon.
Commissioner Houpt – but you should be involved John.
Chairman Martin – I can’t; Larry can you be involved?
Commissioner McCown – well I can be involved but I see no need for it at this point since we made our position clear.
Don – the reason I’m asking is Brian Mackey has told me that the Oil and Gas Commission agenda is short and he thinks this matter will be held and the whole meeting will be completed before noon and I know what Bill Keefe has explained to me, I’m not 100% convinced that there won’t be some discussion of this issue on Monday, and I would like to know if the board, I just need to tell Brian.
Commissioner McCown – I think Don, unless I’m mistaken, you sent Brian a copy of our revised letter to Bill Keefe and he should be pretty clear on our position, I mean the majority of the board is willing to move forward with our initial on one (1) well, produce it for a year, sharing the information, we are not in favor of four (4) well, we would oppose that and will most likely intervene on that action and I don’t have any problem sharing that with Brian.
Chairman Martin – neither do I.
Don – all right, I will tell Brain that I will send him written correspondence indicating the position you’ve taken today and that if it’s convenient we’ll participate but we don’t see that we need to because our position is clear. Is that all right?
Commissioner McCown – fine. Chairman Martin – that’s all right.

Adjourn

Attest:

Chairman of the Board

JUNE 6, 2005

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, 2005 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 Marian Clayton, Deputy 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

Mark Bean, Don DeFord, Don Scarrow and Larry Mincer were present. The issue was a grading permit that Don believed was being held up due to the vacation of Jeff Nelson and Randy Withee. There was some confusion as to whether Jeff or Randy was on vacation or both and this needed to be cleared up. This is in regard to a pending application for grading that was submitted for review by Jeff Nelson.

Don stated they applied for a grading permit and ran into some hitches and they are trying to put a building up there and get a SUP and Building Permit. The grading permit was to be a simple process. Mr. Hackett provided them with the form then it was sent to the County Engineer, Jeff Nelson. Don spoke with Jeff and asked him why it was a concern. Jeff's concern is major cuts and fills and referenced Appendix J – in the International Building Code. This is on a flat piece of property. Jeff has reviewed 3 of the 4 grading permits before. Don wants to get the grading permit in order to go forward. The building is leased and if there's no activity on the property the future lessee has indicated he may move to a Rifle location and therefore this delay this would be a threat to their potential lease.

The grading permit is part of the process that everyone has to go through.

Don turned this in 10 days ago to Jeff.

Ed will check to see the status and advise Don.

COUNTY MANAGER UPDATE – ED GREEN

a. *Review of Household Hazardous Waste Event – Marvin Stephens*

May 21, 2005 Event yielded:

407 gallons of paint, varnish and/or stains

97 gallons of petroleum products, used oil

8 gallons of solvents, cleaners

2.5 gallons pesticides

6 gallons herbicides

8 batteries

10 gallons and 16 filters – other

8 boxes of misc. items (mixed assortment of aerosol cans, etc.)

31 vehicles came though with 4 no shows. Materials came from a total of 34 households.

26 people indicated they would be willing to donate \$10.00 and 3 stated they would not donate or would donate a smaller amount.

The average length of time stored was 7.25 years with a range of 2-3 months to 35 years.

Comments and suggestions from the public included: 1) advertise more thoroughly in the communities. 2) To have a regular (daily) of disposing of hazardous waste, even if there were a charge.

b. *Amend Water Supply Contract with Basalt Water Conservatory District – Mike VanderPol and Marvin Stephens*

This is to amend the existing permanent water supply contract to include additional points of diversion. Two (2) AF contracts to replace out-of-priority depletions associated with road maintenance activities was submitted. The additional locations provide for a more efficient and timely completion of road maintenance. Two of the locations are private ponds fed by surface water. GARCO represents that they have permission from the property owners to use these structures. \$400 fee and Road and Bridge have the funds in their budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the agreements; Houpt – aye; McCown – aye; Martin – aye.

c. *Consideration of Surface Use Agreement with Williams Production for Wells at County Landfill – Marvin Stephens*

Marvin Stephens, Mike Vanderpol and Don DeFord were present.

Doug Dennison presented the Surface Use Agreement with Williams Production for drilling 7 new wells from existing well pads within the boundaries of the West Garfield County Landfill. This SUA was originally presented to the BOCC during the meeting on May 9, 2005 and direction was given for Doug to discuss the planned wells so that any issues could be resolved. That meeting did occur and the only issue that was identified related to the County's plans to chip seal the landfill access road (CR 246A) from CR 246 to the entrance of the landfill. Due to the potential damage to chip sealed prior to Williams Drilling activity, Doug met with Scott Brady of Williams to discuss their willingness to upgrade the resurfacing of this road from chip seal to asphalt and provided Mr. Brady an estimated cost for this upgrade. These will likely be the last wells drilled and therefore Williams is not willing to expend the money necessary to pave the road. Williams did indicate they will pay for any damage caused to the new chip seal that results from their activities.

A correction in Item 6 of the Agreement would specify that Williams would either repair or reimburse the County for repairs to the chip seal surface on CR 246A that results from their drilling operations.

Commissioner Houpt – a problem as being the landowner and having no compensation.

Commissioner McCown explained that it was not on our land, they need to use the roads to get to their property.

Commissioner Houpt – still feels there needs to be a stronger commitment since they are using our road.

Commissioner McCown – it is a County Road and asked why she was concerned about compensation for use of a County Road.

Don – the correspondence indicates that the County is the surface owner for the location.

Doug put the letter together.

Commissioner Houpt – the letter before the Board indicates we are land owners. She will not agree to a surface use. This was tabled until more information could be obtained and Don has opportunity to review the lease.

d. *Request BOCC to add one more acre foot of water allotment from West Divide Water Conservancy District – Marvin Stephens and Mike VanderPol*

This is from Four Mile Creek at the Sonlight Parking Lot; CR 117 & Black Diamond Road where the creek crosses Cheyln Acres. Administration fee of \$250 and \$400 to add the acre foot and Road and Bridge does have it in their budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the application for the West Divide Water Conservancy District. Houpt – aye; McCown – aye; Martin – aye.

e. Recycle in Garfield County Art Contest Winners – Marvin Stephens

Marvin explained that about 90 kids participated; they narrowed it to 10 semi finalists and the two finalists were presented the awards. The posters were presented to the Commissioners – the winners were 4th Graders.

Grand Prize – Amelia Sudick and second place was Shawnee Young.

The kids and their parents were invited today but no one could attend. Carolyn stated that proper permissions of the kids have been obtained.

f. Proposed Holidays for 2006 – Patsy Hernandez

The list of proposed holidays was presented to the Board:

Monday, January 2, 2006	New Year's Day
Monday, February 20, 2006	President's Day
Monday, May 29, 2006	Memorial Day
Tuesday, July 4, 2006	Independence Day
Monday, September 4, 2005	Labor Day
Friday, November 10, 2006	Veteran's Day
Thursday, November 23, 2006	Thanksgiving Day
Friday, November 24, 2006	Friday after Thanksgiving
Friday, December 22, 2006	½ day for Christmas Eve
Monday, December 25, 2006	Christmas Day

Patsy explained why this needs to occur at this time saying they are now prepared for the accounting/human resources information into the New World system that will allow us to use the position budgeting segment of the HR modular for the budgeting of our Personnel costs. One of the things that has to happen is our HR staff need to go in and put in the calendar for the year and this needs to include the 2006 holidays. These are the standard holidays we've had based on the 2000 calendar year. She asked the Board to review and approve the schedule for the holidays for 2006.

Commissioner Houpt wants to add Martin Luther King Day and hopefully this will be added in the future and recognize the holiday and the significance of that very important contribution.

Chairman Martin noted that the survey was presented to the County staff and it was a majority vote not to include Martin Luther King because another holiday would have to be eliminated.

Commissioner Houpt did not agree that this was a vote of the entire staff of Garfield County not to do that.

Chairman Martin – agree or disagree, it was and we will honor that vote.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the 9.5 holidays as submitted by Patsy. Houpt – aye; Martin – aye; McCown – aye.

g. Olsson Release to Contract 3 – Brian Condie and Peter Muller

Peter Muller, John Savage, Brian Condie and Carolyn Dahlgren were present.

This modification adds an engineering work associated with paving of the T-Hanger area and the modification adds \$16,450 however we estimate the project cost to the County will be approximately \$112,000 for the County costs. Per discussions with the Board in a prior meeting the Board agreed to pay its share of this improvement upfront rather than have the lease payment credits to the developer over an extended period of time.

We just received \$153,000 that was being held by the financial institution for our COPS funding so that capital money is available if you want to use that for this project or we can take it out of the general fund. Ed asked for direction on how to proceed financially.

Brian – a housekeeping item, the last time we met we talked about the contract between Olsson, CRT and the County and those documents have been executed on their part and are here before the Board today. Now we can move into their release to contract No. 3 which is before the Board at this time.

Carolyn – reminded the BOCC that amendment No. 1 Professional Services Contract, Independent Contractor in the Board's packet, is the action the Board approved on May 2, 2005 and it gives permission for there to be subcontracting between Olsson and ERTC. In the first paragraph she pointed out that each subcontract that exists between those two entities will become an Exhibit to each of the Releases to Contract so at each and every point the BOCC has the opportunity to approve or deny the subcontracting arrangement and we will have a complete paper track for our purposes as well as the Feds. They changed the contact person from Peter to Mike Yost.

Taxiway – Brian said all the players are present so the BOCC can make a decision and go forward. The Release to Contract 3 will be for the engineering for the project. The funding issues will need direction on.

Peter Mueller – explained the contract and addressed the cost which may be the most interesting aspect to the BOCC.

Looking at the total construction costs at around \$206,000, of which the County share, splitting it on an area basis would be \$108,000 and developer share about \$98,000. \$16,000 is for the engineering costs which will be split between the County and the developer on the same basis. That's a little more than 8% and includes about \$4,000 for construction engineering so the design engineering portion of that is a little over \$13,000 about 6.5% of the construction cost.

John Savage – Brian and Peter have been moving this forward and he said they are still committed to the project. The partners are still on board and they want to move forward on the project.

Advertising will start Wednesday, opening bids before June 28 and coming back to the BOCC the first meeting in July for recommendation of award.

Ed – general fund, year-end projection is \$7.8 million right now and the capital is less than \$5 million.

Commissioner McCown liked the idea of spending the COPS money that's being returned to the County.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve this Release to Contract and the Chair be authorized to sign and we fund this with the money being held by the financial

institution on the COPS fund as being the perk. Ed pointed out that we probably will have another requirement on that COPS funding to help pay for the security equipment for the Court but it won't go beyond the \$153,000; Ed thought it would only be about \$20,000. Houpt – aye; Martin – aye; McCown – aye
The Release to Contract No. 3 was clarified as being the entire project.

h. Core Services Plan Consideration and Approval – Lynn Renick

Diane Watkins and Lynn Renick submitted the plan.

Final budget plan was submitted as well.

Lynn stated that she was asking the Board today for consideration and approval for submittal of the plan.

Diane – changes they are working on are the home-based services. In-home therapy service like youth in residential treatment centers, working with families. No new positions are being requested at this time.

Lynn – TANF money is being used and they are taking a vacancy and switching it over and will be monitoring the contract. Home based services have helped cut back on out of home placements. Continuing with our fee for services for contracts.

Lynn feels fairly confident that this is the final budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve for signature and authorize the Chair to sign the final budget plan for the Core Services plan and the Chair authorized to sign.

This is the total amounts over \$430,000 and of that less the \$135,000 and \$37,500 which are regional; everything else is internal to Garfield County. In favor: Houpt – aye; Martin – aye; McCown – aye

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou Vallario stated that Governor Owens will be visiting here tomorrow with the Sheriff at 11:30 a.m. in the BOCC room in Courthouse Plaza. The focus is on Homeland Security. There will also be an editorial board review at the Glenwood Post.

Lou thanked the Board for allowing the improvements. It is great space and the remodel has improved their operations.

Animal Control Facility

Lou said they have backed away from the Animal Control facility until they have completed their evaluations of other facilities. Once they complete the visits to other locations, they will get back to the committee.

Art Contest

The Sheriff Department also held an Art Contest and the Highland Elementary School won. He plans to put the art on poster board along with the prizes and hang in the lobby of the Department.

Ed stated that Green Acres will feature these winners.

Lou said this is a yearly project and eventually he may let someone paint their entry wall along with monitoring the criteria.

Club Scouts – the past weekend Lou attended the annual 2-day camp and taught 6,000 kids about gun safety. These were 8 – 12 year olds.

Restructuring MAC – Public Safety Council – the object of MAC is to be a multi agency group and they are broadening the responsibility and making this into a resource group. Reframed and not just county players but others are in it as well. The object of the MAC is to make this into a multi-agency group that can make decisions for or on behalf of their government entity or private business whatever as far as financial and then also provide resources or know where to get resources, so the prime example of MAC would be we have three situations going on in Garfield county – a fire, a flood, and a hazmat spill all in different location. The MAC would be formulated with a base of main players, a designate from the County and other players, this group would come to the MAC and say what they need. It's up to that MAC to allocate the resources and the true idea of a MAC is a resource group. The other part of that is the demobilization of and the paper work in finishing after everyone is done putting the fire out, cleaning up the flood, etc. So Lou wants to make sure that everyone in that MAC is aware of their part in the cleanup as well. Also a financial person in there as well to make those finances rather than go back and recreate that. Chairman Martin noted the MAC would still need a Declaration on Disaster and this would be handled at the County level by the Commissioners so they can proceed to the State level, etc.

NICMS (National Institute Compliance Management Structure - which is an ICS – a broader base type program.

Lou said they require that certain people be NICMS compliant for future funding and participation. Jim Sears is obtaining training on the Internet, provided it to all the safety council and encouraging people who work with the respective agencies to go and get the training as well. This is leaning toward the goal of getting several people NICMS compliant, ICS training in order to form the two group command structure system so we can basically bring enough people together regardless of what it is. They are headed toward this goal in the Public Safety Council.

Courthouse Security Issue

Lou will present this next week, and Ed mentioned the additional \$153,000 freed up from the COPS and the jail so the Commissioners are receptive to using the funds \$108,000 for the Airport Taxi-way.

The equipment we're looking at for the Courthouse security is about \$20,000. Lou will have this in the Board's packet for next Monday. Its two fold - basic equipment and some security personnel to run the equipment. Pitkin County has an x-ray they haven't utilized at their airport because the airlines brought in their own equipment and they are willing to give this to us. Jim Bradford and Lou will be checking this out to see if it's anything they'd be

interested in. They are donating the equipment. They will be looking at entrances that will be secure, those open, how to read magnetic cards, cameras, etc. for a better level of security for the entire building. Ed mentioned that one of the big concerns in the employee survey was security particularly in the Courthouse. Lou – statutory requirements he has to provide courtroom security for the judges; the way the Courthouse is designed with Courtrooms on 3 of the 4 floors it would actually be more expensive to security them to a higher degree with electronic equipment than if we just do the whole building. All the tenants will feel more secure.

Lou said his staff is adequate and they are moving forward. The investigation on the hunter shooting of Mr. Garrett is being coordinated with CBI and they are trying to recreate some situations. The family and friends have been wonderful to work with and very cooperative.

COUNTY ATTORNEY UPDATE – DON DEFORD

- h. Executive Session: Litigation Update; Legal Advice – updates OGCC, Petrogulf, Presco; DDA Case and legal advice; CR 249 and advice scheduling Roan EIS. Carolyn – update on the Meeney litigation; a possible zoning violation; McCarney.*

McCarney issue will need Mark Bean and Randy Russell on the Roan EIS.

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. County Road 109 Retaining Wall – Authorization for the Chairman to Sign:
Temporary Construction Easement and Agreement with Shannon D. Voorheis
Temporary Construction Easement and Agreement with Walter A. Stowe
Temporary Construction Easement and Agreement with Walter A. Stowe*

Don submitted the agreements and stated that the agreements have been signed by Shannon and Walt Stowe. These projects are in the budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Temporary Construction Easement and Agreement with Shannon D. Voorheis Temporary Construction Easement and Agreement with Walter A. Stowe and the Temporary Construction Easement and Agreement with Walter A. Stowe. In favor: Houpt – aye; McCown – aye; Martin – aye.

Action:

Intervention on Barrett Resources

Don stated that Doug Dennison, the oil and gas auditor has informed Don that Barrett Resources have filed for drilling in the vicinity of the Swartz well and that is the very general vicinity south of Silt in an area that is currently within a buffer zone established as against EnCana's drilling activities. This may take either the form of a petition for increased well density that is going from the usual 40 to 10 acre downhole spacing which we've seen before or it could be actual permits that they've obtained for increased density and Don needs to find the actual application. In any event out time frame is short because if this is going to be heard in a public meeting it will be July 11th or 12th in Rifle by the Oil and Gas Commission so Don asked for direction from the Board in order for us to intervene if that's your desire and also to have Dr. Thyne proceed with his evaluation of the proposed activity.

Commissioner Houpt put a motion on table that we intervene in Barrett's application to give us the opportunity to be a partner in sharing knowledge on what their plan is and what the density is going to be and any other studies that have been done in the area.

Commissioner McCown – seconded.

Discussion

Commissioner Houpt – the reason I'm suggesting this is because it is in the Divide Creek area within the moratorium area that was just established for EnCana after the Divide Creek contamination but we're talking about an area that we have known development problems and I think it's important for us to make sure that we have an independent opinion on what type of density is safe in this area and whether there are any other concerns that may be brought forward because of the geology of the area with the continuation of drilling and for that reason I'm making the motion that we do intervene so that we have the opportunity to bring forth our own separate evaluation of continued or the restart of drilling in the Divide Creek area.

Commissioner McCown – I would like to give time for Dr. Thyne to review this and the only reason I seconded the motion was to allow for that time frame. I would hope that we have the foresight that if our expert witness comes back with the information that he feels comfortable that drilling can go forward in this area, especially since the furthest penetration inside the two-mile radius that does not even apply to this company is 1500 feet; I think it's ludicrous to move forward with a full-blown intervention. The only reason I would support it at all is to give Dr. Thyne time to review the information but I would surely hope we would withdraw that intervention prior to the hearing if he is satisfied that it can go forward safely.

In favor: Houpt – aye-McCown - aye; Martin – aye

Heads-up:

Chairman Martin stated that Bill Barrett and Williams Energy submitted another 10 to 15 request for signature on oil lease rights that the County does not hold.

Don will include these to his notice to them.

COMMISSIONER REPORT

Commissioner Houpt – John and Tresi are very involved with the County and National Organizations and there was a Western Interstate Meeting in Tacoma, WA week before last and items discussed included transportation, energy, public lands and it was regionally oriented and very worth while session. On May 31st – attended a design meeting with School District and the Library – RE-1 School District has asked the County Library if they are interested in

looking at how they could design a joint facility at the Glenwood Springs High School and the architects involved have brought forward some success stories around the country which hadn't happened the last time we talked about this several years ago and it's a very interesting discussion and she also attended the Library Board and they want to continue the discussions to see if logistically and fiscally it could work out well to have that partnership. She personally thinks it's a great effort to always try to partner so that resources can be shared. The question is can you share those philosophies because school libraries are different from public libraries but they've also come up with a way to create that separate but together scenario. It would address the Library's 20 year need if they did it. Had a meeting in Kremmling, a group of counties and communities got together to chat with Moffatt about a Theatre County for a resort area and the potential of doing a regional study on how best to develop economies in that scenario through Rural Resort region. Colorado Counties Inc. Summer Conference starts today and goes through Wednesday. Noise Regulation Committee meeting at the Oil and Gas Commission on Thursday in Denver, where they will be hopefully finalizing the recommendation for an updated regulations on noise impacts with oil and gas activity. Commissioner McCown – 24th May he represented Garfield County at the EnCana CMC award ceremony; on Thursday the 26th a Com Board hearing; Wed. Special Meeting BOCC June 1st; Thursday was the Northwest Oil and Gas Forum; this week – Tuesday, the Homeland Security at 11:30 a.m. at the Courthouse Plaza; and Friday, a Club 20 in Gypsum

Chairman Martin – trip to Tacoma and did interface with local government that are in Washington on how public lands have affected their economy; how the timbering has been brought to a haul and how they expect to survive as well as what the national parks are doing to the communities drying them up being only open 4 months out of the year; field trip to Mt. Rainier as to how it affects folks and inspected the tremendous amount of acreage allowed by the spotted owl group. All this acreage set aside and no spotted owl has been seen there. Moab and met with the Grand County Commissioners there on the same type of an issue– on how to interface with BLM in reference to a mixed use of public lands and fee area run by the County as well as the Landfill that is owned by the BLM but run by the County and that affects their economy and how well the partnership works; and bringing that back on cooperative agency status between BLM and local governments – it seems to be working quite well. We also had a Special Meeting on June 1st which we discussed Petrogulf and also Presco and took decision on that and we withdrew from the Petrogulf intervention however we're still holding firm to our position on Presco but was rejected by the company but will find out from there. The 7th of June, Governor Owens will be here and the public is welcome. On Thursday, the ITPR discussing the restructured priorities of the transportation issues in Eagle at 8:30 a.m. Dinner with COHERA tonight.

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 Elk Springs Subdivision Exemption Plat. Applicant: Elk Mesa Properties, LLC. – Fred Jarman
- f) Authorize the Chairman to sign the Exemption Plat for Parcel 3, West Elk Creek Ranches – Mountain Parcels. Applicant: Timothy Jenks – Fred Jarman
- g) Authorize the Chairman to sign the Resolution of approval for a Special Use Permit for Storage, Processing, and Material Handling. Applicant: EnCana Oil and Gas USA. Inc. – Fred Jarman
- h) Authorize the Chairman to sign the Resolution of approval for a Special Use Permit for a Pipeline across the Anvil Points Landfill Property. Applicant: Williams Production RMT – Fred Jarman
- i) Authorize the Chairman to sign the Resolution of approval for a Zone District Amendment of the Anvil Points Landfill Property from Open Space to Resource Lands (Gentle Slopes & Lower Valley Floor). Applicant: Garfield County Board of County Commissioners – Fred Jarman

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

REGULAR AGENDA

PUBLIC MEETING: CONSIDERATION AND APPROVAL OF RESOLUTION VACATING PORTION OF PUBLIC RIGHT OF WAY ON COUNTY ROAD 352 AND ACCEPTING QUITCLAIM DEED AS NEW PUBLIC RIGHT OF WAY FROM TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Don DeFord stated by way of cleaning up right of way issues this had to go the Tri-state Generation and Transmission Association. This dates back to last year in the vicinity of the Airport. This deals with a very small portion of right of way just several square feet actually but it had to go through the Tri-state bureaucratic system. Staff's been cooperative.

Don would like authority for the Chair to sign a Resolution vacating necessary right of way and accepting a deed for right of way we used in construction of the road.

Commissioner Houpt so moved; Commissioner McCown seconded; Houpt – aye; Martin – aye; McCown – aye.

PUBLIC HEARINGS:

CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION.

APPLICANT: DANNA B. KNOX – FRED JARMAN

Fred Jarman and Larry Knox representation his wife Danna B. Knox and Carolyn Dahlgren were present.

The noticing requirements and submittals were reviewed and determined to be in order therefore the County Attorney advised the Board they were entitled to proceed. They own 3/5th of the mineral interest and he admitted he did not send notice of the other 2/5th owners. Purchased the property in 1956 and the previous owners kept the 2/5th. He did make an attempt to verify the mineral owners. Latham's were one but the minerals have been separated into 10^{ths}. Folks within 200 feet he noticed.

The Commissioners noted the exception but also noted there was an attempt was made.

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, as amended; Exhibit E - Garfield County Subdivision Regulations of 1984, as amended; Exhibit F – Staff Memorandum dated today; Exhibit G – Application Materials; Exhibit H – Memorandum from Road and Bridge Department dated 5-10-05; Exhibit I – Letter from the Grand Valley Fire Protection District dated 5-31-05 and Exhibit J – Letter from Luke and Kimberly Gross.

Chairman Martin entered Exhibits A – J into the record.

This is an exemption from the definition of subdivision for a 35 acre parcel split by CR 306 (Wallace Creek Road) and the applicant requests that the Board acknowledge that CR 306 has effectively split the parcel into two lots which is allowable through the Subdivision Exemption process. This parcel is located southwest of Parachute which is currently split by CR 306 leaving approximately 29.3 acres (Lot 1) on the north side of the road and 6.4 acres (Lot 2) on the south side of the road. The property contains moderate to steep slopes. Proposed Lot 2 has been improved by a driveway off of CR 309 that serves a cleared building site.

As it is presently configured, the property does not qualify for any more splits by way of the traditional exemption process. However, this regulation also allows the Board to approve the creation of a parcel if 1) separated by a County road and 2) the County road prevents joint use of the property. In this case, a County road does physically split the property into two parcels and the County Road and Bridge Department prefers that no additional cattle guards be installed in CR 306 making road maintenance problematic which would mean that the two parcels could not be grazed as on parcel for open range grazing. Lot 2 has recently been fenced which precludes cattle grazing across the County Road which is consistent with the policy of the Road and Bridge Department.

Staff agrees that the two tracts now function as two separate parcels where Lot 1 is grazed and Lot 2 is not thereby meeting this qualification and is also consistent with previous determinations of the Board on similar situated/configured parcels.

Michael Knox, nephew of Danna Knox recently received a similar exemption.

Exhibit J – support for this exemption.

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 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. The Applicant shall obtain driveway / access permits from the Road and Bridge Department for the existing main driveways to Lots 1 and 2. Any necessary physical improvements required as part of those permits shall be constructed prior to the signing of the final Exemption Plat.
4. 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;
5. 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 that demonstrate the following points:
 - a. 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;
 - b. The water quality is tested by an independent testing laboratory and meets State guidelines concerning bacteria and nitrates.
6. 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 defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
 - 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.
7. The Applicant shall comply with the recommendations of the Grand Valley Fire Protection District which includes, but is not limited to, the following:
- a. The Applicant shall provide a 1,700 gallon underground water storage tank to be located near the proposed house location for Lot 2 fire protection purposes and such tank shall be constructed as part of the building permit for a residential structure and which tank may also be integrated into the domestic water supply for the residence;
 - b. The District already provides water from an existing 9,000 gallon tank located ½ mile from the proposed subdivision which will provide additional water;
 - c. The Applicant shall locate a 6,000 gallon tank on Lot 2 that will be maintained by the District for fire suppression purposes and access to the tank shall be made available to the District for this purpose;
 - d. As far as access / egress requirements & defensible space, the Colorado State Forest Service has recommended using the NFPA 299 standard, Protection of Life and Property from Wildfire.

Fred pointed the Conditions - the soils in the area tend to be a shrink/swell kind of soil and are similar to the direction the BOCC gave the other Knox relative who was in here about having the foundations and septic systems be put in with some engineering. The fire protection district and the applicant have agreed to a plan and have signed off on it and was submitted with the application that Fred highlighted on page 8 – No. 8 a and read the condition into the record regarding a 1700 gallon underground water storage tank for that fire protection purpose. Fred suggested that the installation be deferred until the house is actually being constructed so that they will know the location of the house and where the tank would be relative to it. Should the BOCC approve this request, Fred suggested that this be a condition of building permit issuance rather than as part of this application.

On the well, Fred pointed out that because there isn't any development going in on the smaller lot, Lot 2, we typically have on the plat an easement that would describe where the line goes to the well so they can get water to whoever owns Lot 2 in the future and also suggesting this as a condition that right now with the utility permit that some kind of conduit be put underneath the road so the physical line can go in now rather than put that off into the future.

Carolyn – by putting the conduit under the road there is an assurance of this being available for the lot.

Commissioner McCown – under the fire protection plan recommended by Grand Valley, the two units, 1700 gallon underground and a 6,000 gallon tank on lot 2, both are required. The water for the 6000 tank, will this be maintained by the fire district?

Mr. Knox – this was his stipulation because he did not want to be responsible for the water supply and for maintaining it. They agreed this was a very adequate request.

Commissioner McCown – second question – can this 1700 underground water storage tank be a part of the domestic water system for the home – a cistern or a reserve that the well can pump into and keep this amount of water and keep the shallow pump into the house?

Fred – yes.

Mr. Knox – that's the plan. One comment the water line is already installed from the well, it's already on the plat, and it is surveyed into the plat, surveyed when he had the plat done by Sam Phelps and the water is already there and on the existing property. There was already an existing water line under the County Road that's been there since the early 80's when this lot was developed originally and EnCana did an application and received a driveway cut and installed the conduit under the road for the water line.

Commissioner Houpt – at what point would you require retesting of the well? It's been 7 years.

Commissioner McCown – there are 2 parts that have to be retested under this condition.

Fred – with regular subdivision we typically like to see within 2 years the pump test; the only test we have is 7 years old for this well and it meets all 5 of the 7 general criteria we usually use. A new test – there is not set time frame – this is an exemption and up to the BOCC.

Mr. Knox – the well has been pumped extensively to flush it and clean the well and this is all it's ever been used for since – no other purpose. Doesn't think there's any problem with the pump test but does agree with the water testing which he's never had done.

This well will serve both lots – Fred included a well sharing agreement, para. 2 page 6; condition no. 2.

Commissioner McCown – we can strike Condition No. 6.

Mr. Knox – on the septic requirement as this lot has an existing 3- bedroom septic on it that was installed in the early 80's and used for 6 months and never used again and it was county approved septic at that time and requested that he be able to pump that to expose it and clean it and if the report came back good on the tank, he be allowed to use this as a 3-bedroom septic. Fred – question about that – Mr. Knox is saying that the tank was permitted by the County?

Mr. Knox – yes, under DM Knox there is a permit and the permit and signed off is included in the information but it is not in service right now, they put the modular in their in the early 1980 – 1982, the well was no good, so they lived there about 6 months and moved off and it's never been used since. It's an existing septic that's been sitting there for that many years. The leach field is a prime concern since the system's not been used primarily. 6 months use on a 1,000 gallon tank and he will state his concern is that I do not ever use 1000 gallon tank only 1200 gallon tanks because they are more adequate but it was an approved system at that time.

Fred clarified that the tank was permitted by the County.

Mr. Knox – there is a permit and signed off permit but not in service at the present. The modular was put on the property in the early 1980's, the well was no good, and they lived there 6 months and moved off. This is an existing septic just setting there. The leach field is a prime concern with these systems has not been used but 6 months. This will be handled under the Building Permit system.

Fred was concerned about the next residential scenario comes up on this property and typically this will be handled under the building permit process to make sure that whatever the existing system there is checked for the residential use pumping into it.

Mr. Knox – in past instances being in the construction business, you’re required to pump the tank if the tank shows it has had minimal use and the tank and system are in good condition, the assumption is that the leach field is also in good condition. That’s why he is requesting to use it.

Carolyn – voiced a concern that he may not have a permit for the water line. She suggested it would be a good idea to review those to see what permission was obtained either by EnCana or for the Knox property a research issue.

Mr. Knox – they were road cut permits to install a conduit and didn’t think they were specific to anything; he will bring a copy in to the Building and Planning Department. There is no gas there; EnCana’s gas line is their main line coming off of wells up above the property. It’s like a 6” gas main line. There’s no gas service to this lot, all that’s there is the water line for the well coming across the road and that’s the only service going across the road.

Carolyn wanted to review the permits to see what permission was given to go under the County Road and if it said only if EnCana could do it or if your properties could be served.

Mr. Knox said they were just permits for EnCana to install the line; they stated that it was for them to install a line for water service across the road and that’s all they were for.

Commissioner McCown clarified that the water line is already installed.

Mr. Knox – it has existing since the early 1980’s. He had EnCana put the conduit in for an emergency measure in case something happened to the water line if it needed patching under the road. He asked them to put that in and EnCana did.

Commissioner McCown said if the water line has been under the road and has been there since 1980 something, he didn’t know what we’d need to require Mr. Knox to get a permit for.

Carolyn – as long as it didn’t say that EnCana can only put EnCana’s property in there.

Mr. Knox – one comment, even though he can still bore one under the road because he has an existing one under there now that’s in use currently, so if this happens to be the case and he can’t use the permit, he can bore one under it. It doesn’t eliminate his options to bore.

Commissioner Houpt made a motion to close the Public Hearing; Commissioner McCown seconded; motion carried.

Commissioner McCown made a motion to approve the exemption from the definition of Subdivision with conditions are recommending by staff striking No. 6. Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION.

APPLICANT: RICHARD AND KAREN RHOADES – FRED JARMAN

Fred Jarman, Barb Burwell, of Stuver, LeMoine and Burwell, Richard Rhoades and Don DeFord were present.

Don reviewed the noticing requirements submitted and determined to be in order therefore the County Attorney advised the Board 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 Subdivision Regulations of 1984, as amended; Exhibit E – Application Materials; and Exhibit F – Staff Memorandum.

Chairman Martin admitted Exhibits A – F into the record.

This is an Exemption from the definition of Subdivision (Correction Plat) submitted by Richard and Karen Rhoades.

On January 6, 2003, the Board approved an exemption for a property owned by the applicant with conditions. This approval allowed the applicant to create a total of 4 lots thereby exhausting their ability to obtain any additional lots by way of the County’s exemption process. Subsequently, the applicant satisfied the required conditions of the approval and then the Board signed the Exemption Plat and Resolution of approval on July 21, 2003.

Specific background for amendment.

In May 2003, (2 months prior to the signing of the Exemption Plat), the applicant transferred a 5-acre parcel to the City of Rifle (the Park Parcel). The deed was drafted as a transaction “in lieu of condemnation”. While the transfer of the park Parcel was statutorily possible and exempt from any county subdivision regulations it is still considered to be counted as 1 of the 4 possible exemption lots allowed to be created from 1 parcel as it existed in 1973. As a result, 5 lots were created from the parent parcel rather than 4.

As a practical matter, this appears to be a timing issue. Specifically if the exemption request was considered after the transfer of the Park Parcel to Rifle, the applicant would not be entitled to all of the parcels that were originally approved in January of 2003. Conversely, if the transfer to Rifle had occurred after signing and recording on the exemption plat, the County would simply not be involved in this issue as the transaction to Rifle is a statutory, not a County-created exemption.

Staff brought this issue to the Board on January 14, 2004 and the Board agreed that the applicant should submit an Amended Exemption Plat.

Recommendation:

Based on the fact that if the transfer of the Park Parcel occurred after the signing of the Plat by the board, the County would not have become involved in this issue and since the Park Parcel has subsequently been annexed into the City of Rifle thereby falling outside of County jurisdiction, staff recommends the Board of County Commissioner

Approve this application for the requested amendment to the Rhoades Exemption Plat with the following findings:

1. That proper posing and public notice was provided as required for the meeting before the Board of County Commissioners.
2. That the meeting before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that meeting.
3. That for the above stated and other reasons, the proposed exemption from the definition of subdivision has been determined to be in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.

4. That the application has met the requirements of the Garfield County Subdivision Resolution of 1984 a.a. Section 8:00, Exemption.

Mr. Rhoades –the BOCC be requested the parcel be annexed by the City and the park parcel was annexed and he recorded it making sure there was a

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 exemption and amended plat for Richard and Karen Rhoades as it has only been 2 years and 6 months since this started. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

**CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION.
LOCATION: 7950 CR 309 – RIFLE. APPLICANT: BARRY STAHL AND JODI PETERSON – FRED JARMAN**

Fred Jarman, Jodi Peterson, Barry Stahl and Carolyn Dahlgren were present.

The noticing requirements and submittals were reviewed and determined to be in order therefore the County Attorney advised the Board 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 Subdivision Regulations of 1984, as amended; Exhibit E – Application Materials; and Exhibit F – Staff Memorandum; Exhibit G – Carl Burnclaw – dated 5-20-05; and Exhibit H – Letter from Lisa Mancuso and David Martin dated 5-20-05.

Chairman Martin swore in the speakers.

Chairman Martin admitted Exhibits A – H into the record.

This is a request for a Conditional Use Permit for a Home Occupation in the ARRD Zone District. The applicant owns and operates “Outdoor Services” which is a service oriented business that specializes in week control and concrete landscape curbing. This includes storage of equipment and daily operations for Outdoor Services. The business operates from the middle of April through the middle of November with regular business hours between daylight and dark. Activities associated with the use may include loading chemical jugs or sacks and cement sacks on to trucks or trailers. No customers will visit the property as part of the use as there will be no sales occurring at the property.

The property is approximately 2 acres inside with access from CR 309 (Wallace Creek Road).

The size of the structure is on a 2 acre site. It appears that they can accommodate within the 15% of the two acres but the issue is the size and location. The property east is vacancy. The back of the property is close to the Mancuso resident. The height of the building obstructs the view of the Mancuso. Covenants were submitted with the letter from Carl Burnclaw and the intent was to keep the area Ag related but it does not prohibit or mention the proposed structure that is being proposed. Exhibit H – Mancuso and Martin talk about the obstruction on their view. This would not mean the property was rezoned. It does grant conditions on these types of permits if they approve them. Fred stated the applicants raised the question of zoning and he addressed their question if this would ultimately rezone the property – Fred explained that a Conditional Use Permit as being similar to a Special Use Permit where it’s a kind of rezoning where you’re adding, you can be permitted for additional uses that need review, it is a contemplated use in the underlying AARD zoning so there is not rezoning to a commercial general or light industrial or other kinds of base zoning districts, so in a sense a CUP would grant conditional zoning. The Board has the ability to place conditions on these kinds of permits should they approve them. A CUP is a use by right that the Board has the ability to place a condition on versus a SUP which they can also place conditions on but they can also deny that request. A CUP is not the same scenario.

Staff recommends the Board of County Commissioners APPROVE the request for a Conditional Use Permit to allow a home occupation for a property located at 7950 County Road 309, 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. The Applicant shall be prohibited from erecting any signage or lighting associated with the Home Occupation.
3. Only one delivery truck shall be allowed per week bringing supplies and materials to the property for the purpose of the Home Occupation. No other visitor traffic associated with the Home Occupation shall be allowed to visit the property.
4. All trailers, ATVs, skid mounted spray rigs that slide onto the truck and ATV's, materials and supplies associated with the Home Occupation shall be stored inside the storage structure.
5. The Home Occupation shall be permitted to occur from April 15th to November 15th and have regular business hours between 6:00 AM to 6:00 PM, Monday through Friday.
6. No sales (retail or wholesale) of any kind associated with the activities of the Home Occupation shall be allowed to take place at the property.
7. The Applicants (Barry Stahl and Jodi Peterson) shall be the only employees allowed to operate the business at the property.
8. The Applicants shall obtain a driveway / access permit from the Road and Bridge Department for the proposed improvements to the existing driveway as it connects to CR 309.
9. 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.
10. In the event the Applicant relocates the 3,024 sq. ft. structure on the property, the Applicant shall be required to submit a new site plan to the Building and Planning Department that reflects the change from its original location.

Fred reviewed the Home Occupation definition as when you operate a business that doesn't have any appearance of impact of a commercial use, it has to be similar to a residential setting. Fred reviewed the conditions with the applicant and the Board.

Discussion was held at length with the neighbors having a problem on the placement of the building. It is planned to be placed directly in front of their 99.9% living space and they object to this.

Fred – no maintenance was submitted as part of the application other than outside the hours of their operation.

Applicant: Barry said they do most of the vehicle maintenance on their equipment and on their personal vehicles such as change oil and need a large building for personal stuff and to include their business stuff it requires a fairly sizeable building.

Carolyn – the containment of the pesticides, is that something handled through the State and be licensed to have these chemicals?

Barry – yes.

Carolyn – does the State license require some kind of containment area for the chemical spills?

Barry – they suggest meeting with local fire department and going with their recommendation but none has been received. At his previous site they said there was not enough volume amount of chemical to even worry about it. With the chemical delivery coming on a weekly basis, it's used up very rapidly and very little stored outside. This would not be an increase. Delivery every week is just of the chemicals. No separate delivery truck bringing in the bags of concrete. That's something the applicant picks up and brings in.

Lisa said they had the Department of Agriculture inspection already this year and they have all the things this DOA requires, like spill kits and you have to have an absorbent, fire extinguisher and all the things required.

Public comments:

Dave Martin – representing himself and four other neighbors. Dave is the property owner to the south of the Stahl residence and all except Gaylord Rippentrop. He owns the property to the east and he has called us and asked us to represent him here today. Dave started with his list of concerns beginning with asking if the utilities were adequate to provide water to this. That was Mr. Rippentrop's issue of why he didn't want this to pass. He owns the 4 acres that border the Stahl's property and his plans are to build a home and retire there. His issue is that right now the well the Stahl's are using is on his land and it's a 9 to 10 gallon a minute well and they're entitled to half that share of water. So now we're looking if this passes he's going to running the Rippentrop household the Stahl's household and now a business on one well and we all know that the weed business means requiring water for filling storage tanks etc. Are we going to have a problem once everything is in effect with the water? Carl has all the paper work.

Dave's issue is No. 3 – minimizing the impact he is lucky enough to be the most significant impact to that property, the biggest concern would be the 3000 sq ft warehouse/shed. Basically this is the house he bought 12 years ago and just finished a major addition which doubled the size of his home and it's still not as large as a 3000 sq. ft.

warehouse. This is the same house right now and the whole entire design of this house with 8 feet windows off the kitchen and the deck all sit right above this projected storage thing. He had photos demonstrating his home. The Stahl's had a post up and a tree line of where the roof of the building is going to be just to get an idea of what he will be looking at in the future if this goes through. Basically the view will be reduced to the photo showing after the storage is built. The building they project too build is 25 foot high and 72 feet long. By the definition of this permit it cannot detract of the uses of residential/agricultural uses, does not create an appearance of a commercial use and again if a 3000 sq foot building doesn't scream commercial, someone please explain to me what does. This is country and it would be different if we were in the town of Rifle. People live out where we do to look out for the views and they're not there for the convenience, they know they have to drive 15 – 20 minutes into the town everyday, but the views are what make it all worthwhile. He's a UPS deliver and works 14 hours a day, the bills he paid for this home have sweat stains on them. When he goes out on his deck it makes it all worthwhile. There is an emotion thing here but most of all it's a financial issue – who will pay this kind of money when he goes to resale the house and they have to look at this storage warehouse. It has a negative impact and a negative appearance. This is not like Glenwood where storage, we have the new Airport business center down the road and is it unreasonable to ask they build in that area. The areas are all fenced. There are three warehouses for lease as well. This started back in March when they came to the neighbors and told them what they were doing. David Stahl told them this was to be a garage at first.

They do have a lot of stuff and agree they need a garage; all these trailers and trucks are in the yard. But when they told him where they were going to place it he told them he did object because they asked him if he did. He told them he doesn't object he just doesn't want to see it. It wasn't until they received the paperwork and saw the 42' x 72' and this blew his mind. He talked to real estate agents and asked if he was over reacting. He was told that this would be a negative impact to the resale of real estate. The paperwork related that Barry intended to put it in the same spot that Dave had said he would object to. Last night they tried to give them a heads up that no one in the area really agreed with this but most important the neighbor's main concern was the placement of this building and would they please consider moving it. If they moved it to the other side all they would be bordering would be the County road, but they felt that would bring their value down and impede their view. Dave made it clear that they didn't want to look at this big monstrous building no matter if it has a barn appearance and a metal roof or what, could you please move it.

Dave said they didn't have a problem with them making a living, they are good neighbors, so please just don't block our view. This is what the Stahl's want and there's no negotiation on the location. Dave has large windows in this view corridor and it impacts 99% of space they occupy when they are there. If the Stahl's aren't going to work with the neighbors on the big stuff why would they work with them on the little stuff - are we opening up a can of worms with this entire situation. Sure they have equipment located in their yard now but it's not in the view corridor. It's currently in an area where the Martins to do spend a lot of time.

Carl Burnclaw was the original owner of all this property and this may be his fault in selling off the parcels back in 1969 when he had to sell lots off to keep farming. He is very concerned that the zoning isn't changed to accommodate commercial use. He has no objections with spraying and cement business but this is zoned residential and agricultural. His concern that it's not passed on to another entity when the Stahl's are through with it and doesn't want a 7-11 sitting in the driveway. He had a telephone call from the Rippentrop's and they had one concern

and Carl passed it on; the present Levy well that takes care of those three lots including the Stahl's and the two that the Rippentrop's have is a well that produces a maximum of 10 gallons per minute and Mr. Rippentrop split it up between the two parcels and their concern is that there would not be adequate water to take care of this new proposal. When you cut it down to 5 gal a minute that is about household use and his concern is the water supply is not adequate. Please take this into consideration. Mr. Rippentrop asked the Board not to pass this until there was an adequate water supply.

- **Applicant: Lisa Mancuso clarified in the letter it says they have operating hours from 6 to 6 and wanted to make sure it was clear in her head that when that 6 o'clock hour hits and they are sitting out on the deck eating dinner – this structure will be right in their backyard. They are aligning it up that property line as close as they can and while they're out there spraying down their trucks from the days use and getting the chemicals loaded back up, my concern is that it's 7 pm. 8 pm and then what recourse we would have if that was happening. Once that warehouse is up, it's up – what's going to happen, are you folks going to come down and tell them they can't be doing that. Also, clarified that the CUP is very clear because that is their number one concern, we do not rezone for any business. They were under the impression that they are getting the special conditional use that has nothing to do with the land but has to do with the Stahl's. If they are responsible neighbors and business owners and they apply and adhere to all those conditions, it wouldn't be a problem but if that land is now going to be open when they move in 2 to 3 years and someone else comes in that isn't responsible what happens. This is a concern for all of them. She reiterated what Dave had said previously. Lisa summarized that if in this is allowed and they have the business access and allow them to put up the 3000 sq. ft. warehouse she implored the Board to have them move the structure on their 2 acres.**

Carolyn asked for clarification on the water issue. The applicants have made the representation to you that no water is needed for the proposed use but what she is hearing is that the chemicals are mixed with water, that the trucks and other equipment are washed down and we don't have the well permit in front of us to review and she has no way to make a judgment as to whether what they are doing comes within the amount of water allowed of a well permit for outside domestic uses and asked for the applicant to give us more information about that.

Chairman Martin – a shared use with three dwellings with livestock, irrigation.

Carolyn – it's hard to tell since we don't have the permit, it sounds like share with your neighbor so we don't have a copy of the well sharing agreement to see what uses were allowed in that as well.

Fred stated that was not submitted in the application but of course the other thing is the issue where no use of water was suggested in the application as being needed. The commercial use issue with too, the state views that differently too coming off an exempt well which is residential use only, so this is an issue.

Barry Stahl responded to the neighbors comments and explained the water issue. With the water this is a big issue, originally they wanted to put in a shop for personal use and a bathroom. He found out that is a big headache because in order to do that he had to get expanded use of the well even though there's no more people there but with the extra bathroom it would require expanded use of the well. Talked to Dwight Whitehead about that and they decided to abandon that idea. He did attempt to get a copy of the well decree and spoke with Janet of West Divide Water District and he was told to call the water court; he has the well number but doesn't have the well decree yet to see what the well is actually permitted for. He was also told that if they wanted to put a bathroom in they would have to buy extra water, if the well would even support that. As far as mixing of the chemical that's all done on site wherever they go. The trucks aren't washed down, the equipment is not washed down daily; they do wash their vehicles occasionally. With the concrete curbing we have a power washer we wash out the mixer at the end of the day and that's generally a couple times a week. There's no extensive water use there. Most of the water used for spraying application is picked up on site so we're not hauling so much weight around and most everybody has enough water that we can use. We spray weeds on a lot of ranches and park the truck there and use it as a base and run the ATV's back and forth. The size of the building seems to be a big deal and we have a lot of personal stuff also, a lot of wood working tools and they do a lot of fabricates of their own stuff, a lot of metal working tools, welders and 4 - 5 snowmobiles, a couple jeeps and we need a sizeable building just for that and then to keep this business equipment inside will require a big building. There are a lot of buildings in the area, barns, ag buildings of this size it's not a rural area, big ag buildings and this is what they are proposing. With the location of the building we're looking more at the overall impact of the neighborhood as a whole; the maps of the proposed location of the building was in the application. Their property is a pie shaped lot and he wanted to put the building in the back corner of that lot because it's the lowest elevation on their property so that the building will be partially into existing grade to get a flat building area and it will keep the building the lowest possible with the hillside and it won't be much above the existing vegetation with trees in the area and with it back in the corner when you're driving down the County road it will be less visible. Dave and Lisa came down and they talked and showed them where the building would be located, held up poles and actually the neighbors did not respond to that – they just didn't like the location of the building and didn't walk the property and looking at where the stakes were, holding poles in the air and looking out to see how high the building was going to be. One of the photos has a window blocked and not sure that was a fair representation of the building or not. This will still be ag/residential zoning and this will be a condition with that current zoning.

Jodi Peterson – when Dave and Lisa talked to them they were concerned about others coming in and operating whatever business and she agrees and would like it limited so they don't have to feel like we got this permit and they moved and then the people have something in that the neighbors don't like. She understands from the neighbors that they don't mind what they are doing with the spraying. They spray their own yard and some of the neighbors. They've run the business out of there for a year and they haven't offended anyone. If the location is a problem she would consider relocating and they don't know to where but originally they said they didn't want it to block their views and when we looked out their windows it wouldn't block their views. They didn't take that to mean we didn't want to look at your building, last night they so matter where they put it or what size of a building, they don't want to look at it. If we put it on the other side of the house or not within certain areas. She understood that today was not the location of the building but whether or not they could have their stuff there. They didn't know when they moved in

there that they needed a SUP to have business stuff there if they were conducting business on site. We're trying to fix that situation now. All the neighbors said it was fine if they run the business there so she is shocked to see that some are coming up with this as a problem.

Jodi stated they wash personal vehicles and wash the dirt off their equipment and trucks about once a month. Some places don't have water for one and if you do a job in town there is no place to rinse out your stuff. She takes a hammer and lets the concrete dry and beats as much as she can off and then basically rinse off the truck.

Commissioner Houpt – realistically there is a need for water on site.

Fred – if they're washing out their trucks, sprayers – is it's just domestic water use. If they are washing out the mixer and their work trucks in a commercial wash bay for example, so Fred needs to know exactly what water is being used.

Barry – said they have water tanks on the trucks and hooks the power washer up to the trucks and can use that water to wash the mixer out.

Jodi added that if needed to have an additional water storage tank.

Chairman Martin – this still changes the use of the water.

Commissioner McCown – if my math is right a 5 gallon a minute well equates to about 7200 gallons a day and this is well above our 350 gallon a day limitation we set on county residences, that's a pretty safe buffer and if it's legally adjudicated commercial use he didn't know but what they are doing washing personal vehicles or whatever is going to hamper the production of the other individuals well. Most well sharing agreements have meters on them so that you know how much you're using and he felt they would be hard pressed to use 7200 gallons of water a day.

Commissioner Houpt – but typically you look at that rather seriously when adding a new use that hadn't been anticipated.

Commissioner McCown – if they have two 50 gallon spray tanks if you use it twice a day you've used 200 gallon. Where the confusion here is the size of the building is being viewed as the cause of the business. These folks could build that building tomorrow to house their jeeps, snowmobiles, lawn and other equipment. The Conditional Use Permit allows them to conduct business on that property incidental to that building. I don't want to see neighbors falling out over building but that's what he sees developing here but you folks misunderstand the fact that they can build that building tomorrow. Whether the BOCC allows this use for a business is irrelevant to the size of the building. They can build the garage whatever tomorrow and if we allow the business to go forward, it is in conjunction with that building. The building is a use that can occur.

Commissioner Houpt – that one flaw she sees with our regulations actually because when we talk about home industries we talk about the need of the character of the neighborhood as well and I think you're as concerned about that as your neighbors are but when you bring in an industry with a building and placement that will truly impact a neighbor and they've been told the property value of their biggest investment then you're changing the character of the neighborhood that they relies on when they invested the money in their property. This is where I start looking at the difference in impact in different home industry.

Commissioner McCown – do you see it in the building or the business that the people are complaining about? It's my right to build a garage on my property.

Commissioner Houpt – regardless of the impact on your neighbors?

Commissioner McCown – as long as I meet the criteria of the Building Code, yes I do.

Commissioner Houpt – that's a shame that we're setting people up like that and not working, not putting things in place that will allow the character of the neighborhood to be maintained and won't impact other people's properties. And my hope would be that you would, really appreciate the fact that you said you wouldn't mind looking a moving the building.

Jodi said they have looked at several sites and trying to find that one that doesn't fit on top of our leach field and doesn't set of the lines and get one that doesn't. You see the huge shop and there's house or with the shop is was originally just for personal use, we just wanted to use it for our stuff, and then we were told we had to house all our other stuff in it all the time and then it was like well it's going to have to stretch out to here and that's fine and I don't want our house, we don't want it to look like we have a business there. A lot of people drive their company trucks home and most people would assume we just drove a company truck home; we'd like to keep it to a garage/shed, that's fine. I don't want the building to look like some big metal structure, but to look like an old barn sitting in there and it's just sort of been there. I want to keep it very rural, it looks cute, we're trying to keep as family oriented – we want it to look – if we ever move they want it where anybody who moves in there to not look like a business – not commercial.

David Martin – one issue – you can see out the window where they are keeping their stuff now and that's where they're doing the washing and all this water stuff and right now that's really behind out house and its not near our deck – our deck is 20 feet, 30 feet to the east of that so yeah we still hear this stuff but it's not nerve racking. When you move this where they want to move garage now, it's totally in our view, totally where our living space is and now that is where they're going to be doing the business, washing and maintenance and yeah it's a total different thing, if I thought all these trucks were an issue you would have heard from me a year ago or whatever, but like I said, this didn't become an issue until they wanted to move this business right in front of where we spend 99.9% of our time.

Barry – one comment about the photographs, the one that's been drawn on, that is not an accurate representation of where the shop is or the size of it.

David – they did the pole thing and they just said the 25 feet will be at the tree line so he just took a straight line across the tree line and like he said it's a pie shaped lot and not a perfect square, his property comes in at a diagonal in front of where we're at.

Barry said and they've colored around trees that are on their property.

Commissioner McCown made a motion 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 request for the Conditional Use Permit to allow the home occupation for property located at 7950 County Road 309 with the conditions 1 – 9 of staff. Commissioner Houpt were you going to be put anything in there for the chemical inspection

by the fire department. Commissioner McCown – he wasn't simply because if you go to the Grand Valley Fire Department and tell them you're going to have 2 gallon or Roundup and 3 gallon of 2-4D on hand do they need a plan and they're going to say no. Most farmers have that on hand at any given day. Commissioner Houpt seconded for discussion.

Commissioner Houpt said we have this opportunity to approve Home Industry in residential areas and most of us who purchase property in even a rural residential area, do so with the idea that it's going to be, that you'll be able to maintain the character of what you're buying into. And that's very important to people. I'm not seeing that this is going to happen in this application and I hope I'm wrong but I think this can dramatically impact your neighbors and there are substantial concerns, I hope that this is does pass that you'll keep the discussion that was had today in this meeting in mind as you move forward. I don't think that Home Industries should impact the character of a neighborhood. I feel very very strongly about that.

Commissioner McCown – well, what I've heard here today from testimony of the applicant and of the neighbors, everyone keeps referring back to the fact that they are good neighbors that the business has not caused a problem and I keep hearing that the building is the problem and that's the point I tried to make earlier irregardless of the Conditional Use Permit being approved today, for the conducting of this business, the applicant's can go home and build this building. So we are not disallowing the problem by disapproving the business because it is an approved use for an individual to build a garage or a barn in Agricultural areas on their land. And No. 7 in the conditions for approval clearly says that the applicant Barry Stahl and Jodi Peterson shall be the only employees allowed to operate the business at the property so I don't know if its enforceable or not but it does not sound like this would transfer with the property should the property sell. So it would only be these two individuals that we're allowing to conduct their spraying and their concrete business out of this building that they can have as citizens.

Commissioner Houpt – well I don't disagree that they could go out and build a building but they would not be building as large a building as they're asking for if they were just doing it for their own personal use. The size of the building has everything to do with the CUP because they want to use it both for their business and their personal use so what I do disagree is the impact of he building. It's a much larger building than it would be if it were just for personal use.

Commissioner McCown – but the important thing that you have to realize and it is allowed there is no restriction of the size of the building that an individual can build.

Commisisoner Houpt – but we've heard in testimony that it wouldn't be as big for personal use.

Commisisoner McCown – maybe not but it's still not restricted.

Carolyn Dahlgren – reading into No. 7 that this would be a personal permit rather than something that runs with the land, is this your motion that this is a personal CUP rather than a permit that runs with the land?

Commissioner McCown – my motion included all of the conditions as written by staff.

Chairman Martin – and from the applicant, they also stated that would be their request.

Commissioner McCown – they wouldn't want anyone coming in after them.

Carolyn – these were the representations.

Chairman Martin – that is the representation of the applicant.

Carolyn – the second thing is that we as a County issue CUP and SUP's based on a site plan and as you know if the building is not where it's represented to be that would be a violation so if you are considering, again based on the representations, that the site plan might allow the building to be placed elsewhere, I would ask that if that happens they file an amended site plan so that the Building and Planning Department would know where the building is appropriate and if you are giving them the approval to place it someplace else because that was their representation not something that was included in your motion.

Commissioners McCown – I would certainly encourage them to negotiate with their neighbors to find something that is compatible to all but I don't want them to have to reapply for a new application just to get an amended site plan.

Carolyn – exactly that's why I'm asking.

Commissioner McCown – Yes.

Chairman Martin – that's why it must be the ability to go ahead and relocate that building outside the view shed of the neighbors.

Commissioner McCown – I'll add that to encourage the location of the building prior to issuance of the building permit.

Commissioner Houpt agreed to that amendment.

Chairman Martin – that would be a strong request to make sure the site location of the building be compatible to the applicant and also to the neighbors. Compromise. I think that's where you're headed.

In favor – Martin – aye; McCown – aye Opposed – Houpt aye

Chairman Martin – understand that I'm not saying it's a perfect location for your building, I think you need to move it but that's going to be between you and your neighbors, which you do have the right to build the building, just be sensitive to the neighbors please. David – you have the right to do that on your property as well, you have the right to a CUP if you come in with a home occupation, go through the same process as Mr. Burnclaw and everybody else around you, you can't stop it just because you did it because those are implied uses with the ARRD zone.

Thanks for only limiting it for only you and it goes away when you're out of the business according to this and nobody else can do that on that property unless they apply. Please work with your neighbors, they have a major investment as well.

Barry – and if we move the site of the building we need to file an amended site plan.

Chairman Martin - Yes – you would just show where the building would go.

Commissioner McCown – it would be administrative, and not require a new filing.

DISCUSSION OF THE 1ST SUPPLEMENT TO THE 2005 APPROVED BUDGET AND THE 1ST AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Patsy Hernandez presented the publication and Don advised the Board they were entitled to proceed,

Chairman Martin swore in the speakers.

Exhibit A – asking approval to move the budget funds from the contingency. Each employee’s annual increases – moving from contingency to individual budgets.

Also – PAR forms that include promotions, etc. vacancies, and employees that left employment and those hired to replace the employee.

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

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

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the 1st supplement to the 2005 approved budget and the 1st amended appropriation of funds. In favor: Houpt – aye; McCown – aye; Martin – aye. Patsy alerted the Commissioners that next Monday she would submit the Department of Social Services forms.

Richard Wheeler – New Planner Building and Planning – Richard has been on board for a week. He is formerly from Montrose, Colorado.

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

ADJOURNMENT

Attest:

Chairman of the Board

JUNE 13, 2005 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 13, 2005 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were 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. OXY USA WTP LP Application for 10-acre well spacing – Doug Dennison

Doug Dennison submitted the communication from Bill Keefe of Poulson, Odell and Peterson, LLC. in regard to the application filed on behalf of QXY USA WTP LP for a hearing in July 2005. This is for 10 acre spacing and they own the mineral. This is to make the Board aware and to discuss if they want to take any action.

Commissioner Houpt has a growing concern about the density and companies are looking at or beginning to use and that’s the drill rig that allows you to have even 640 acre spacing with 10 acre downhole. Do you see that as a wave of the future or just a couple of drills showing up in our County?

Doug said it will depend upon how the first ones work out. We should see a first of the Italian rigs in our County is the near future. There are some rigs similar to the ones that Williams has ordered that they will be receiving this fall that are actually working in Rio Blanco County for Chevron/Texaco. He wasn’t sure of the spacing; they may be using those drills in the traditional manner and pushing them to their capabilities.

Commissioner Houpt would like to see the oil and gas companies look at this new technology.

Doug felt there is more emphasis on these newer rigs. There are at least 2 or 3 of the Italian rigs that on their way here, Williams has order 10 of the new rigs and a couple of companies have gone to China to look at some similar rigs over there.

Commissioner McCown – the emphasis is downhole and 10-hole is a statewide spacing for rigs.

It would be difficult for him to 64 wells on one pad and the amount of traffic that would generate with downhole spacing, that pad would probably need to be 20 acres. This is not out of the ordinary and they own the minerals. He would not be in favor of intervening.

Commissioner Houpt heard that it wouldn’t require that much acreage so she favored doing research.

Commissioner McCown – for 64 wells on one pad – they have to have a minimum of 15 foot spacing between them on the surface so doing the math. . . .

Commissioner Houpt – there’s also the philosophical question of whether it makes sense to get every ounce of natural gas if it’s going to in the long term impact the more sustainable economy in Colorado. That’s a different topic for another day. But this type of applicant really triggers that for me.

Commissioner McCown – I don’t personally do not find this application out of the ordinary, they’re on their own property and I don’t choose to take any intervention action.

Chairman Martin – I don’t either but I have the concern the next subject is going to address it a little closer and bring more information to light so that we can share that with the rest of the State of Colorado. We need to put our efforts

in that – I don't see anything out of the ordinary in the request – it still bothers me that we have so many going in, still the impact that the citizens have to bear.

Commissioner Houpt – It's not out of the ordinary and that's the problem – I don't think 10 acre spacing should not be everywhere in Garfield County or in all the areas where we have natural gas in Colorado and so I have to make that statement every time you bring that in front of me if we're not going to challenge it. I think it's important that it stays on the radar and the State knows that there are important economies that are being impacted.

Chairman Martin – okay, we find that there are no challenges and that we have do a majority of the Board so that we won't challenge this particular one, we're still not pleased that 10 acre spacing.

Doug – we will see more of these.

Chairman Martin – we have challenged this and have lost.

b. Recommendation of Contractor for Hydrogeological Characterization Study – Doug Dennison and Tim Arnett

Doug Dennison and Tim Arnett submitted the request for proposals (RFP) they obtained for performance of Phase I of the Hydrogeological Characterization Study for Garfield County. The primary objective of this study was a comprehensive investigation of the ground water and surface water resources of an area within Garfield County and an analysis of their vulnerability to impact from natural gas exploration and other human activities. The study area included most of four (4) townships south of Silt and Rifle, Colorado (6S92W, 6S93W, 7S92W, AND 7S93W). The study focused on the hydrogeology of the Wasatch Formation, in which most water wells are completed, and the surface water resources of West and East Divide, West, Middle and East Mamm, and Dry Creeks and the ground water in the alluvium adjacent to these.

Doug described the eight tasks of the study:

1. Regional Hydrogeology of the Wasatch Formation;
2. Regional Hydrogeology of Surface Water and Ground Water of Adjacent Alluvium;
3. Hydrochemistry of the Wasatch Formation, Surface Water, and Adjacent Alluvial Deposits;
4. Regional Geologic Structures
5. Compilation of Oil and Gas Well Data;
6. Analysis, Interpretation and Synthesis of Data;
7. Recommendation for Phase II; and
8. Public Outreach

The team is made up of: Doug Dennison, County Oil and Gas Liaison; Debbie Baldwin, Colorado Oil and Gas Conservation Commission Environmental Supervisor; Dr. Geoff Thyne, Colorado School of Mines, Consultant to Garfield County; and Orlyn Bell, Representing the Grand Valley Citizens Alliance.

The evaluation team members used a Vendor Evaluation Form and assigned individual points in the following areas:

- Professional Qualification;
- Past Involvement with Similar Projects;
- Project Understanding and Approach; and
- Project Costs

The ratings will be a possible 170 points.

After tabulation of the above criteria and discussion among the Selection Committee members, a request is submitted to the County Commissioners for a recommended award and contract in the amount of \$174,500 to URS Corporation who ranked points of 154.50 out of the 170 points.

URS Corporation was one of nine (9) bidders that included: URS, Arcadis; LT Environmental; Martin and Wood, Walsh, ERO Resources; RMC Consultants; Geomatrix; and Hydrogeological.

The public outreach/communication with Garfield County includes an important investigation of the ground and surface water resources and their vulnerability to human activities. A well managed public outreach program will help support this effort by providing the public with information to increase their understanding of relevant issues and to enhance the County's responsiveness to their constituents.

URS is aware of the continuing discussions between the citizens, the county, the COGCC, and the oil and gas industry regarding industrial activities in Garfield County.

The public outreach activities include the following activities in their scope of work for this project:

- ✓ Limited phone survey
- ✓ 1 public kickoff meeting
- ✓ 1 public final presentation meeting
- ✓ 1 meeting with Garfield Energy Advisory Board in Rifle
- ✓ 1 meeting with COGCC in Denver
- ✓ Monthly status reports to be posted on the GARCO website
- ✓ Webpage link to county website
- ✓ 5 copies of draft report
- ✓ 20 hard copies of final report, and 100 CD-ROM copies

Discussion:

Commissioner Houpt was very impressed with the materials received by URS as well as the staff information. There are some real solid recommendations.

Jesse – is the Board approving this directly or permission for entering into a contract with URS.

Doug stated there are no surprises in this contract and they are anticipating that the Board will award the contract today.

Don suggested since the oil and gas holds the purse strings on this and suggested any motion to approve first of all be made subject to any required COGCC approvals and then if there aren't any that's fine, then to the question that Jesse was going toward, are you making a final recommendation today or are there any further negotiations or questions that need to take place.

Doug clarified this is a final recommendation today.

Commissioner McCown – the \$174,500 is a not to exceed.
URS officials were introduced. Stewart Francon, regional director for oil and gas services with URS out of the Denver office and Mark Leverison, senior geologist with URS.
Commissioner Houpt reiterated the importance of this project and appreciates the way they plan to approach it. We're looking to you for some real assistance in putting this together.
Chairman Martin – hopefully we can share with the State of Colorado to bring some awareness to the project.
A motion was made by Commissioner Houpt to approve the award on the RFP for the Corporation for the Hydrogeological Study for Garfield County to URS Corporation in the not to exceed amount of \$174,500;
Commissioner McCown – should we include in that motion that this is for include Phase I of the award, and
Commissioner Houpt – did I say subject to GOCC approval. Commissioner McCown – second. Houpt – aye;
McCown – aye; Martin – aye.

c. BOCC Request for Policy Addition – Judy Osman

Judy Osman submitted the policy stating it has been distributed to Department Heads and Elected Officials. The policy is acceptable to all except the Treasurer.

2.12.4 – Request for Inclusion of Documents in Personnel Files

Employees may submit lists/certificates of training or continuing education courses in which the employee has participated, as a student or presenter, to their supervisor. Upon approval by the department head and supervisor, the list/certificates may be submitted to Human Resources and shall be included in the employee's personnel file.
When letters of commendation are received by the County regarding an individual employee, such letters shall be forwarded to the department head or elected official. The department head or elected official has the authority to decide whether the letter should be included in the employee's personnel file located in Human Resources. Letter of complaint are covered in Section 5.08, below.

Discussion

Commissioner Houpt sees this more of a procedure rather than a policy and has trouble seeing this type of classification. It is typical to have this as a policy rather than a procedure.

Judy clarified that this is the procedure the HR has been following and this was completed at the request of the Board.

Commissioner Houpt – another concern is recognizing the important role of the HR in the organization and in the second paragraph in letters of commendation, agree that you need to discern what is appropriate for a file and the dept head or elected official should discuss this with the HR and if we're going to and would like to change the Chain of Command – whoever is in charge and letter supervision needs to be aware that another department is taking a letter of commendation or complaint and it needs to go to the head and it goes down to the employee. If we go straight to the Human Services and by-pass either the elected official or the department head that supervisor is being superceeded. I don't think that is right and this is just to make sure that – this is just supposed to make sure that there is a true Chain of Command to be followed by all.

Commissioner Houpt – this is the procedure we've always followed in this county – Human Services works very closely with department heads. I don't think this is a policy; it should be a procedure and Human Services should be intricately involved in anything that has to do with the personnel files.

Chairman Martin – agreed but the department head or elected official must be the one that's informed prior to the Human Services or through the direct communications of other department heads or elected officials. It preserves the chain of command. This is just to make sure everyone is in the communications loop.

Commissioner Houpt – this is just a specific procedure and that's what's disturbing. We could have a 500 pound policy manual if we start creating a policy for every situation that occurs that is maybe a procedural issue.

Commissioner McCown – We don't have any written procedure to address this County wide?

Judy – just internally in the Human Services department. We don't publish our internal procedures county-wide. This is what the question was, is the procedure know County-wide. And the answer would be no unless a letter comes to us and then it goes out to the department head.

Mildred Alsdorf – at the present time, if they get a letter and we don't know if it's in the file.

Commissioner McCown – it documents the process. This would simply state the procedure.

Georgia Chamberlain – her understanding is that this policy is only about letters of commendation. The flipside of it is letters of complaint.

Chairman Martin referenced Section 508 – which is a different procedure in reference to what takes place.

Georgia Chamberlain – that section does really identify how letters of complain get into your personnel file or are not accepted into your file and that's why one of the reasons I don't think it's appropriate and we shouldn't be putting this in at this point now. It needs to take both the letters of commendation, the letters of complaint, the entire personnel file – we need to discuss what the personnel is and how we're going to address it. I have no problem with what you were talking about John as the Chain of Command and feel very adamant about if we're going to have a Human Resources Department we need to use their expertise because that's what they're here for. None of us here have a personnel file - I think the employees that do have a personnel file reading this it will bring out some emotions that we better take the entire picture and look at it – rather than just the one part. It's important to give more discussion and more thought to make sure the entire picture is about a personnel file.

Commissioner McCown – sounds like you think we should review the Section 5.08.

Commissioner Houpt – agreed with Georgia and stated she thinks we need an overall policy.

Judy – nothing goes into the personnel file as to how everything is handled. Section 5.08 is basically how to deal with a complaint.

Chairman Martin – progressive discipline area is defined in the policy; all this does is the complaint or compliments and this would clear the way for compliments so everyone knows how to follow.

Judy – email to request elected officials to respond but as far as the elected officials we have not sat down and discussed this at no fault of Judy's.

Chairman Martin – this is up to the Commissioners to make the policy and they are there to approve or not.

Georgia Chamberlain stated that she could not sign off on this.

Commissioner McCown suggested that in this particular policy 2.12.4 in the second paragraph first sentence “when letters of commendation or complaint are received” wouldn’t that clear up both of them just by adding that one word? That sets a policy on both commendation and complaints are handled, takes it out of procedure and it becomes a policy and this is how it is done.

Commissioner Houpt – in the second to last sentence I would want to say “the department head or elected official shall confer with the Human Resources, the Human Resource director and determine whether the letter should be included in the employee’s personnel file.”

Commissioner McCown – I don’t necessarily agree with that. I don’t think you can tell Mildred that she has to put a letter in an employee’s file if it’s a bogus letter to begin with and that department head or elected official knows it’s a bogus compliant, that letter could go into the round file of her choosing.

Commissioner Houpt – I think she can give some solid recommendations as our Human Resource professional on what is and what is not appropriate to put in the personnel file. The personnel file is getting to be a really important compilation of documents, I know there was a time when you wouldn’t hesitate putting letters of commendation in personnel files and for reason we’ve created some culture in this society where we’re afraid to and it’s really important to have her in the loop.

Chairman Martin – the only reason we have this is to clarify the chain of command and Larry, your comment of putting commendation and complaint – it solves everything, it preserves the chain of command and everybody can follow it. If another elected official that chooses not to, well that will be up to them to forward the information they feel is important by passing the policy.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve Policy 2.12.14 changing the wording in the first sentence of the second paragraph “when letters of commendation/and/or complaints are received” continuing on with how it’s stated.

Chairman Martin – seconded for discussion.

Commissioner Houpt thinks all her points have been made.

In favor: McCown – aye; Martin – aye; Opposed: Houpt – aye

d. Request to move monies from Impact Fees to Road and Bridge Fund – Marvin Stephens

Carolyn Dahlgren and Marvin Stephens were present.

A draft Resolution was submitted approving the use of Road Impact Fees, Traffic Study Area 8, (County Road 117 aka “Four Mile Road”). The improvements made were discussed at the May 16, 2005 meeting and the County Engineer, Jesse and other staff would meet and determine the actual amount of funds spend on this Traffic Study Area 8. That amount was determined to be \$101,798.55 during the years 2001 – 2003 for CR 117 and the Intersection. In the Resolution the various work was listed to support the dollar figure. Therefore, the Resolution would direct the Garfield County Treasurer to release funds in the total amount of \$101,798.55 from the Traffic Study Area 8 Traffic Impact Fee fund, “offsite #8,” for disbursement as revenue into the County Road and Bridge Fund.

Carolyn reminded the Board that there have been “real” projects performed on CR 117.

Administration needs to discuss how to keep this all in one place. These were identified by warrant and have all the invoices to back this up.

Commissioner McCown stated he appreciated all the work that was completed to make this happen and also to make it easier in the future to keep track of the paperwork involved.

Georgia requested when the work being done can be taken out of the road impact fees that is the time that you maintain the paper work.

Carolyn and it will take some work because Jesse and Ed will have to figure where the locus of this responsibility should be to indemnify the actual work done on the road to a project label in the CIP.

Commissioner McCown stated where the problem arose with this one there were significant funds expended that the impact fee fund could not have supported so they came out of road and bridge – now we are simply reimbursing road and bridge out of that fund to make it whole again so they do the work on the paving on CR 117.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution for the use of Road Impact Fees in Traffic Study 8 for the improvement of CR 117 aka Four Mile Road and the Chair be authorized to sign it.

Houpt – aye; McCown – aye; Martin – aye.

e. Consideration and Approval of Single Entry Point Contract with Colorado Department of Health Care Policy and Financing – Lynn Renick

Lynn Renick, Carolyn Dahlgren, and Linda Byers were present.

Lynn Renick submitted the contract dba Garfield County DSS with the Department of Health Care Policy and Financing for fiscal year 2005-2006 for contract amount of \$478,760.00 and requested the Board approve the chairman to sign the contract. We received a \$64,000 increase for the 2005-2006 contract. This does not include the bi-lateral change order in excess of \$35,000 we received a few weeks ago to assist with overages with the current contract; we’ve received verbal approval that it will be carried over but we still need clarification in writing. This has been reviewed by the County Attorney’s office for legal review.

Carolyn explained the legal aspects of the contract and stated that Lynn is still working with the State on some wording in subcontracting with Colorado West.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contract with the Garfield County DSS with the Department of Health Care Policy and Financing for fiscal year 2005-2006 for \$478,760.00 and requested the Board approve the chairman to sign the contract; Houpt – aye; Martin – aye; McCown – aye.

COUNTY ATTORNEY UPDATE – DON DEFORD

- i. *Executive Session: Litigation Update; Legal Advice – Update on Status of Cattle Creek, Presco Litigation, legal advice COP Refinancing; Jesse – your authorize in finances in DA's office and direction for contracting on CR 117 and update on Code Enforcement.*
Commissioner McCown – regular agenda Item B – advice on land use regarding the Use of Right of Way at Battlement Mesa; Chairman Martin – Glenwood Springs in reference to negotiations.

Don requested on the County Roads items, Marvin and Jesse and on the District Attorney's issue like the chief finance office to be present as well as Jesse; Mark Bean available on a number of 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 McCown and seconded by Commissioner Houpt to come out of Executive Session; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – CCI annual summer conference last week and the Governor and 33 legislators attended; the Governor and panel of legislators came to talk to use about Referendum C & D, the amendment to Tabor and urged us to help everyone get behind this; that is the tool they will need to save the State budget. It's been a long time coming and very remarkable to see the Bi-partisan support to amend Tabor. This will get rid of the ratcheting effect. Russell George, came to talk about the HB 1177, the other Bill creating water round table opportunities to come up with compacts in state and she would like to put this on our agenda so we as a County can determine and make a decision as to who to select as representatives on the round table discussions; the oil and gas noise regulation committee met on Thursday in Denver and came up with the final draft with concessions on all side and we will be recommending residential noise level standards in the ARRD zones, so instead of light industrial, we are down to residential. A lot of discussion about counties making sure they are permitting compressor stations recognizing that the noise regulations in place but and all other criteria has to be established by the County for permitting.

Chairman Martin requested that Commissioner Houpt forward this to the other Board members and perhaps we can take a position as a County to take that vote back with you to strengthen it.

Commissioner Houpt – I also wanted to bring up the NACO Summer Conference; I had not planned on going to that but have discovered that is the conference when the National Association of Counties creates their policy and resolutions for the year and I understand that John is signed up and is going for public lands; I serve on the Energy Subcommittee, also the Vice Chair of the Natural Resources Committee for CCI and the President of the Western Region so I'm receiving a lot of pleas for me to go to be involved in the national discussion on oil and gas at the NACO Conference. And certainly most importantly is as a County Commissioners in a County where we're having a lot of activity, I didn't request that this be in the budget so I looked at the BOCC budget and there is a line item for television that we didn't use, it's \$25,000 so we certainly have the money in the BOCC budget to cover the conference and we've always felt it was very important to be a part of that National and State discussion and I clearly content that it is because we are impacted so greatly at those levels.

Chairman Martin – Paul hasn't sent us a statement is why that TV money hasn't gone out yet – he wanted to make sure that everything was well and in place etc. before he submitted his bill. Commissioner McCown – I thought we committed that \$25,000 for this.

Commissioner Houpt – well he told the administration and it was Ed and Linda that gave me that line item, he was told by them – they were told by him that it would not cost money to put it in.

Chairman Martin – the television, well it's his equipment, and that again is the form of discussion.

Commissioner Houpt – that's what was recommended by Ed and Linda.

Chairman Martin – I know, I've talked to Paul and he's going to be sending us a statement so we'll have to wait and see what and put a fire underneath Paul to see how much it's going to be.

Commissioner McCown – do you have Resolutions you're submitting?

Commissioner Houpt – I have some Resolutions that people are asking me to carry – there's one supporting the

Commissioner McCown – are these going to be represented that Garfield County

Commissioner Houpt – No, individuals can bring resolutions and the GVC and other groups have come to me with these.

Commissioner McCown – my question of you, are you going to be there as Tresi Houpt, citizen or are you going to be there as Tresi Houpt, Garfield County Commissioner?

Commissioner Houpt – every commissioner is their as a Commissioner but we're there as members of ...

Commissioner McCown – but you'll be there representing Garfield County.

Commissioner Houpt – I can, I mean if you have a different position.

Commissioner McCown – well if we pay for your trip, I would assume you would be representing Garfield County.

Commissioner Houpt – I absolutely would be there as a County Commissioners, we don't always agree on specific issues as County Commissioners but I'm absolutely there as a County Commissioners, as a CCI representative, as a NACO Energy Committee Member.

Commissioner McCown – I guess I would have a person problem with you submitting Resolutions on behalf of Garfield County Commissioner Houpt unless this Board and its majority had agreed to those Resolutions.

Commissioner Houpt – I'm not elected though to simple carry forward, I'm elected to make sure that I represent my constituents as well and as we know this Board doesn't always agree on the final outcomes of those debates.

Commissioner McCown – do you lend any credibility to a majority?

Commissioner Houpt – asked to have Larry say that again and explain that?

Commissioner McCown – do you think the majority has any significant role when a Baord votes?

Commissioner Houpt – I think the majority has some significant roles but I think when we're talking about making sure that all people are represented in a County, you bring that forward and if John has a position on public lands that

I don't agree with or that you don't agree with, he brings that forward and says there are constituents in my county that are concerned about this we, we may not have the majority vote, but this is a concern in my county.

Chairman Martin – well, when we represent the Board we have to take the majority of the Board and that's the By-Laws of the Board itself.

Commissioner Houpt – when we represent the Board.

Chairman Martin – and if we're on any committee and we take a policy procedure, we have to represent the majority of the Board, agree or disagree with that majority. That's what it is

Commissioner Houpt – we can certainly bring both of those messages, but there's a huge constituency out there and you know I was elected by a pretty broad margin and those people want to have certain things represented and one of them is to make sure that we are very careful about toxic chemicals that are used in fracking and there is a bill out to amend the Energy Bill that would address that issue, they want a voice to be heard from the Western District on that.

Commissioner McCown – that is my district.

Commissioner Houpt – I'm not talking about Western Garfield County, I'm talking about Garfield County, and I'm talking about as President of the Western District of Colorado and talking about the other Counties that are impacted as well. We can get into a philosophical or political debate on this, but the point is that we were all elected but we were elected by people who expected us to stand up on certain issues and whether or not you agree with the people who elected me, I was elected by the majority of the voters in Garfield County.

Commissioner McCown – as were we.

Chairman Martin – but we still also have the internal control and the majority rules the Board and on those decisions Commissioner Houpt – so are you telling me that you're going to vote against my going to the NACO Annual Conference even though you're going to the NACO Annual Conference?

Chairman Martin – what it amounts to is under a different circumstances, under Public Lands and the sale of a building as well as trust fund that was set up, the Public Lands is the only subcommittee or steering committee in CCI that has a fund balance that allows that to happen and any expenditures on my trips are reimbursed back to the County 100%.

Commissioner Houpt – but John I was informed by CCI that we were assessed \$6,374 this year from PILT funds so that they could keep that fund going so you guys could go to these conferences. So nothing if free, we have been assessed for those trips.

Chairman Martin – and if I don't go, they still assess \$6,374.

Commissioner Houpt – well Gunnison decided not to pay the assessment.

Chairman Martin – and that is Gunnison's decision and the majority of this Board in a budget process, and as I recall was unanimous that we did pay those fees, so that it is part of the budget, it is process that we go ahead and belong to Public Lands since we are the 3rd largest receiver in the State of Colorado on public lands which is based upon population size and that's where the fee comes from, not simply because we get to travel for free according to some. It's still a process.

Commissioner Houpt – so because we have some political, philosophical, and environmental differences, you two are standing in the way of my representing the constituents in this County who are concerned about the activity of oil, of natural gas drilling that's going on in this county.

Commissioner Martin – Not at all.

Commissioner McCown – No, not at all.

Chairman Martin – in fact then if

Commissioner McCown – if you feel strongly enough, then go but have your constituents that feel that strongly, if they're organized groups and yourself pay your way.

Commissioner Houpt – you know I can't do that; I cannot have a special interest group pay my way and if –

Chairman Martin – if we don't have it in our travel expense budget then none of us can go. We still have to make it through the rest of year – this is the example that we have to set for every elected official – every department head

Commissioner Houpt – this is the first time that I've ever seen this Board not rearrange funds that we need in a line item when we have the money. We have a \$7,000,000 dollar reserve fund, we have additional money in the Board of County Commissioners budget and you're turning this into a political decision

Chairman Martin – not at all.

Commissioner Houpt - and I hope that my constituents will come forward and really revolt on this on because this is tying the hands of a huge group of people in Garfield County who deserve representation who should have this representation, and

Chairman Martin – I'm very willing to take everything that you've got with me.

Commissioner Houpt – John you do not, you don't sit on the committee so you can't say anything, you do not

Chairman Martin – I'm a Board member of WIR, I think I have the right to sit on every committee since I'm a Board of Directors and am able to do so.

Commissioner Houpt – You're not on the Energy Committee, John.

Chairman Martin – WIR encompasses all of the steering committees.

Commissioner Houpt – no.

Chairman Martin – yes.

Commissioner Houpt – No, you have to be assigned to the committee to be able to speak, you know the NACO rules.

Commissioner McCown – well I think the bigger point Tresi and you can color it how every you want to, but the Garfield County Commissioners and I hope your constituents are aware of this, had a \$12,000 travel budget this year and as of May you have expended \$6,032 of that \$12,000 travel budget by yourself by the end of May.

Commissioner Houpt – I have.

Commissioner McCown – that only leaves about \$1800 for the rest of us to utilize the remainder of the year for any purpose.

Commissioner Houpt – well, and John's expended the other.

Commissioner McCown - John has expended \$3500.

Commissioner Houpt – plus the \$6374 that we were assessed from PILT. I think that has to be factored into it and I also remember when we were putting the budget together that we had put additional money in for DC&F, but I didn't see that line item included.

Chairman Martin - \$922.00 was returned to Garfield County for my trip. 100% of it.

Commissioner Houpt – right and I'm glad because ...

Chairman Martin – as will 100% of my trip to Tacoma was returned - \$399.00 – every penny that I have spent on any trip in reference to NACO has been reimbursed 100% back to the County.

Commissioner Houpt – which is very important because we had that assessment of \$6300, so it's all a matter of semantics.

Chairman Martin – that would be there even if we didn't travel, it is based upon belong to Public Lands, the formula that is used by population, the size of the County and the size of Public Lands – it's assessed through out the state and it doesn't matter if I travel or not – that same amount would be assessed because we have received PILT and the size of our public lands.

Commissioner Houpt – the reality is and I got this from CCI, is that it pays for those trips and so it's a matter of semantics and it needs to be factored in. But I think it's wrong that you guys are blocking this and I'm certainly going to take it further to the newspapers

Chairman Martin – well I think they already got it. I think the entire public has got it. What it amounts to is we're unable to go ahead and fund your trip because of our expense item that is going to be overdraft; I will take every issue to the proper people because I'm on the Board of Directors to make sure that your word is heard and your positions and every Resolution is it brought forward.

Commissioner Houpt – you are missing the point, John. You are missing the absolute point. Now if you had because you had been to a NACO summer conference before, informed me that this was the time when they do their annual resolutions and policies, maybe I would have put some money into that line item, but I'll tell you, this is, its not the norm not to work with people who are serving constituents.

Chairman Martin – I can't extend it out any farther, I will bring everything possible if you're unable to travel

Commissioner Houpt – you know John, that means nothing to me, I'm sorry because you're not

Chairman Martin – I understand, let's agree to disagree and go on because we are not 15 minutes behind time and our public meetings need to go forward.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers - removed
- d. Changes to Prior Warrant Lists
- e. Liquor licenses for: 3.2% Beer License for Thunder River Market; Shadetree Enterprises Liquor Store; 3.2% Beer License for Kum & Go LLC; Hotel and Restaurant for Red Rock Diner; Retail Liquor License for Valley Liquors Liquor Store – Mildred Alsdorf
- f. Authorize the Chairman to sign an Intergovernmental Agreement concerning Trail Construction between Catherine Store and Carbondale – Mark Bean
- g. Authorize the Chairman to sign the Second Amended Plat, Lot 1, Lacy Park Subdivision – Mark Bean
- h. Authorize the Chairman to sign the Amended Plat for Lot 6, Filing 5 of Aspen Glen PUD. Applicant: Ravena Family Partners, L.P. – Fred Jarman
- i. Authorize the Chairman to sign the Final Plat for Building L (Sox-plex Condominium_ which is a re-subdivision of Lot 46, Phase A of Valley View Village PUD. Applicant: Darter, LLC – Fred Jarman
- j. Authorize the Chairman to sign the Acknowledgement of Final Satisfaction of Subdivision Improvements Agreement for May Fly Bend Subdivision. Applicants: George R. Kilby and Farley S. Kilby – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – j absent item c; Houpt – aye; Martin – aye; McCown – aye.

REGULAR AGENDA

PUBLIC MEETINGS:

EMPLOYER SPONSORED HOUSING PROGRAM – J. SUE ROBERTSON W/HOUSING FINANCE RESEARCH PROJECT

J. Sue Robertson came before the Board stating that it is important for essential service workers to live in the community they work in. It is also important to employers and the community to recruit and retain the best quality employees in today's labor market. In a 2000 NWCCOG report, employers expressed great concern about the lack of affordable housing options for their employees and directly related these problems to their recruitment and retention efforts. The 2003 Housing Summit found that employers wanted to get involved in addressing their employees housing challenges but that more education and tools ie. (Central resource for information about housing benefit programs) were needed.

The project goal of this project is to increase the number of employers In Garfield, Eagle and Pitkin Counties that sponsor housing programs. This will increase the number of employees, especially essential service employees who can live within the communities where they work.

The funding request from Garfield County is \$5,000 of the budget of \$150,000. The funding raised or pledged to date is \$70,000.00.

Discussion

Commissioner Houpt – confused and asked how this program will interface with the Roaring Fork Community Housing fund it was because it was that final tool we needed in this valley to have the financing component support the non-profit and for-profit developers and the people who were buyers that couldn't necessarily get into housing an we needed a four legged stool with your resource book to better educate people but I just want to make sure that if

there are new resources that you understand what resources are already available and the community housing fund is far beyond what Sue described.

After discussion continued, she agreed to meet with Bill and Susan to make sure she is not duplicating services. No program exists to get employers involved.

Commissioner McCown – continually optimistic with the Community Housing Fund and was sold on the fact that was going to be the final part of this housing project and we had our Garfield County authority – they really didn't have the funding mechanism that the Housing fund was going to bring to the table, the jury's still out, they've got their first year to try to do that and having trouble seeing where you fit into this niche, it seems like you're asking for a contribution for \$150,000 pamphlet that will send people to this Housing fund – I'm under the impression that employers, if they so chose to work and keep a valued employee they can pay outpoints, they can do whatever they want to – they can buy a house and put them in it – that option is up to that employer, if they want to keep those valued employees. I did not see anything in your handout that changed that – the bottom line and the responsibility still lies with those that have the funding or the ability to garner the funding and if the employees want to keep his band of employees that are so critical they can do whatever necessary to do that and not be available for anyone else. Sue – it is very expensive to set this type of thing up and that's what stops an employer from doing it. If you give them the information up front so they do not have to start from scratch, anytime they want to do something like that it gives them an incentive to go ahead.

Commissioner Houpt – thought this was what the Housing fund was doing and therefore still confused about how you work together and maybe I just need more information on what those relationships are going to be and maybe we can have somebody from the Housing Fund come with you.

Chairman Martin – suggested getting hold of that organization, Ed's on the Board and that we go ahead and set up a workshop and exchange this information with Tresl and bring back a final request to this board.

Commissioner McCown – At this point, I can't support this without having more information.

USE OF GARFIELD COUNTY RIGHT OF WAY AT BATTLEMENT MESA BRIDGE FOR BOAT LAUNCH AND OUTFITTING – DAVIS FARRAR

Davis Farrar and James Vanmeter were present.

Western Slope Consulting, Davis Farrar submitted a letter to the BOCC on behalf of his client, James Vanmeter about a request to use GARCO ROW adjacent to the Battlement Mesa Bridge across the Colorado River in Parachute, Colorado. Mr. Vanmeter has been working with County staff since January of this year in an attempt to get a final determination about use of the County ROW. In March, Mr. Vanmeter requested Davis's help in this process. Communication has been on-going with Mark Bean, Don DeFord and Jake Mall. Therefore this meeting was scheduled for today.

The proposal is that Mr. Vanmeter is a river outfitter with licenses from the State of Colorado and US Department of Interior (BLM) and wants to utilize a section of the Colorado River between Glenwood Springs and DeBeque. There are few public boat launch areas in this section of the river between Rifle and DeBeque. Historically an existing access road immediately upstream of the Battlement Mesa Bridge in the County ROW has served as access to the Colorado River. Photographs were included showing the access upstream of the proposed parking area, and the immediate area.

The access is off County Road 300. Mr. Vanmeter proposes to use this access road to deliver boats and customers to the river edge and launch watercraft. Conceptually and depending upon County approvals, the site would include one or more portable toilets, a parking area, a small portable office and a business sign. A proposed site plan was submitted with the request.

1st Use the right of way to launch in the river; 2nd – small parking area and 3rd – small portable office in the skids – during the season; 4th – place a portable toilet in the area and 5th a small sign to publish the business.

Marvin Stephens and Mark Bean were also present.

Discussion:

The Board concluded that there was no way to give Mr. Vanmeter exclusive use of the County right of way and as soon as he set up shop, others would want to do the same thing. It would then become a problem and greatly impact the narrow property that lay next to private property belong to Mr. Ed Baker.

Ed Baker testified that he was the adjacent landowner to this proposed operation; was not even aware until he saw the agenda item in the newspapers. Who will be responsible if we advertise this as public access to clean up of trash, be responsible for noise levels generated by the people using it and if approved take the responsibility that this will not be a burden to the landowners.

Currently he has people backing on private property; the county surveyor crawled under his fence to survey and didn't have a permit to access this. He believes in public access to the river but doesn't believe there should be an impact to private landowners. Lower access – there is not enough sufficient room to keep people in that area and not infringe on private property. Another concern is that coming out of the access onto the highway there is a blind corner just right there and has seen many close calls. Russian Knapweed is currently getting spraying on his property and he has it controlled, if someone does operate on the other side how will they maintain the toxic weeds, control of the noise, limits on use, etc.

Commissioner McCown – given the testimony heard from Mr. Baker and the fact that we alleged used that for pulling water and given any other activity that might take place there, would that hamper our access ability?

Marvin Stephens – yes it would in the summer when we're down there hauling water. There are some concerns about that they want to do. There will be parking and it's a public right of way and it needs to stay public and he doesn't want to see outsiders controlling public right of ways, it belongs to the public not a private entity. Marvin said he had problems with the parking where they need park coming down that blind corner coming off Battlement Mesa; the traffic comes pretty fast there. You put a sign up but it doesn't necessarily slow people down. It's a can of worms for Road & Bridge if we allow this to happen. He would not issue a private driveway if someone came in with that location and site distance. The width at the riverfront is 11 foot. There may be a public health issue with portable potties. Believes in river access but not enough width for public and private access.

Davis Farrar – additional information submitted including a letter to Jake Mall outlining and interested in concerns, Jake suggested the sign, and talked to Marvin Stephens today. There is a triangle piece of land that Mr. Baker referenced and the discussion with the County Surveyor; he didn't indicate any ownership of that piece. It is rare to have a piece of ground that nobody claims. Mr. Baker indicated that somebody told he was paying taxes on it. We haven't pursued that at this stage in the game just because we wanted to start with, can we get to the river or not. Davis stated they are willing to respond to the concerns and broke these out for the Commissioners if there were parts the Commissioners were having problems, you could pick and choose what might work. Understands Mr. Baker's trespass concerns, and the right of way is open to public use at this point and probably should be some kind of definition to the private property because the road goes across that triangle piece of ground what appears to be private property, there were no pins down there previously. The copy of the survey was submitted and Davis pointed out the triangle. Scott Aibner did a survey and pointed out the slope.

Mr. Baker showed his survey and the property in question is on his side of the ditch. He is paying taxes the property. Chairman Martin – will need to check this out.

Marvin Stephens pointed out that if there are proposed buildings stationed there it would not leave enough room for the Road and Bridge to obtain water in the proposed location.

Davis stated they had not pursued anything other than conservation at this time with the Army Corp of Engineers on any wetlands issues.

A motion was made by Commissioner McCown to deny this particular access to this property and would direct Mr. Vanmeter to look for a private lease from an individual that would give him the sole access to the river that he's looking for to conduct his business. I believe strongly in what he's doing but given the lack of right of way, the narrowness, the what I would consider a poor location for a turnout pulling back onto CR 300 at the south end of the bridge, I can't support this kind of commercial activity there, I'm not saying that people are not using this out of ignorance on occasion, Davis I'd say you're probably right on – they are, but to try to improve it with the minimal amount of right of way we have I think we're only asking for problems and number on, my primary concern would be the turning movements that would have to take place in and out of that location at the south end of the bridge.

That alone scares me to death; the right of way issues getting down to the river are compounded by the movements that would have to take place launching boats and whatever. And the third thing is we, to my knowledge have never given anyone an exclusive use of a road right of way, if it's improved to the level that your client was wanted, it would be for everyone – it's like putting up a tree stand in the National Forest to hunt out of and on opening day you get there that's someone in your tree stand – that's the breaks of the game because it's a public area. So my suggestion would be to encourage your client to try to cut a deal with the landowner that's in that adjacent area if the Parachute area is critical to his operation – lease access to the river to put his operation in.

Commissioner Houpt – seconded the motion. I think 11 feet of river frontage is very narrow and in looking at the drawing, the photos and agree with Larry, this is a public right of way and we couldn't give you exclusive use and once you open this up for rafting use, those of us who raft every time we pull out of river there's a line up on the river just to get out and this would be no different from any other place and it's just so limiting in terms of the ability to park a car and a trailer and you would have people with private rafts there because it's a public access point; and Road & Bridge have problems with the logistics of having a building in that area because of the limited space as well so I just have to believe there is a better location for this type of business. There are a lot of businesses that have other supporting businesses next to it and that would make more sense than just trying to wedge in between two private pieces of land on some public access land.

In favor to deny: Houpt – aye; McCown – aye; Martin – aye.

David asked if the right of way was still available for access. So any member of the public can go down there. Commissioner McCown – as long as its not encroaching on any private property.

Chairman Martin thought we need to address from weeds to fence and boulders, we need to get the right of way back on the County's bridge. We'll be looking into that one as well.

COURTHOUSE SECURITY – LOU VALLARIO

Lou Vallario, Jim Bradford, Judge Craven and other members of the judicial system were present.

Lou stated there has been growing concern from the tenants of the GARCO Courthouse regarding security of the building. The recent Atlanta Courthouse shootings have brought this topic to the forefront. Lou and Jim Bradford have met with the Judges, DA, County Elected Officials and others that work in the building to get an idea of what their needs might be. We also met with a vendor who provides electronic security equipment and obtained an estimate of the costs associated with the various type of equipment needed.

Lou stated that he was required to provide the Courts with security but in reviewing the Courthouse, it was more feasible to provide security for the entire Courthouse since the judicial system has needs of 3 of the 4 floors in the building. The security measures include:

1. Make the east entrance (Colorado Avenue) the only "public access". It is the most used access and is convenient to the elevator, etc.
2. Secure this entrance with walk-thru metal detector, x-ray machine and cameras.
3. Make the wets entrance (between the Sheriff's Office and courthouse) an "employee" only entrance requiring a magnetic key card access. This equipment can be attached to the existing Sheriff's Office system. Entry though this access can be monitored by personnel assigned to the east entrance.
4. Secure the south entrance (8th Street) as an emergency exit only.
5. Place additional cameras at these locations, parking lot, etc. These cameras can also be incorporated into the existing Sheriff's Office system.

6. Require all employees of the building to wear visible identification cards. Provide special ID cards as determined (jurors, etc.)

The two types of costs associated with this increased security plan are equipment and personnel.

Equipment is described as one walk through metal detector to be installed at the east entrance; one portable metal detector to be used as a second unit at the east entrance as needed, or to be used as an additional measure at a courtroom entrance; three hand wands for isolating metal objects when activating the walk-thru detector; one Parcel X-ray machine to screen briefcases, backpacks, etc.; and magnetic card readers, cameras, etc.

The preliminary equipment cost is \$20,000 and does not include the Parcel X-ray machine as Pitkin County may donate a used machine currently located at the Pitkin County Airport. There will be maintenance and relocation costs required. A new machine will cost an additional \$16,500 to \$24,000 depending on the model and features.

Personnel to man the public entrance M-F from 8 a.m. to 5:00 p.m. (3) staff = \$139,890 per year.

Shannon, Georgia and Mildred support this idea.

Judge Craven – a mixed use in the Courthouse and he said he supports security – the more security you have the more restrictions – now the inconvenience is accepted. The community has changed and the people who are coming in are not the same as were coming in the Courthouse. In 1969 the jail was on the 4th floor of the Courthouse.

Statewide this is the norm for providing security. There are threats of personal injury and Lou provided extra security when a threat was made against one of the judges. Another issue is property damage – people can significantly damage your building and this security is a type of insurance. Not sure the staff will increase beyond what's being projected. Lou has a 45% benefit package – he is doing state of art in law enforcement.

Commissioner McCown – personnel is our responsibility and asked if the Courts have any funds for the equipment. Judge Craven stated there are no funds available. Concerned but no funds are available through the Joint Budget Committee.

Commissioner McCown – noted this is an unfunded mandate; the County provides for the Courts and the judicial system never seems to have funds to support their needs.

Judge Craven – this is not a mandate.

Chairman Martin – looking at his staffing levels, he asked Lou if he could look at re-shift personnel or add to the job descriptions.

Lou the \$139,000 would be a yearly cost to the budget.

Commissioner Houpt – reality in this County has changed with the expansion of natural gas, services are under demand and understands a growing staff as well. This has been an ongoing discussion and nice that Lou came in with a by-in for the tenants of the building. Important to have people support you when it comes to an increased budget expense.

Discussion:

Jim Bradford - Several instances of weapons in the Courthouse, a gun in Judge Zerbi's courtroom, protecting staff and elected and understands times have changed. Stairwells would be a problem and asked if the Board would accept the proposal.

Commissioner McCown – voiced concerns stating he was really torn with this and understands it is needed, the \$140,000 a year is significant as we all agreed and that will be escalating at 4% every year for the next 20 – 30 years if we can afford it. Lou commented that his priorities are clearly your patrol deputies; if we don't get the bad guys arrested they don't come to court so there's no threat. If it comes to budget cutting situations and we come to you if you're still the Sheriff and say we've got to look at cutting 20% out of your budget; are you going to look at Courthouse security or would you cut patrol deputies. That's the call you would make.

Lou – agrees and to clarify that position, the reason why he has to prioritize the patrol staff is as we've been hearing and seeing with the anticipated growth of this county, the jail and detention staff could be static number. When we have the adequate number of people to cover posts and even do this, that's will be fairly static whether we have 20 or 200 in the jail, it's the same staffing and probably the same thing here unless we were at such a point that our population doubled and twice as many people come in and out of the Courtroom would we have to look at expanding this. Clearly as the growth in the County and the number of responses need then the need of deputies grows with it. That part of the Sheriff's office will have to continue to grow with the County. Some of these other programs are more kind of a static number.

Commissioner McCown – this is just my own philosophical view but I see with the growth the security getting easier because in the not too many years in the distant future that building will be occupied by the Courts only.

Lou stated there is also concern for the other tenants in the building.

Commissioner McCown - The bottom line is if the courts weren't in the building there wouldn't be this conservation of adding 3 additional security personnel screening for the Clerk's office.

Commissioner Houpt – for a long time there has been added security for courtrooms – it's a reality – there's been screening in larger jurisdictions for a long time. Whether we like it or not we are a changing county and a growing county.

A motion was made by Commissioner Houpt to approve the plan that has been put before us for Courthouse and authorize the cost of \$20,000 for equipment and operations cost of not to exceed \$139,980 for the 12 month basis to cover the screeners for the security in the Courthouse.

Commissioner McCown – second for discussion. Will there be incidentals involved with this, building walls up next to the machines, etc.

Lou stated they chose the East entrance is there is more opportunity to put equipment in and screen people through.

Some of the costs were rough costs as if we put a card reader on the door to allow employee entrance, we've just put several of those in with our new expansion and we know how much they cost; cameras about \$1,000 a piece to install and again the \$20,000 was including the hard costs on the equipment from the vendor as well as some of the defined cost for set up.

Testimony was allowed after the motion was made but not voted on

Shawnee Barnes, Chief Probation Officer – representing the Probation Department and just in the short month that she’s been here and reading the type of cases the Probation Department is getting, they are more violent people and there’s been knives and drugs taken off people, people come up to make arrests in our office and at times I feel our officers are putting their lives on the line by just having the clients come there to the office and we have people just wandering around sometimes not knowing where the Probation Department is and I think they feel a different feeling when they have to go to the courts, they feel like they’re going to be in front of the judge and at that point they may be screened and there will be a bailiff but our officers are left open and they come off the street to meet with their probation officer and oftentimes they are not very happy with the way their cases are going and not only have we heard yelling and screaming and escalated anger but we have had the bailiff come and we feel like if there was just one more step of security at the ground level it would give us a little bit a sense of relief to know that we’ve taken one more step. Part of it is I don’t feel whether its going to happen, I think it’s a matter of when.

Commissioner McCown – are you going to change your operation at the Henry Building in Rifle?

Shawnee Barnes – we would have to take a look at that as well. They have different types of cases there at the time but that’s another building.

Chairman Martin – same issue just another location. That’s why we say it’s a growing concern that will never end and then the facility that will be looked at in 2006 which is the Courtroom and the Sheriff’s Office, Police Department complex, that’s another issue and it continues to grow. This is a never increase in the budget.

Lou – the nice thing about the new building in Rifle is that we could build in some more modern security features. He added that so everyone was clear particularly like what Shawnee was saying if there’s somebody in their office that goes ballistic, responsibility of responding to criminal activity or whatever in that building actually falls on the Glenwood Springs police department. Our folks happen to be in the building and oftentimes we’ll go resolve those issue, but the added security feature – we’re doing it for the courts and would be happy to propose to extend that but its something that doesn’t necessarily have to fall in the Sheriff’s office, it could be an operations issue or something else.

Chairman Martin – bringing up another option that is to do a private security or a whole different entity to take over the entire courthouse under contract. Some of the alternatives that we haven’t looked at or discussed at length we still need to move forward on something.

In favor: Houpt – aye; McCown – aye. Chairman Martin – No vote - I think there are other alternatives.

COLORADO RURAL WORKFORCE CONSORTIUM – GOVERNANCE & RESOURCES – ALLISON JOHNSTON

Penny Ream for Allison Johnston submitted the Colorado Rural Workforce power point material.

The Rural Consortium is one of nine federally recognized Workforce Regions. The Rural Consortium includes representatives from each of the 11 sub-regions: Mesa, Broomfield, Western, Rural Resort, Eastern, Southeast, Pueblo, Northwest, Southwest, Upper Arkansas, and South Central regions.

The 8 metro Regions include: Weld, Larimer, Boulder, Adams, Arapahoe/Douglas, Tri-County, Pikes Peak, and Denver.

The 11 sub-regions meets twice a year and is hosted by a different sub-region each year. The spring 2005 was held in May 2005 in Steamboat Springs.

There is over 150 State staff; 50 contracted staff and 32 offices, not including the satellite offices.

Garfield County is in the Rural Resort Region serving Summit, Garfield, Pitkin, Lake and Eagle with offices in Frisco, Glenwood springs, Rifle, Leadville and Edwards.

The 18 staff members in this Rural Resort Region include specialists that service the entire RR region to deal with Cultural Diversity, Veterans Employment Issues, Employer Relations, Services for people with disabilities, the Governor’s Summer Job Hunt as well as Spanish Speaking staff.

Workforce Centers' partner with community based, faith based and educational organizations throughout the region and actually share workforce center space with the Division of Vocational Rehabilitation and County Veterans Service Officers.

We are part of the Community and we are committed.

Commissioner Houpt appreciated this presentation and recognizes this as a valuable asset to the County.

Employer packets and toys were presented

Penny Ream - Unemployed level is 5.3% State of Colorado. We have on-line job seekers from out of state and they can register and access all the job postings; they send us resumes from out of state for job listings they have posted.

Oil and gas utilizes their services some.

PUBLIC HEARING:

DISCUSSION OF THE 2ND SUPPLEMENT TO THE 2005 APPROVED BUDGET AND THE 2ND AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

A Resolution concerned with the second amendment to the 2005 Budget and the second amended appropriations of funds was submitted and Patsy requested approval.

Chairman Martin swore in the speakers.

Patsy Hernandez was sworn in.

Don the only required is published and he has that for the record.

Exhibit A – a continuation from last week for DSS Employees regarding the annual increases asking to go from the Social Service contingency fund number into the individual sub-departments; Exhibit B – Changes for January 3 through May 31 that came to our office from the personnel action report forms and this is accounting as employees leave and new hires and supported with a spreadsheet; and Community Corrections last year the budget keyed in

incorrectly and inadvertently put in the 2004 budget and this is to correct the error; Exhibit C – this is the actual requests for additional budget – they are \$28,000 from capital to their budget for the Library.

Chairman Martin entered Exhibits A – C into the record.

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 Resolution for the 2nd supplemental to the 2005 approved budget and 2nd amended appropriation of funds. Houpt – aye; Martin – aye; McCown – aye.

CONSIDERATION/ADOPTION OF A RESOLUTION REPEALING RESOLUTION NUMBER 02-91 CONCERNING THE CONTROL OF DOGS AND ENACTING THE PET ANIMAL CONTROL AND LICENSING RESOLUTION FOR GARFIELD COUNTY, COLORADO

Lou Vallario and Amy Chappelle were present.

This has been discussed at several meetings of the Board of County Commissioners and Lou stated he is requesting the chair to be authorized to sign the Resolution that provides for the enactment and adoption of a Resolution concerning the control and licensing of pet animals.

This would repeal Resolution 2002-91 entitled “Dog Control Resolution of Garfield County” together with attachments to that resolution.

Two of the members on the Committee were present - Bruce Harper, recreational sled dog enthusiast and Leslie Rocky from CARE. Lou thanked all the members that served on the committee. There were 5 – 6 meetings and over 20 hours put into this Resolution to come up with a document that there is something for everybody to love and something for everybody to hate in it. Don has reviewed the final draft and made some legal corrections.

Commissioner McCown – again, my concern from day one is how soon is this going to force us into some type of a physically structure that we’re not ready to do yet to put the dogs in.

Lou – this is two sub topics. When we decided to move forward with some kind of animal control in the County we knew we were going to be collecting dogs and we’ve worked with CARE successfully for that last couple years and we do have another group actually looking at an animal shelter and Amy has been doing some site visits.

Commissioner McCown knew all this was happening but do we have a date out there at the end of this.

Lou – we’re still working with other governments and until we get a business plan it’s out there and on the table and we’re meeting and talking and we need to go out and look at some hard costs.

Commissioner Houpt – if this new policy will this expand the need for the facility.

Amy – the need already exists, we’ve caught more dogs than we can house and CARE successfully somehow recycles these animals back into productive pets and on they go. To date, 6 months into the year and we have only euthanized 3 dogs. We have to have somewhere to go and we start with this new Resoluution and add cats to the pile, we’re in trouble.

Lou – hopes are, with laws and going to a licensing identification, it will minimize the impact, we can identify the pet, return it to the owner rather than housing it. They can do the licensing without an additional FTE

Amy – vets and others are willing to help as well as businesses and there are people very willing to help the animals.

Lou – the impact of the licensing has already been in his budget to purchase licenses.

Chairman Martin - Exhibit A – voluntary identification for cats – it’s up to the owners who harbor these cats. They are required to be inoculated according to State code.

Don – procedurally this will become effective 30-days after publication and asked direction to do the public notification.

Lou – they will advertise it and have periodic clinics to inoculate the animals. CARE lets people know that they need to get the animal licensed.

Don – a working dog has been identified differently in the Resolution. Sled dog is a recreationally dog and the same as a hunting dogs. Horses have a different set of rule and they do not qualify as livestock.

Lou – flip side is horses are protected under the statute as livestock.

Commissioner McCown on Sheep dogs – they are classified as working dogs – there is a separate definition.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution repealing the Resolution No. 2002-91 concerning the control of dogs and enacting the Pet Animal Control and Licensing Resolution for Garfield County.

Commissioner Houpt thanked Lou for putting together a working group and thinks that will help to make this successful.

In favor: Houpt – aye; Martin – aye; McCown – aye.

SPECIAL EVENTS LIQUOR LICENSE FOR CARBONDALE COMMUNITY CHAMBER OF COMMERCE – MILDRED ALSDORF

Chairman Martin swore in the speakers.

Randi Louenthaw and Mildred Alsdorf were present.

Mildred stated that on a special events liquor license you don’t have to publish but you do have to post and have it noticed in the agenda. It was posted, Randi came in and got the sign and it is still posted.

Exhibits A was presented. Application with attachments and a letter from CRMS that states that they will be using their building.

This even will be held on June 26, 2005 from 5:30 p.m. until 10:30 p.m. and it is called the “Taste of Carbondale”. They did this same thing last year and there were no problems.

Randi stated this is the Chamber’s annual fundraising event. This is a western barn dance type of thing so that CRMS works beautifully with the location, the parking, the barn atmosphere, etc. so we have to schedule it after the kids are out of school so that we can serve wine and beer.

Davis Farrar stated he thinks it is a great idea.

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 events liquor license for the Carbondale Community Chamber of Commerce. Houpt – aye; Martin – aye; McCown – aye.

Clarification in 1 b – Boat Ramp – Right of Way – Battlement Mesa - reference to County Surveyor – this was an agreement with a private enterprise and he was compensated by the private citizen.

Request - City of Rifle joint meeting with Garfield County –

Mildred had a call from Mayor Lambert wanting to have a joint meeting at 7 p.m. on July 13th. Commissioner McCown – not available; Martin – not available.

Mildred will call him back and try to find another time.

The date of July 27th will be send back as a possible alternative for the meeting with Rifle.

PUBLIC MEETINGS:

CONSIDER AN AMENDED PLAT REQUEST FOR LOT 46, PHASE A OF VALLEY VIEW VILLAGE PUD. APPLICANT: DARTER, LLC. – FRED JARMAN

Carolyn Dahlgren, Jim New with Leavenworth and Karp, Ron Wilder with High County Engineering, Terry Lawrence and Fred Jarman were present.

Fred stated that the Board of County Commissioners approved the Final Plat for Phase A of Valley View Village PUD, which is located in Battlement Mesa in December 2003. Lot 46 of Phase A was approved with 11 building envelopes designated for either Townhomes or condominium configurations for a total of 54 dwelling units.

The request before the Board today is to amend the Final Plat for Lot 46 of Phase A in order to amend two of the eleven building envelopes to that the structures inside them may be reduced from a six-plex to a four-plex in envelope 46F and from a six-plex to a duplex in envelop 46G. This request reduces the original approved density for Phase A from 54 dwelling units to 48 dwelling units.

Staff recommendation

The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore the Planning Staff recommends approval 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. Within 90 days of approval, the Amended Final Plat shall b 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.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat for Darter, LLC. for Valley View Village PUD Lot 46, Phase A and the Chair be authorized to sign. Houpt – aye; Martin – aye; McCown – aye.

PUBLIC HEARING:

CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO SPLIT A 47.27 ACRE TRACT INTO TWO PARCELS OF 42.09 ACRES AND 5.18 ACRES, LOCATED SOUTH OF SILT OFF OF CR 313. APPLICANT: RON ROGERS AND LISA SPECHT LIVING TRUST – MARK BEAN

Commissioner Houpt reclused herself from this discussion as her husband is a partner with Caloia and Houpt and doesn't want any perceived conflict of interest.

Mark Bean, Jan Shute, Don DeFord and Mark Hamilton representing the client Caloia, Houpt & Hamilton, P.C. were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 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; and Exhibit H – Letter from Stephen E. Arthur. Chairman Martin entered Exhibits A – H into the record.

Mark said this is an Exemption from the Definition of Subdivision for applicants Ron Rogers & Lisa Specht Living Trust on property located approximately 7 miles south of Silt. The property's topography is undulating with steep hillsides as well as gently sloping and fenced pasture areas. The property slopes from the north to the southwest. The original ranch house is located in the southeast portion of the property, just to the north of the County road. The residence has an existing well and an individual sewage disposal system (ISDS) for wastewater. County Road 313 splits the lower pasture area from the steeper hillsides on the north side of the road.

The Applicant proposes to formally split the 47.27 acre property into two lots (Lot A having 42.09 acres and Lot B having 5.18 acres) The 5.18 acre parcel has the previously noted house, with an existing well and ISDS. The 42.09 ac. tract will be able to share the existing well and would have an ISDS constructed on the property in conjunction with the construction of any future residences. The existing house has a driveway off of CR 313 and the larger parcel has other access points that would be subject to approval of a driveway permit by Road and Bridge. Portions of the larger lot are split by the County road.

The parcel to be created by exemption, in its natural state, appears to be prone to potential drainage problems. The area directly above the existing residential structure has very little vegetation due to it being a large swale. Since the house has been there for a number of years, it appears that the drainage issue has not caused a problem for the structure. Any future development, north of the road on Parcel A, should be done cautiously, due to steeper slopes and the potential for loose rocks. Site specific investigation prior to issuance of any additional building permits may be required.

RECOMMENDATION

Staff recommends the Board approve the request for an Exemption from the Definition of Subdivision by the Ron Rogers and Lisa Specht Living Trust, finding the proposal meets the provisions of Section 8:00 of the County's Subdivision Regulations of 1984, as amended with the following conditions:

1. That all representations made by the Applicant in a public hearing before the Board of County Commissioners shall be considered conditions of approval unless otherwise amended or changed by the Board.

2. The Applicant shall include the following text as plat notes on the final exemption plat:

a. *"Control of noxious weeds is the responsibility of the property owner."*

b. *"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."*

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 thereunder, 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 shall be the minimum amount necessary and that all exterior lighting 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. *"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. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming or other agricultural activities and operations within Garfield County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, 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. *"The mineral rights associated with this property have been severed and are not 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)."*

3. The applicants need to develop a "Water Well Community Sharing and Maintenance Agreement" which establishes the terms of ownership and maintenance for the well between Parcel A and B. Further, the agreement needs to state that the Subdivision Exemption Homeowners Association shall be responsible for enforcing these terms. An easement around the well and the waterline to Parcel B shall be legally defined and delineated on the plat as well as attached to this agreement. This document shall be provided to the County for review as part of the final plat submittal.

4. Prior to approval of the exemption plat, the applicant shall obtain a letter of approval from the Burning Mountain Fire District and incorporate any recommended fire protection measures as plat notes on the Final Exemption Plat. A copy of the letter will be included with any Final Exemption approval request.

5. The Applicant shall be required to pay a \$200.00 school site acquisition fee to the RE-2 School District for each newly created lot at the time of final plat and prior to final recordation of the final plat.

6. Regarding weed management, the Applicant shall 1) provide a map and inventory of any County Listed Noxious Weeds on the 47.27 acre parcel and 2) provide a weed management plan that addresses any inventoried noxious weeds found on the property.

7. The Applicant shall submit an approved well permit issued from the Colorado Division of Water Resources as part of the final plat submittal. No submittal shall be accepted by the County without this well permit. As normally required, prior to the signing of the plat, all physical water supplies shall demonstrate the following as part of the final plat submittal:

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

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

Discussion:

One issue – in the photo, there is an area depicted as a rock fall area and wanted the applicant to be aware of that. This is a typical area for a gas well.

Mark Hamilton said they reviewed the staff report. There is a well sharing agreement and mentioned a homeowners association, this is being done for estate planning and asked if the HA could be eliminated.

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve with the recommendations as noted and also agree with the applicant, striking the portion of the sentence in No. 3 regarding a Homeowners Association and in the well sharing clearly indicate sharing of the well maintenance.

In favor: McCown – aye; Martin – aye. Commissioner Houpt no vote – reclused herself

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION.

APPLICANTS: ALLEGHANY AND JILL MEADOWS – FRED JARMAN

Alleghany and Jill Meadows, Fred Jarman, Don DeFord and Jan Shute were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Mr. Meadows failed to send the notifications by certified mail and covered himself by securing all signatures of the adjacent landowners.

No challenge was made to the one day late. The Board accepted publication of 29 days versus the 30 days required. Chairman Martin swore in the speakers.

Fred submitted the following exhibits: Exhibit A –Proof of mailing including the sheet the applicant sent out for signatures; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Application materials; Exhibit E- Staff memorandum; Exhibit F – Letter from Road and Bridge Department dated June 2, 2005, Exhibit G – letter from Ms. Stevenson dated June 9, 2005; and Exhibit H – letter submitted to the Board from Jean Bower dated June 13, 2005.

Chairman Martin entered Exhibits A – H into the record.

This is a request for a Conditional Use Permit for a Home Occupation to operate a pottery study. The applicant is a professional potter and requests approval to operate a commercial art/pottery studio on the same property as their single-family dwelling. The studio is comprised of two structures constructed side by side totaling approximately 1600 sq. ft. where the new metal building contains a kiln and the other structure contains the working studio where the art is made and stored. The applicants states that the estimated amount of income which is generated by making art in this studio is approximately 60% of his total income. The remaining 40% comes from teaching at universities and art centers around the country. This is a private personal studio where the Applicant is the sole producing artist. This studio will not have any retail hours or any times open to the public and there are no employees required for the business so there will be no visitor traffic to the property associated with the studio. The applicant makes the art/pottery at the studio and then transports the art to be typically shown in venues such as art galleries and museums around the county.

The business is also comprised of occasional “commissions” and “special orders” taken from clients which are made in the studio. Such orders are locally delivered or shipped through the UPS terminal in Glenwood Springs.

In addition the applicant requests the ability to participate in the following events which would be open to the general public:

1. The annual Carbondale Community School fundraiser “Art Studio Tour” which is for one weekend every October; and
2. An open studio weekend in the late spring, around Mother’s Day, each year.

The 2.85 acre property known as Lot 8 in the Up Cattle Creek Subdivision is generally located in the Missouri Heights area northwest of Carbondale and adjacent to Pinion Peaks Subdivision.

Staff Recommendation:

Staff recommends approval with the following conditions:

1. That all representations made by the Applicant in a public hearing before the Board of County Commissioners shall be considered conditions of approval unless otherwise amended or changed by the Board.
2. The Applicant shall be allowed to open the studio to the general public for 1) the annual Carbondale Community School fundraiser “Art Studio Tour” which is for one weekend every October; and 2) an open studio weekend in the late spring, around Mother’s Day, each year.
3. The applicant shall be prohibited from erecting any signage or lighting associated with the Home Occupation.
4. No retail or wholesale sales of any kind associated with the activities of the Home Occupation shall be allowed to take place at the property which requires any visitor traffic.
5. In the event any representations made in this 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.

Fred said the applicants are under review of a building permit for enclosure on a building. Fred pointed out that they met with the HA and the one condition was not to have set retail hours.

Letter from Jean Bower and raises two specific – no more than 35 cars and that no retail sales to be held in the tours. Fred stated the conditions are similar to Home Occupations and pointed out that Condition No. 2 has to do with the tours.

Mr. Meadows - The HOA’s agreement is if it ever becomes a nuisance, the HOA has the power to shut them down. As far as having retail sales it would be beneficial to him and there are 4 days only for this opportunity.

Dick Stephenson – CR 112 and said he strongly supports the Allegany's project – they went to his tour last year and he does great work and when they have cocktail parties they have more traffic than Alleghany did on this tour. There is a studio there; Roe Mead had one in the house when it was first built so it works well for them.

Allegany stated that he was attempting to enclose where Ms. Mead had materials for atheistic and fire safety.

Calvin Lee – moved in the area in 1994 when Roe Mead lived there and she had a pottery studio. The road dead ends pretty much where their house is located and so every car that goes to their house has to pass by his house which is only about 1/8th of a mile. Moved there because it's the quietest place in Garfield County as far as housing and he's very sensitive to noise and his experience with the two retail sales or show events they have per year is not a problem; it's a benefit to Garfield County in general because one is a fundraiser for a school and Allegany's pottery enhances the atheistic of the entire County. Any noise generated from Allegany and Jill's house Lee can hear and he hasn't heard any noise and he strongly supports their application.

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 Conditional Use Permit to allow for a home occupation on the property known as Lot 8 Up Cattle Creek Subdivision, 73 Rocky Road, Garfield County with the conditions 1 – 5 of staff.

Fred Jarman - Number 4 on page 5 of the staff reports says no retail or wholesale sales of any kind happen.

Commissioner McCown – fully intended given the nature of the testimony that sales would be allowed on the two weekends that the public was allowed to access the studio. Commissioner Houpt – seconded would support that. In favor: Houpt – aye; Martin – aye; McCown – aye.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS FACILITY FOR VERIZON WIRELESS. APPLICANT: JOHN E. COLBY – FRED JARMAN

Brad Johnson representing Mr. Colby, Fred Jarman, Don DeFord and Jan Shute were present.

Jan asked if Mr. Johnson had authority to speak for Mr. Colby. Brad responded they have a lease with Mr. Colby and he is authorized to speak on behalf of Verizon Wireless.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D – Application materials; Exhibit E – Staff Memorandum; Exhibit F – Letter from the City of Glenwood Springs dated April 19, 2004.

Chairman Martin entered Exhibits A – into the record.

Jan had a concern that the City of Glenwood Springs was not noticed.

Commissioner McCown has a concern that there was not authorization to say that there is no document to speak on behalf of the property owner.

Chairman Martin clarified there was a letter from Mr. Colby authorizing Brad Johnson to speak on his behalf.

Fred stated this is a SUP for a communications facility for John E. Colby located on top of the Colorado West Upholstery building in South Glenwood Springs on .23 acres (10,018 sq. ft.) at 2552 South State Highway 82 in a Commercial General Zone district.

The applicant requests the SUP for a telecommunications facility. Verizon Wireless wants to provide coverage in an area of Glenwood Springs that has weak service specifically in an area between 23rd Street to the north in Glenwood springs and just past Red Canyon Road (CR115) to the south. The applicant proposes to construct a screened set of 12 wireless panel antennas on the roof top of the Colorado West Upholstery building across from the Rose Bud Cemetery.

Fred pointed out the screening of the antennas and having some kind of roof element particularly at the same pitch of the existing main structure so there will be some conformity and consistency.

Staff recommendation:

Staff recommends that the Board approve the request with the following conditions:

1. That all representations made by the Applicant in a public hearing before the Board of County Commissioners shall be considered conditions of approval unless otherwise amended or changed by the Board.
2. The Applicant shall obtain the appropriate building permits from the County Building and Planning Department.
3. All facilities shall comply with the radio frequency emission requirements of the Federal Communications Commission (FCC).
4. The applicant shall paint the proposed fiberglass screening surrounding the antennas to match the color of the portion of the building on which they are located. In addition, the Applicant shall install a roof feature at the same color as the screen to cover the antennas that has a roof pitch to match that of the building.
5. The proposed generator to be housed inside the existing building (west end) shall comply with the state statute regarding emission of noise.

Applicant – Verizon – Brad Johnson added that is that as Mr. Jarman pointed out we are regulated by the FCC for not only health and safety reasons but also that we provide service where it is required. In this area we are having a lot of phone drop calls as motorists, visitors, and residents travel up and down Highway 82 and it's imperative that we fix that hole so that if there was any major accident or whatever people could rely on their phones where we say that service is available.

Commissioner Houpt – so you're comfortable with the notion of being able to put these facilities on top of the building and completely screen them.

Brad Johnson – absolutely.

Public Input:

Don Lynch – I lived in the County for 43 years and have lived where his daughter lives for over 20 years. Our property is about 25 to 30 feet from the building where they want to put the antennas. We will be looking at the antennas and doesn't know how they will cover them up where they will not block our views. For us to automatically have to look at these antennas at this place, I don't think its right for us to have to do that. And I think there are other locations that these antennas can be put perhaps on the Airport buildings where they're no residential areas around there. I want to say one thing; my wife is sensitive to electro magnetic waves. Several years ago we were coming back from Arizona in our motor home late at night and we pulled into these Holiday Inn parking lot. I went to sleep and about an hour later my wife woke me up and she was shaking all over – her whole body. She said we've got to move. We had parked under the power lines and so we had to get away from the power lines because we didn't realize we were under the power line and we spent several thousand of dollars on medical bills for her trying to figure out why she's so allergic to these waves and the affects she had on them. We had to buy a new monitor with less radiation for their personal computer so she could sit at the monitor. She will have a lot to say about the effects of radiation but I really do think there are other places in the area that Verizon Wireless can put their antennas instead right in front of us – 20 to 25 feet in front of us where we have to look at them for the rest of our lives and someday we're probably move up there as we grow older. I would ask that the Board take this into serious consideration from all aspects.

Christine Lynch – we live here in Glenwood Springs but we did some 20 years ago buy this property from Charles Fimpel and from the pictures you can see the Fimpel home, it's the white and red house above the upholstery shop and our daughter lives in the downstairs and we rent out the upstairs out to other people. When Mr. Fimpel build this I think he built it so close because the property was divided when we bought the home but he had the upholstery shop. My husband relayed some of this, I'm really a healthy person but I've very sensitive to sensitive to electro magnetics. I've had some extreme experiences and the doctors have finally figured out what it is. It has taken thousand of dollars and I've being seen by doctors now trying to correct this but it affects me terribly. It affects your nervous system. I do have a cell phone but I keep it off and only use it for emergencies. I think personally that what they are planning on doing here, I think that it isn't, it wouldn't look that bad with what they're planning on doing but my concern is for health reasons. My husband has serious health problem and my children have said to me, if anything happens to day, what do you think you would do as we live here in town and the house is rather large and I said I'd probably move to this home here. Probably live upstairs and my daughter downstairs or vice versa. There's no way I could live there, there's no way I could visit my daughter in this home for any length of time, excuse me, I also think that the children right across this road, it's Mountain Valley School, I think these children have some problems, physically handicapped. This would affect them in the sense or not, I don't know –I can't speak for them and maybe they can't speak for themselves. I would be concerned about the health of those children. I know that there's a lot of speculation regarding electro magnetics and radio frequency waves, high voltage lines and the type of release from that. There are some people that say there's a lot of proof as to how it can damage your health. I'm one that I know how it definitely affects me and I think there may be people that it affects but they don't realize how it has affected them. I would really like to see if there isn't another place that this could be put maybe away from where there are citizens that live. We didn't know, this is our first time to come in and voice our opinion on this, we've been out of state and I don't know if we were one of them that didn't receive the notice or not, we did see this notice in Phoenix and this is the first one about this hearing – we knew we'd be back and we got back a couple of weeks ago. And so, this is our first knowledge of this and so this is why we came in today. But I wish you would really take some consideration regarding this. I know that it's supposed to be safe. I still thinks its questionable and I as a person that experiences this, no one would want to experience this so I wish you would take some consideration as to whether this can be

Chairman Martin – Christine, are you telling me that cell phones do affect you.

Christine – the doctors have told me, don't leave my cell phones on – I don't do that, the doctors have given me a meter that I've taken and will check the electrical field at places. He said that if there's a high reading to go to a different part of the room or if I go into like Circuit City or something like that with a lot of televisions on I - it's terrible. So it does affect individuals with this and it would be nice if it could be put away from where there are people living. And someone lives there 24 hours – people in the area that live there. If we could take that into consideration.

Chairman Martin – we will take that into consideration.

Brad Johnson – I do sympathize to the adjacent property owners here for the health affects they do experience from the electro magnetic radiation and I just want to point out a couple of things regarding our site as far as electro magnetic radiation and emissions from the site, we operate at extremely low power, we operate between 8 watts to about 16 watts, about the same as a television, a light fixture, that kind of a thing, extremely low power. We are also regulated by the FCC as far as what we can emit, what those levels are, how close people can get to the antennas, that kind of thing and we take that very seriously and we have an independent consultant that comes out and does an analysis of the current levels of radiation at the site before the site is built and after the site is built to make sure we are in compliance at all times and if we are out of compliance it's up to us to mitigate those things in order to come into compliance or we could have our license revoked. And as you all know Verizon Wireless is a major carrier that's in all states and can't afford to lose their license or to operate outside the thresholds and possibly jeopardize that license. I do want to point out a couple of things that Mr. and Mrs. Lynch pointed out and that was if we could move our site. We've been looking for a site in this area for about 3 years, we did actually go though the City of Glenwood Springs for a site located at 3441 Grand Avenue, it's the Sunlight Mini Storage as well as there's a motorcycle repair shop that is at 3501 and the latter one, the 3501 Grand Avenue, that one did actually go through a public hearing and did get zoning approval for and it was for a new free standing site, as opposed to this one, collocating on a building but unfortunately the property owner backed down at the last possible minutes so then we ended up looking for a new site. So this is about our 3rd or 4th attempt at trying to find a site that will provide coverage in this area that we desperately need. Given that these site operate on such a low power per the FCC we are required to put them in spots that meet out objective and in this case our objective or our gap in coverage is right

there where the highway makes a bend, it goes more to the south pretty much and then at this property it pretty much curves and goes east and west for a little while and then goes north and south again and its at this bend that we really need to provide coverage. Our existing site is actually right up here on the side of the mountain west of town and we also have another one south of Red Canyon but those sites are so far from each other that we're getting a hole right in-between each one that we need to provide coverage. And as far as moving it away to the Airport or other locations away from people, the plan is actually to get these site near people who are using their phones to get near the interstates, the highways, the commercial areas, the residential areas, and residential areas are becoming more and more important to provide coverage to because people with local number portability they're getting rid of their land line phones for cell phones. Not everybody but there's a growing trend about 60% of all Americans have cell phones right now and it's just going to continue to increase. As far as other possibilities for electro magnetic radiation, power lines are a major one, they pump out so much power, you can just running through the lines – a lot of people can usually see them crack and hiss as they walk near them and again we don't operate near the amount of power that's pumped in through those lines and I'm fairly confident that the emissions from the site would be so minimal from outside this property it wouldn't even be noticeable unless by electronic equipment that measures this kind of thing. But as I said, we have an in point consultant that we retain that comes out here and monitors both before and after conditions and reports that back to the FCC in case they ever want to check up on this site. As self noted we are putting a top on these enclosures so they will be fully enclosed, we will not see the antennas or the equipment outside the structure whatsoever, therefore that should take care of any visual issues that may arise so in their second story window looking down on the site it should look just look like a box painted to match the building or even just a part of the building similar to like an elevator shaft that sticks above the roof top of a large commercial building. And the last thing I wanted to point out is that in reference to the radiation limits from the site is that the antennas, as you look on page Z-1 of the plans that it is the upper detail shows like a birds eye view of the building and if you look at either box at either end there is an arrow right next to it with the word Azimuth called out in there and then a degree reading and as you can see from those arrows, that's the direction at which these antennas will be facing and we are not pointing any antennas whatsoever towards Mr. & Mrs. Lynches' house and these antennas work similar to like a flashlight if I could use that as an example, wherever the signal if facing is where the signal is going to go. So as you point a flashlight that's where your beam of light is going to go and as you can see these arrows and the neighbor's home is also called out there at the top of the page and we're pointing away from that and I would be totally open to a Condition of Approval that states we will not point any antennas directly at anybody's home whatsoever. I would also be more than happy to work with the adjacent property owners with the independent consultant who will be doing the analysis of the site both before and after we take the readings as well as provide a copy to the County if that pleases the Board.

Chairman Martin – what would be the mitigation approach if there was a reading above and beyond what you're supposed to do, dropping the power or would there be a screening process, how would you go about doing that?

Brad Johnson – a good question. There's actually a couple of possibilities and you mentioned two of them: one is to turn down the power and the other is additional screening which does not let the signal pass through it, we have had to do that in some circumstances to please property owners to make sure there is no radiation whatsoever coming back into the building.

Chairman Martin – would that still be contained within the box that you would be building to hide everything.

Brad Johnson – absolutely, or if we had to put it on the outside we could paint to match.

Commissioner Houpt – I have a couple of questions. How does the frequency level of the facility compare to level of a cell phone?

Brad Johnson – another very good question and that one is actually made the news quite a bit within the last year or two. The difference between this site and a cell phone is again they both operate at very similar power but the main difference is the closest that anyone can get to one of these antennas is probably within 20 to 30 feet unless you're a trained RF engineer who has the skills and the training to enter into these facilities and not have the exposure like you and I if we were up there on the roof and we decided to walk in front of the antenna. We do everything possible to prevent people from getting in the area around the antenna that would exceed the FCC's limits for human health and exposure.

Commissioner Houpt – but it's a, you know this is an unusual circumstance. I mean, I don't doubt that you are within the FCC's regulations and the design is great but this is a really unusual circumstance and so what I'm trying to figure our is if Mrs. Lynch has been told by her physician not to even have her cell phone on and we're looking at a facility that is very close to her home and actually at the same level of where they live because they are up the hill from you and its truly is at the same level, how can there be any guarantees that its not going to impact her unless you take her on a field trip to some of these stations and see how she reacts because obviously she reacts to very low frequencies.

Brad Johnson – great, with her condition which is very unique, I haven't run into this actually ever since I've been doing this, there is no way to tell other than to again point out that no one can get close to these antennas we have to rely on the FCC's regulation of these sites. The difference between this and a cell phone is that with a cell phone the antenna is right up against your head as opposed to these antennas being 20, 30, 40 and sometimes even more feet away from you. And then lastly that we're not pointing these antennas directly into their dwelling, they're being pointed away so therefore there shouldn't be any additional large amounts of signal entering into their property.

Commisisoner McCown – Brad, on the drawing on Z-1 and I'm not an electrical engineer but looking at the Azimuth and how those antenna are going to be pointed if some type of impermeable material was put on the box on the one facing to the left as you're looking at the picture, where it is closest to the house, to me the other one pointing away from the residence completely would be no player, but if some type of impermeable barrier were placed along the side of that box nearest the house, would that eliminate anything traveling from those antenna toward the house?

Brad Johnson– you know without being an RF engineer, radio frequency engineer I really couldn't say with any positive

Commissioner McCown – when you were talking about screening it earlier, I wondered how you did that if . . .

Brad Johnson – the screening is actually a RF Mutual or radio frequency mutual material, it's like a Plexiglas type material which the signal does penetrate without any problems as opposed to metal or concrete and the signal does not penetrate real well through that. That's why sometimes you have coverage outside when you don't have it inside of a building.

Commissioner McCown – and I was just wondering if that particular side of the box could be made out of an impermeable material and still allow your antennas to function going up the valley you're make contact with your users, yet not emitting anything toward the house.

Brad Johnson – I have absolutely no problem with adding additional screening material which would prevent the signal from even possibly reflecting off of something and going of in that direction. How much bigger that would have to increase that enclosure I don't know. That would really be up to the RF engineer, we're probably have to increase it, if you're looking at the drawing we're probably have to increase it north to the edge to building towards their house so that we have that screening as far away from that antenna as possible but still providing that barrier between the antenna and their property. And I think that would be a doable design, but again, that would increase that structure but if we paint to match it shouldn't look any different than, or significantly different from what it does now in the drawing.

Commissioner McCown – okay. And in your opinion the one of the opposite end of the building with the antenna pointing on up the valley, if you will that one shouldn't create any problem with those antennas pointing directly away from the house.

Brad Johnson – correct, but again, if it pleases the Board, we'd be happy to explore additional screening on the opposite sides of the antenna just in case.

Commissioner Houpt – well, we don't really have professional information on the medical impact of this type of station on somebody with the condition that Mrs. Lynch has and we don't have, you're doing a great job, but you don't have the engineering expertise to really show us what will be affective, I wonder if we need that kind of information, I mean this is a very unique situation, I don't think we could plan this one, this is very unique and I think, you know it certainly impacts a person's ability to use their property if done correctly and I think it would be important to have it come back to us before

Commissioner McCown – but didn't I hear the applicant say that they could adequately screen it for no radioactive

Commissioner Houpt – but he also said that he's not an engineer and he's not.....

Commissioner McCown – I know he's not an engineer but he said it could be screened so that nothing would travel through it.

Brad Johnson – we can screen it on whatever sides that the Board feels necessary whether or not that totally keeps or contains everything, the signal and if its even technical feasible, how far away that screening has to be away from that antenna, I'd have to have the RF engineer say that, talk about that. But I'm sure it could be done. We've done it in the past.

Chairman Martin – any other citizen?

Christine Lynch – it isn't just one physician that has told me this; I can get letters from more than one.

Commissioner McCown – we do not doubt your condition mamm.

Christine Lynch – well, I'm just saying in listening to him talk, he is saying we can do this, I'm not sure, but I feel this would correct the problem, it's nothing definite and when this is put up if it isn't definite, I mean if it definitely doesn't correct it then where are we, or where are you with the all the antennas there and other people I think according to this other companies can come in and put other antennas in, other companies can come in for this too. Chairman Martin – only if they meet the same requirements.

Christine Lynch – only if they meet the same requirements. But it is interesting, I don't know, I'm not questioning necessarily what he's saying about that the electro magnetic beams are like a flashlight and he could aim it this direction, it's interesting in taking the meter that I was given to check electro magnetic waves or voltage power waves as to how far out that those waves go. I drove around town and as I was coming down Blake the meter started getting higher and higher and of course I wondered what is here and then there were the big power lines over there where the Hotel Denver was. I kind of hate to tell this but I would feel extremely sick when I do laundry and I said what is going on here. Well I took the meter and my dryer was putting, it was showing anything over 40, I forget how it's measured, but it can be hazardous to your health and it went all the way up to 100 on my electric dryer and I'm like what is this. So I talked to the doctor about it and everything and I got a different dryer and the newer driers you don't have as high of a reading coming out so I was talking my clothes in the other room and folding my clothes. As I said I just wish that this didn't happen to people and I know I'm not the only one because since I've been going to the doctors they're telling me about other people that it does affect them. I sure you've seen where they've talked about cell phones with people that use them, they get brain tumors, I mean whether they do or they don't, I don't know, we may know in the future but there's been a lot of controversy in the papers regarding radio waves and all type of waves like that. I'm just wishing that it could be put somewhere where it wasn't, I mean where you didn't have residents living. We were there 20 years and I mean we bought property thinking that maybe things like this won't come up and they won't put antennas and things like this here but I think it can affect other people besides myself is what I'm saying.

Commissioner McCown – you said you were working with physicians to get something done, is there something they can do for your condition?

Christine Lynch – they're – they don't know, we're trying. As a matter of fact I was in Phoenix while I was there and I was a week late coming back because this doctor had said to me he had a woman coming in and she has been working at trying to like balance energy in people's bodies so they won't be so sensitive to electro magnetics but there are a lot of people that are and I don't know, if you sit in front computer monitor very long during the day if you feel shaking when you go home at night it may be affecting you more than you think. It scares me.

Commissioner McCown – No, I was just wondering what the doctors had done for you if anything.

Don Lynch – anyway this is, she's not making all of this up, cause I live with her and I know exactly how she feels and how she reacts to this stuff and I know that County doesn't want to put a bunch of antennas all over the whole

area, I can understand that, but I think in this special case but I think one more antenna would be a lot better than to risk having this problem.

Chairman Martin – okay. You give us a dilemma don't you Don, we're going to try and do something about it and see what we can come up with.

Don Lynch – I really hope you all will seriously consider this.

Chairman Martin – any other citizen, any other questions.

Commissioner Houpt – no but I do think that although it's very extreme perhaps it raises a question that should be asked more often and that what kind of impact these facilities do have on health.

Chairman Martin – any other items that you need in consideration.

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

Commissioner Houpt – there are two directions that I could go at this point, one is to deny this application and the other would be to suggest that we reschedule it until your experts and the doctors and the Lynches can to some resolve on whether or not this is going to render their property unusable. I'd like to see it rescheduled so that at least there can be some questions answered but I'd be more than happy to go in the other direction as well.

Chairman Martin – Don, after closing the public hearing by our rules and regulations we have 10 days to render a decision, is that correct?

Commissioner McCown – we could re-open the Public Hearing and I would support continuing but it but I would want re-open the hearing so we don't have to go back through the noticing.

Commissioner Houpt – I agree and I

Chairman Martin – 15 days, okay.

Commissioner Houpt – well lets

Chairman Martin – and the request is to re-open the hearing, no notification requirement to the applicant, borne by the County and that we have information from whom to be considered?

Commissioner McCown – I don't know I guess we need to bring Brad in on this, how long will it take you for your engineers to come up with the information on the permeability of the screening device and the size of this device and how long are we talking, how long do you need?

Brad Johnson – probably about a week to coordinate with the architect, the structural engineer for the building, the property owner and then the RF Engineer, probably about a week.

Commissioner McCown – well if we did 30-days it would be adequate to continue it.

Christine Lynch – but you understand

Jan Shute – I believe that you closed the public hearing so you need to reopen it.

Commissioner McCown – we reopened it.

Jan Shute – okay.

Commissioner Houpt so moved to reopen the hearing; Commissioner McCown seconded; motion carried.

Commissioner McCown – do you need to swear everybody back in?

Chairman Martin – no what it amounts to is we will take the testimony that the applicant that will say that it takes at least a week to go ahead and get that and you're looking at 30 days continuance.

Commissioner McCown – then everybody needs to be sworn back in.

Chairman Martin – already. The applicant was sworn back in.

Commissioner McCown – okay I move we continue this until July 11, 2005 at the same time.

Commissioner Houpt – And it's very important that there is meeting of the minds with the physicians and the Lynches and your engineers and architects.

Brad Johnson – I'd like to direct this question to the Board but do the Lynches, do they reside here in Colorado or in Arizona?

Chairman Martin – good question.

Commissioner Houpt – here.

Christine Lynch – this is our home.

Brad Johnson – okay.

Commissioner Houpt – you have a home in downtown Glenwood and a home the location.

Chairman Martin – the potential of the retirement home to care for the future that your daughter lives in at present.

Christine Lynch – yes our daughter lives there presently.

Brad Johnson – okay, I'll work with them after the hearing and get their address. The address I have is a Phoenix, Arizona address.

Christine Lynch – that's where we got this one letter but I don't believe we received anything prior to that.

Brad Johnson – that was per the records.

Chairman Martin – we have a motion to go ahead and continue to the 11th. Do we have a second?

Commissioner Houpt – second. Houpt – aye; Martin – aye; McCown – aye

CONSIDER A REQUEST BY THE BOARD OF COUNTY COMMISSIONERS FOR ZONE DISTRICT TEXT AMENDMENTS DELETING "ACCESS ROUTES" FROM SECTIONS 3.01.03, 3.10.01, 3.10.02, 3.10.03 AND 3.10.04 OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED – MARK BEAN

Mark Bean and Carolyn Dahlgren, and Don DeFord were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits: Exhibit A –Proof of Publication; Exhibit B – Garfield County Zoning Regulations of 1978 as amended; Exhibit C –Garfield County Comprehensive Plan of 2000; Exhibit D – Project information and Staff Comments.

Chairman Martin entered Exhibits A – D into the record.

Mark reviewed the staff report.

DESCRIPTION OF THE PROPOSAL

A. Request. The Board of County Commissioners is proposing to delete the term “access routes” from Sections 3.01.03, 3.10.01, 3.10.02, 3.10.03 and 3.10.04 of the Garfield County Zoning Resolution of 1978, as amended. This issue came to light as a result of an application from a large landowner in the Parachute Creek drainage wanting to build a road from the valley up to the plateau to gain easier access to the upper ranch areas. Normally, it would only require a grading permit, but the property owner’s representatives determined that an “access route” requires a conditional use permit in the Resource Lands zone district. After reviewing the proposed application, the Board, in conversation with the County Attorney’s office, determined that it was more appropriate to remove the term “access routes”, than add it to other zone districts, define it and develop review standards for approval. As a conditional use it would not be a deniable permit, just approved with conditions.

The term “access routes” is as noted previously allowed in only two zone districts, meaning it is not allowed in any other zone district. This is a problem, in that access routes are being built throughout the A/R/RD zone district and other zones, with no land use permits having been required for the natural gas drilling activity, due to pre-emption concerns. Many of the natural gas drilling activities may include access routes that may be technically illegal in the A/R/RD zone district and not pre-empted, but there is no definition of what an access route is for the purposes of the Zoning resolution.

In most industrial use land use permit applications, there will be an “access route” included as a part of the application. The Supplementary Regulations, Section 5.00 of the Zoning resolution contains a specific section dealing with “access routes”:

5.03.12 Access Routes: All conditional uses and special uses must be provided with access routes of adequate design to accommodate traffic volume generated by the proposed use and to provide safe, convenient access for the use constructed in conjunction to the proposed use. The minimum design standards shall be the Garfield County Road Specifications.

This section gives the Board of County Commissioners the authority to impose conditions of approval tied to road improvements needed for a particular project and to identify an acceptable route.

All other access routes are going to be for ranch/farming activities, public lands access, private driveways, natural gas drilling and other similar uses allowed by right or pre-empted by State or Federal regulations.

In summary, access routes are generally a part of an application for a land use permit, as opposed to being a separate use. Without a definition and no other real standards to review an application, the land use permit does not serve a lot of purpose.

B. Building Code: Garfield County recently adopted the 2003 International Building Code. As a part of that adoption, the County included Appendix J, Grading. (See included Appendix J). This section requires a grading permit for all grading, excavation and engineering work, including fills and embankments. There are some activities exempted from the regulation, such as agricultural activities. Section J103.2 was modified to read:

Grading, Excavation and earthwork construction, including fills and embankments on property classified as agricultural land by the Garfield County Assessor for the purpose of taxation This has left a gap in that particular term but regardless there are a number of activities in which grading permits are required to be obtained.

All other earth moving activities, including “access routes” are subject to the grading permit requirements. Each large permit is reviewed by the County Engineer’s office, based on the criteria set out in Appendix J.

2.02.431 Pipeline: Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives, gaseous matter or other liquid matter. Pipelines regulated, licensed or permitted under federal regulations as interstate transmission lines shall be exempt from regulation under this Chapter.

The last part of the clean up of the regulations will require the deletion of the term “pipeline” from Sections 3.01.03, 3.10.01 Uses, conditional, 3.10.02 Uses, conditional, 3.10.03 Uses, conditional and 3.10.04 Uses, special. An issue to consider in reviewing the proposed definition of a pipeline is the industries position that “appurtenant facilities” includes compressors. It is their interpretation that a pipeline cannot operated without compressors, thus it becomes an appurtenant facility. They acknowledge that sites with gas plants, such as the recently permitted Williams RMT facility in Parachute Creek would not fall under appurtenant facilities. Mark pointed out that Compressors are included in appurtenant facilities.

If this is approved, the way this is written right now compressors would not fall under our preview if they were associated with a pipeline and basically the position of the industry is that you really can’t have a pipeline without having a compressor since obviously you have to have something to push the gas through the line.

The recommended procedure for approving a pipeline is an administrative procedure similar to a process used in Boulder County and recommended by gas industry representatives during the development of the regulations. The process allows applicants to submit applications for individual pipelines or a plan for an area that identifies a number of pipelines to be built in an area. As a part of the process, an applicant, landowner or the Board has the option of calling up an application for review before the Board. There are a number of standards that have to be meant, otherwise staff can impose conditions for approval.

B. Other Comments: The Garfield County Weed Advisory Board is concerned that proposed regulations will not cover the potential surface disturbance from a number of gas development related pipelines. (See attached exhibit) They recommend that revegetation requirements become mandatory “when there is a minimum of one-half acre (21,780 sq. ft.) of surface disturbance. Staff note: 50 ft. x 435.6 ft. = 21,780 sq. ft.

Mark Bean – As a result of reviewing and using certain degree a Boulder County regulation that they used for years in terms of how they regulated some other oil and gas activities in Boulder County, we went through different irritations of this process and basically what this is, this process allows an applicant to make two different types of application: they can apply a single line if they chose to and get a permit for a single line, if they want to an applicant can come in and actually apply and receive approval for an area in which there will be a variety of lines that would be subject to and meeting the regulations and meeting the requirements of the regulations so it has these two processes there – the administrative portion of it is that it is submitted to staff, staff will review the criteria and the standards in the development plan process number of different lines – staff will review the process and the applicant

has to submit various documents and staff would make decisions. Notices would go out to the property owners and a decision is submitted to the Board and they have the opportunity to call up an applicant to come before the Board. He noted that this process as proposed will be for any pipeline or pipelines greater than 12" in diameter and over two miles in length or any pipeline that is more than 5 miles in length. It can be less than 12" in diameter. There is some leeway in terms of the permits that are there, basically what the Planning Commission decision was is that there are a number of smaller lines that are relatively short that would require an incredible amount of work on everybody's part that really are relatively minor that they decided they would just leave those to be constructed without requiring a separate permit for that.

Mark noted one other issue here that has come up recently and unfortunately it came up after the Planning Commission meeting. In Exhibit E – Mark received a memo from Steve Anthony on behalf of the Weed Advisory Board. Basically they are concerned about any area that is disturbed and then it not be properly reseeded and in turn ending up with weeds taking place of the native grasses. The Weed Advisory Board would recommend that there would be a minimum of ½ acre of surface disturbance area on a project regardless of pipe diameter or pipe length that would be subject to the administrative process. In the staff report 21,780 square feet is approximately 435.6 feet in length, assuming you have a 50 foot right of way, which most pipelines are going to be probably within the 40 to 60 foot range so Mark took an average.

There would a significant increase in the amount of activity or requirements for permits if you chose to go with this particular recommendation from the Weed Advisory Board.

RECOMMENDATION

The Planning Commission recommended **APPROVAL** of the application for a zone district text amendment to delete the term "access routes" from Sections 3.01.03, 3.10.01, 3.10.02, 3.10.03 and 3.10.04 of the Garfield County Zoning Resolution of 1978, as amended.

Discussion:

Commissioner Houpt – You mentioned a coal mine or oil shale, what about natural gas extraction activities?

Mark – they are not subject to our land use permits so no, they're not subject to this.

Commissioner Houpt – you know what my argument was against this previously and I need to say this again, I wonder why we would delete access routes during a time of growing natural resource activity instead of just defining it throughout the zone districts. It creates an opportunity for us to have this approval process that will allow us to condition some of the access routes or all of the access routes and I still don't understand why would take it away completely instead of creating it in other zone districts when we have so much activity going on that is requiring the building of numerous access routes, that do impact land. So there's no technical reason.

Mark – that's correct, there's no technical reason.

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 follow the recommendation of the Planning Commission and approve the application for a zone district text amendment to delete the term Access Routes from the Sections as noted earlier, 3.01.03, 3.10.01, 3.10.02, 3.10.03 and 3.10.04 of the Garfield County Zoning Resolution of 1978 and the Chair authorized to sign the Resolution.

Chairman Martin seconded for discussion.

Commissioner Houpt – I still think we need to be very careful as we adopt regulations like this with the immense of activity we have going on that impacts not only property owners but neighbors and environmental concerns; I'm still pretty baffled as to why we would take it away instead of redefining it or defining it in other zone districts.

Chairman Martin – so noted, it does cause us concern but when you're pre-empted from land use regulations under oil and gas and that's the only thing you're basing it on is really not that helpful to the other industries as well as the other folks that have to use the access route or grading permit process.

Commissioner Houpt – why don't you explain that because I know why it wouldn't be helpful.

Chairman Martin – because you have no technical standing in reference to land use under oil and gas regulations, but that's an old story and unfortunately we've challenged it numerous times and we've lost every time, I'm in the arena that we need to approach it in a different way and I am trying to do so – this does not help that particular cause to try to regulate oil and gas because we have no standing to do so.

Commissioner Houpt – it's not regulating oil and gas – it's regulating land use concerns in our County.

Chairman Martin – and as State Statute says if there's an operational conflict the State rules prevail. This would be an operational conflict on one industry and one industry only so therefore it does not play into our favor because we can go ahead and enact a useless law and still not be able to enforce it – is that just because we're giving lip service to our citizens or telling the truth that we really can't do much about it and take on a different approach to try to mitigate the impacts in a different light, and so that's where I am at this point after nine (9) years of dealing with what you're dealing with two (2).

Commissioner Houpt – well things have been updated and I just disagree with your interpretation and so we'll agree to disagree.

Chairman Martin – very good.

In favor: Martin – aye; McCown – aye. Opposed – Houpt – aye.

CONSIDER A REQUEST BY THE BOARD OF COUNTY COMMISSIONERS FOR ZONE DISTRICT TEXT AMENDMENTS ADDING SECTION 9.07, DEVELOPMENT PLAN REVIEW FOR PIPELINES AND SECTION 2.02.431, PIPELINE AND ADDING THE TERM "PIPELINE SUBJECT TO REVIEW AND APPROVAL PER PROCEDURE AND REQUIREMENTS OF SECTION 9.07" TO SECTIONS 3.01.01, 3.02.01, 3.07.01, 3.10.01 USES BY RIGHT, 3.10.02, USES BY RIGHT, 3.10.03, USES BY RIGHT AND 3.10.04 USES BY RIGHT, DELETING THE TERM "PIPELINE" AS A CONDITIONAL OR SPECIAL USE IN ALL ZONE DISTRICTS OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED – MARK BEAN

Mark Bean, Doug Dennison, Jimmy Smith and Cody Smith from Wagon Wheel Consulting and Don DeFord were present.

Don reviewed the noticing requirements for the public hearing and determined they were timely and accurate. He advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits: Exhibit A –Proof of Publication; Exhibit B – Garfield County Zoning Regulations of 1978 as amended; Exhibit C –Garfield County Comprehensive Plan of 2000; Exhibit D –Project Information and Staff Comments; Exhibit E – Memo to Mark Bean from Steve Anthony dated 6-1-05; Exhibit F – Proposed Section 9.07 of the Garfield County Zoning Resolution of 1978, as amended. Chairman Martin entered Exhibits A – F into the record.

Zone District Text Amendments adding Section 9.07, Development Plan Review for Pipelines and Section 2.02.431, Pipeline and adding the term “pipeline subject to review and approval per procedure and requirements of Section 9.07” to Sections 3.01.01, 3.02.01, 3.07.01, 3.10.01, Uses by Right, 3.10.02, Uses by Right, 3.10.03, Uses by Right and 3.10.04, Uses by Right, deleting the term “pipeline” as a Conditional or Special Use in all zone district.

Request. At the direction of the Board of County Commissioners, the Garfield County Planning Commission has developed and are proposing to add Section 9.07 (See attached), Development Plan Review for Pipelines and a definition to Section 2.02.431, Pipeline and adding the term “pipeline subject to review and approval per procedure and requirements of Section 9.07” to Sections 3.01.01, 3.02.01, 3.07.01, 3.10.01, Uses by Right, 3.10.02, Uses by Right, 3.10.03, Uses by Right and 3.10.04, Uses by Right. As a result the term “pipeline” will be deleted as a Conditional or Special Use in all zone districts. of the Garfield County Zoning Resolution of 1978, as amended. Pipelines are now identified as a Special or Conditional use in some zone districts, but not in all of the zone districts that have pipeline activity in them. Additionally, there is no definition of a pipeline, which has resulted in pipelines being built, without the appropriate permit.

In the early 1990’s, the Board of County Commissioners instructed staff to only require land use permits for transmission lines and to not require permits for a gathering line. Subsequently, there has been a misunderstanding by the gas industry of the County’s land use requirements due to the industry basing their classification on of pipelines on Federal categories. Federal regulations consider a gathering line to be the pipeline from the end of the “flowline”, as defined by the Colorado Oil and Gas Conservation Commission (COGCC) regulations, and a Federal Energy Regulatory Commission (FERC) regulated transmission line. The County Commissioners direction was intended to deal with all lines from the end of the flowline, including the FERC regulated transmission lines.

The misunderstanding was exacerbated by the fact that the Zoning Resolution does not define a pipeline. In the interest of clarifying this, the Planning Commission has proposed the addition of a definition of a pipeline. The following is the suggested definition:

RECOMMENDATION

The Planning Commission recommended **APPROVAL** of the zone district text amendments adding Section 9.07, Development Plan Review for Pipelines and Section 2.02.431, Pipeline and adding the term “pipeline subject to review and approval per procedure and requirements of Section 9.07” to Sections 3.01.01, 3.02.01, 3.07.01, 3.10.01, Uses by Right, 3.10.02, Uses by Right, 3.10.03, Uses by Right and 3.10.04, Uses by Right, deleting the term “pipeline” from Sections 3.01.03, 3.10.01 Uses, conditional, 3.10.02 Uses, conditional, 3.10.03 Uses, conditional and 3.10.04 Uses, special.

Discussion

Commissioner McCown – timely manner under Steve’s concerns, I have concerns on a pipeline or any disturbance that’s open that we’re requiring vegetation in a timely manner. Somebody going up and scratching the dirt and throwing grass seed in June. It’s not going to grow. I think we have to allow for early spring or fall to seed or we’re just wasting everybody’s time and money and I have a problem in here knowing what “timely” is. Not unreasonable to ask for revegetation to occur within one year within the time of disturbance when we hit a growing season.

Mark pointed out in Section 9-07-04 of the proposed regulation which is the information that has to be submitted as part of the application, No. 12 is the revegetation plan which defines basically the information and incorporated part of the revegetation and also a requirement for a weed management plan and security. This will allow review and determine whether or not they are dealing with the weeds should there be weeds as a result of the disturbance.

Commissioner McCown – there would clearly be instances as we all know when soil is disturbed around here, here come the weeds but there may be instances weed control has to be controlled prior to revegetation. It may be able to be addressed that section number 12 – the planning schedule that including timing methods and mulching.

Commissioner Houpt – the one thing that it doesn’t cover is the area that they are uncomfortable with.

Mark – if you’re going to change that, you need to go back to Section 9.07.02 development plan review requirements as this is where you change occurs. To do what they are requesting you would delete the term greater in 12” in diameter and over 2 miles in length or any pipeline over 5 miles in length and substitute any disturbance greater than 21,780 square feet.

Commissioner McCown – so a 10” pipeline 4.5 miles long is good to go.

Mark – yes, the present language.

Commissioner Houpt – so I’m confused as to where that came from – I mean I know that you said that they wanted to come up with some number but we had never talked about the length of a pipeline and I know that we had talked about a smaller diameter the last time it was in front of us.

Mark – this covers pipelines over 5 miles in length – anything over 5 miles less than 12” in diameter will be subject to a review process.

Commissioner Houpt – why would we go to that length? Why wouldn’t we?

Mark – that was the agreed upon direction that came from the Planning Commission and discussions with the folks that were at the meeting.

Commissioner McCown – and the reason they agreed on 12” was they had to have a number.

Commissioner Houpt – didn't you mention 6" once?

Commissioner McCown – oh I mentioned 4", it went all the way down to the line that delivers the gas to your front door if you read the description and the definition.

Mark – point of clarification – the reason that we put this language in the regulation rather than in the definition was because now we are talking about regulatory language when we say a certain size. The definition we're just trying to define what a pipeline is – we don't care what it carries or what it is, the regulation affects as it's written right now, affects the 12" over 2 miles or any pipeline over 5 miles.

Commissioner Houpt – so we'll hardly be regulating – I mean what will be regulating with that kind of criteria.

Commissioner McCown – everything you've seen come in for a Special Use Permit.

Mark – quite a few actually, definitely most of the large ones we're seeing and deferred to the industry folks what we would or wouldn't see.

Jimmy Smith – was sworn in.

Jimmy Smith – Wagon Wheel Consulting and back to the discussing regarding size, as negotiations and a great length of discussion with the Planning commission as well as the Energy Advisory Board discussions, the average size of pipeline that typically is put in this County is a very short and under that 12" size and those can typically be classified as flow lines and not as gathering; anything over the 12" size which we have come forward with SUP applications in the past were more described as the gathering pipeline that carried the gathered gas to the transmission lines. And the Board agreed that that's the typical size pipe and we had to come up with a realistic size of what split the flow line in our terminology of these transmission or gathering pipeline was 12" and over.

Chairman Martin – we understand that we do not review the flow line based upon the industry standards as well as the State review.

Jimmy Smith – that is correct. Now there are cases and that is company specific more often than some of the larger companies that have shorter pipelines that would fall under that two (2) mile limit but over the 12" that still would fall under the jurisdiction of this.

Commissioner Houpt – so how many 10" lines do people use – I mean would companies use 10" instead of 12" just to go under the radar in this pipeline regulation?

Jimmy Smith – I would answer no to that, that is not prudent upon a company to do that for the purpose of avoiding a permit – that's an engineering specification depending upon the volume of gas and pressure that they have to move – I would not hesitate to say that very very few companies, if any would use the 10" rule to their advantage just to circumvent a permit process.

Commissioner McCown – it wouldn't have the carrying capacity that most companies would need to go to the expense of putting it in. It would be used to gather one, two, up to four wells but a small gathering system like that would fall under this criteria and not have to come in for the permitting process, but once all of those were gathered and it was stepped up to a bigger line to handle the volume, then it wouldn't comply.

Jimmy Smith – another point, that would then become economically feasible to occupy because they would have to come back and loop that same 10" line with another pipe in order to carry that volume. So therefore the permit process avoiding that would be of no benefit.

Commissioner Houpt – one thing we've noticed in the past is the moving of the facility to create a flow line instead of a gathering line – I mean the meter, is that, if we wanted to pull more pipeline into that, would that just kind of be the outcome that everything would just be a flow line instead a gathering line?

Jimmy Smith – not necessarily, no Mamm. In many cases the mineral rights agreement or the agreement with the mineral rights owner would determine where that meter is placed and it's not optional to a company to move that meter. In the case particularly where there are federal minerals involved, they specify you will do well head measurement in most cases so therefore the option to move that meter just to fit a flow line underneath the radar would not be possible or feasible.

Commissioner Houpt – directed question to Doug before I leave this, given the extensive discussion we've had on pipelines over the past couple of years, do you believe, because this is the first time we've ever seen 12" and two in length, any pipeline more than five, do you think we're capturing what we set out to capture with these measurements?

Doug Dennison – may be not entirely but its always that balancing act between do we want to try to permit every piece of pipe that goes in the ground and do we have the wherewithal to deal with that, I actually have vacillated on this but I think may be what we will do with this kind of process since its not quite an onerous as going through the special use permitting is maybe encourage companies to come in and go through this administrative process where frankly some companies right now are just ignoring the special use permitting requirements and just putting the pipe in the ground and basically waiting to see if the County will call their bluff. This criterion for what size pipe plus just this process is easier to get through and should encourage folks to come forward with those permits.

Commissioner Houpt – does this protect the values that we set out, or does it, I mean its seems to me that there are a lot of pipes that won't be included.

Doug – there will still be a lot of pipes that are not included – that is true.

Chairman Martin – go ahead, you're the one who has the questions – the same old ones that we've asked. But keep going.

Commissioner Houpt – that was –

Chairman Martin – no, in the past we've asked a lot of those questions.

Commissioner Houpt – I've been involved with re-writing the noise regulation with the COGGC and various other stakeholders and the discussion of permitting compressors continuous comes up and the first time it came up I said well we've always been told that COGGC regulates that and so we haven't been – and every meeting since then they've been saying, no the County's regulate that and it will work well with the noise regulation that comes forward because from day one you can say that you must comply with the State noise regulations which will be in place and will include compressors. But everything that comes out of the of COGGC is County's have the authority to permit the placement and development of a compressor, so I'm a little confused by the statement in this policy that ties a

good number, if I'm reading it correctly, of compressors to the pipeline. So maybe both of you guys can help me that one.

Jimmy Smith – the industry and the Planning Commission both agreed that compression particular in this area with high pressure transmission lines were appurtenants so that pipeline line similar to a water pump to a water line.

You're not going to move gas or that water from point A to point B without the use of a compressor; therefore it becomes appurtenants to that. Now the compressor itself would fall under the same administrative regulations in this process so it would not go per say un-permitted it would still fall within this regulation.

Commissioner Houpt – would you have compressors with pipelines that weren't included in this definition of a pipeline, the size and length? And if so would that then be a separate special use permit for that compressor?

Jimmy Smith – I guess my answer to that and not speaking in Mark's behalf, but whether or not the pipeline itself was permissible under this process, the compressor potentially would as an administrative process. I see your point that a compressor station or a compressor could be built on a line smaller than 10" or less than 5 miles long, the potential is definitely there for that to happen. Most of the companies in this area are going to more centralized compressors where several wells comes into a compressor and therefore go into a transmission line more so than individual flow lines or individual wells having compressors located on them. I would say the majority of the time a compressor would be an appurtenant to a line that would be regulated under this Code.

Commissioner Houpt – so what if its, if it's connected with a number of pipelines then I'm, we, I think that's the permitting of a compressor station, can you help me understand the difference.

Mark – pointed out this regulation one of the standards that they still have to comply with is any equipment used in the construction or operation of a pipeline must comply with the Colorado Oil and Gas Conservation Rules and Regulations, Section 8.02 noise abatement. So that is still there. In terms of if you have a compressor that is serving a number of different pipelines probably what we're going to see is an area wide plan that's going to have multiple pipelines permitted at the same time.

Commissioner Houpt – another thing we talked about though and this was big with the noise issue, was the authority of the County to help determine the location of that compressor station, if there were concerns about noise from neighbors and we had the authority to look at this compressor station use the way we would have any other special use in the County and are we giving that right away with the wording in this regulation. I don't want to give that away.

Commissioner McCown – we're not making it mandatory, we're allowing it to become a part of the administrative review process with the conditions they chose to place on there.

Commissioner Houpt – and will you be looking at the location of compressors and?...

Commissioner McCown – and if there is a conflict, it can be called up at any time is the way I understand it.

Mark – right.

Chairman Martin – and if its on a piece of property that happens to be privately owned or whatever then Doug could be involved in reference to that use and say we have a real conflict that we can't resolve and need an on-site, etc. we need to do a review, and it comes up through the review process, make some administrative changes and the process works at least we have communications.

Mark – there are a couple of different levels that occur here. We will be reviewing these on an administrative level and if we see things that are obvious or problems, then we can impose conditions, the landowner has opportunity to comment and bring it to the BOCC to impose conditions or if the Commissioners see something they want, you have the ability to could call it up and impose conditions also.

Commissioner McCown – we may not see it, but we could get a call from a disgruntled landowner that says they are getting ready to put a compressor and you need to look at it. At that point if we feel it's justified, we can call it up on a public review just like anyone.

Commissioner Houpt – we'll systematically get these recommendations from Building and planning before they go into effect and impacted neighbors will as well. We may be giving up something that we were just given.

Don DeFord – that call up provision only applies to pipelines and hence appurtenant facilities that are subject to review. So any compressor used on a pipeline that is not subject to review is not subject to call up or review by the County then under this regulation.

Commissioner McCown – could hardly imagine putting a compressor on a line that does not have an aggregate line of 5 miles and a series of lines come to that compressor, the feasibility of that.

Don – this will be one of the discussions we will have when we try to enforce this regulation as written – what is a line. How do you measure a line from where to where, is it an aggregate, or is it from each connection from one line connects to another line, that's not defined in this regulation.

Commissioner McCown – where will this be should the Oil and Gas Conservation Commission decide to take pipelines in under their wings.

Don – that would be the same problem that we've had with all of our regulations on them.

Commissioner Houpt – where will we be with compressors?

Don – that depends upon how the Oil and Gas Commission wants to deal with that issue, if and when they regulate pipelines but the position the industry has taken here is that compressors are part and parcel of a pipeline.

Commissioner Houpt – but I'm not sure that's what I heard from the OGCC. We didn't even talk about pipelines – we talked about compressors.

Commissioner McCown – but we are permitting these pipelines and the compressors are part of that.

Mark – maybe to go to your issue, the reason that you didn't hear anything about pipelines is because the OGCC doesn't take a position on regulating pipelines at this time, they do take a position of regulating noise related to compressors.

Don – the position you're saying Tresi they are taking is absolutely consistent with what they've said on pipelines also that they do not regulate pipelines.

Chairman Martin – they always take the position of "not at this time". They will choose if it becomes too onerous and a conflict between State regulations, operations and County regulations – we will see that.

Doug Dennison – the EAB looked at a version of this prior to this 2 mile 12” being incorporated into it, the overall process everyone felt comfortable with the administrative review process as laid out. When the EAB looked at this the county was still wrestling with the definition of pipeline.

Commissioner McCown – I hope when they come in with their plans they will come in with an area plan that the smaller lines were shown and included on the area plan, not just the 12” lines over 2 miles long that they have to show. I would hope they would show there other lines, what plans they have for the gathering system, and then the administrative approval of the bigger lines.

Commissioner Houpt – why not put that language in here?

Commissioner McCown – then we’re back to reviewing and permitting every pipeline unless it requires a developmental plan. The little pipelines don’t require a developmental plan.

Mark – you can do what you want to do and say in addition to the regulated pipelines including all the appurtenant pipelines that will be associated with it without necessarily saying they are subject to permitting.

Commissioner Houpt - in the past we have seen that these can impact future use of land and restrict future use and it would be good to have a plan on file so we know what that piece of property can hold and what it can’t hold.

Jimmy Smith – speak on behalf of the industry regarding that - some areas are under development, wells are being drilled one or two at a time to determine whether or not that areas is going to be feasible so those flow lines or pipelines may or may not fall within this regulation until the point that lease is proven and is going to be developed – that was the intent at least to the Board and the industry when that becomes knowledgeable we would turn in an area plan that would cover all known plans to develop pipelines and then after that if that area continued to grow, the supplemental process is in place and an amendment or supplement could be turned into that permit to include those lines as well. It would include all those lines, there may be single well lines again that would be installed smaller than the size stipulated here but I don’t believe it was the intent of the Board or the industry to say well we could do that for the next 20 years, develop one at a time outside of this regulation – that’s the not the intent of the area wide plan.

Mark – they have the option, as he said, they can come in with the area wide plans or individual plans – they have that discretion – the hope is that they will chose to do this all at once.

Commissioner Houpt – is there a problem putting in “area wide”?

Mark – no but we think its a better option but it will be up to the industry once they start doing this to see if they agree and if its feasible.

Jimmy – once it’s determined that it applicable and not still under the development phase.

Commissioner McCown – an area plan under a 5 well exploratory plan would be 5 dots on a map and interconnecting that five and one small line handling it, if that field proved to be productive, then you’re going to see a whole different scenario on the ground.

Jimmy Smith – and typically those lines and those facilities are covered within the APD for the building of the well.

Chairman Martin – and they include not only Federal land, State lands, County lands, private lands, and there may be different requirements that we may not be able to meet or they are different than our regulations say, you may have a contract with a private owner that wants something different and if we lay ours on there without some kind of a review or whatever it may be overstepping on that individuals request or it may be under CDOT says, if CDOT has their regulation as well as the BLM and the Forest Service. So we have to remember that we’re not regulating Federal lands, private lands all the time – we do deal with out County right of ways and that’s what we’re doing – don’t lose sight of what we can do.

Commissioner McCown - Commended everybody who worked on this, it’s been a long year and remembers back when we thought we may never get a definition of a pipeline. At least we have something written down, whether we agree with it or not, we have something to start with.

Commissioner Houpt – question on 01. para 2 – is this something we were just talking about – the “applicant may be required to submit an development plan indicating sitting and layout, buffering, landscape, lighting and other specific data and?”

Mark – this is a purpose statement, not identifying particular regulatory requirement, its saying under certain circumstances they may be allowed to do this and this is the purpose of the whole section.

Chairman Martin – this gives us an opportunity to personalize that particular site if we need extra review or it’s a conflict, then we have the call up to this board so we can address those issues face to face.

Commissioner Houpt – in the last paragraph, 05, failure to make a determination on the application within this time period shall result in the application being considered approved and the applicant’s building permit or access or other permits being processed” is this what we always do?

Mark – it’s given the applicants and staff some certainty in terms of the timelines. This is language that came out of Boulder County. We have to work within these timelines.

Commissioner McCown – those timelines are important or you will not have the confidence of the industry to send in an application if they think staff may sit on it for 6 months. This is our first shot into this and if it doesn’t work, we can amend it again – that’s the tool we have.

Jimmy – a lot of lines 24” and some may go up to 30 to 36” and they definitely run more than 2 miles; connecting to a transmission line.

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 Zone District Text Amendments adding Section 9.07, Development Plan Review for Pipelines and Section 2.02.431, Pipeline and adding the term “pipeline subject to review and approval per procedure and requirements of Section 9.07” to Sections 3.01.01, 3.02.01, 3.07.01, 3.10.01, Uses by Right, 3.10.02, Uses by Right, 3.10.03, Uses by Right and 3.10.04, Uses by Right, deleting the term “pipeline” as a Conditional or Special Use in all zone districts. Houpt – aye; Martin – aye; McCown - aye

Carolyn Dahlgren – This mooring when legal was talking with you about the Meeney litigation we did not ask for authority for any stipulation that might arise from the litigation to be signed by Jan Shute on behalf of Mr. Martin or to be signed by John or Jan.

Carolyn framed the motion to authorize Jan Shute to sign the stipulation within the perimeters given in Executive Session that were given. McCown so moved; Houpt – aye; Martin – aye; McCown – aye.

ADJOURNMENT

Attest:

Chairman of the Board

JUNE 15, 2005 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

THE WORKSHOP MEETING WITH THE BOARD OF COUNTY COMMISSIONERS AND THE DISTRICT ATTORNEY BEGAN AT 1:00 P.M. ON WEDNESDAY, JUNE 15, 2005 WITH CHAIRMAN JOHN MARTIN AND COMMISSIONERS TRESI HOUP AND LARRY MCCOWN PRESENT. ALSO PRESENT WERE ASSISTANT COUNTY MANAGER JESSE SMITH, COUNTY ATTORNEY DON DEFORD, DISTRICT ATTORNEY COLLEEN TRUDEN, ACCOUNTING DIRECTOR PATSY HERNANDEZ, TREASURER GEORGIA CHAMBERLAIN AND MILDRED ALSDORF CLERK & RECORDER.

BUDGET – DA

COLLEEN TRUDEN AND CHUCK BRENNER WERE PRESENTERS.

VINCE FELLETER, ROBIN STEPHEN AND FRED TRUDEN PARTICIPATED.

CHAIRMAN MARTIN – A WORKSHOP WAS SCHEDULED TODAY AND THE AGENDA TODAY IS THE DISTRICT ATTORNEY AND THE QUESTIONS WE MAY HAVE AND I UNDERSTAND THE DISTRICT ATTORNEY HAS A PRESENTATION AND THEN WE’LL BE ABLE TO ASK SOME QUESTIONS.

COLLEEN TRUDEN PRESENTED A POWER POINT PRESENTATION SHOWING THE BUDGET. FIRST OF ALL I WOULD LIKE TO THANK YOU FOR MAKING TIME IN YOUR SCHEDULES FOR THE WORKSHOP. AS YOU KNOW I FIRST REQUESTED THIS WORKSHOP WHEN I CAME BEFORE YOU ABOUT A MONTH OR SO AGO WITH THE PURPOSE OF ASKING YOU FOR THIS WORKSHOP. THIS WORKSHOP WAS DESIGNED TO BRING TO YOU CONCERNS THAT I HAD WITH REGARD TO THE OFFICE AND SOME DEFICIENCIES IN THE OFFICE AS WELL AS THE OFFICE SPACE ITSELF AND SOME REMODEL THAT WOULD MAKE THE AREA FAR MORE EFFICIENT, USEFUL AND BRING IT UP TO CODE AND ADDRESS SOME OF THOSE ISSUES THAT HAVE NOT BEEN ADDRESSED OVER THE LAST FEW YEARS. THIS IS MERELY A PRESENTATION AND A REQUEST. I AM FULLY AWARE THAT YOU ARE THE FUNDING AGENCY AND YOU WILL CHOSE EITHER TO AGREE OR NOT TO AGREE WITH THE REQUESTS THAT I HAVE MADE. I’VE ACTUALLY PUT TOGETHER MY POWER POINT ON WORD PERFECT AND NOT ABSOLUTELY SURE THIS ONE IS A COMPLETE COPY OF THAT BUT WE’LL GO THROUGH AND I DID THE POWER POINT MOSTLY FOR THE BENEFIT OF THOSE WHO MIGHT BE HERE IN THE AUDIENCE AND I WILL HAVE HANDOUTS AS WE GO ALONG FOR YOU.

I WOULD LIKE TO LET YOU KNOW THAT I HAVE MY MANAGEMENT TEAM FOR THE MOST PART WITH ME HERE TODAY AD THAT’S ROBIN STEFFEN, THE OFFICE MANAGER AS WELL AS VINCE FELLETER, THE ASSISTANT DISTRICT ATTORNEY. WE DO HAVE OUR CHIEF INVESTIGATOR OVER WORKING ON CASES OTHERWISE HE WOULD HAVE ENJOYED BEING PRESENT TO SHARE IN THIS PRESENTATION.

ALSO PRESENT FOR THE VARIOUS PARTS OF THE PRESENTATION ARE DIFFERENT MEMBERS OF THE TEAM THAT I’LL INTRODUCE TO YOU AS WE GO ALONG IN THEIR PORTION OF THAT PRESENTATION THAT’S BEFORE YOU.

I DO HOPE THAT AFTER THE PRESENTATION YOU WILL HAVE SOME TIME TO JOIN ME AND DO AN ONSITE VISIT BECAUSE I THINK THAT WILL BE VERY BENEFICIAL TO YOU TO SEE THE ACTUAL LOCATION AS WELL AS THE CONDITION OF THE OFFICE AND WHY WE’RE REQUESTING THE CHANGES; PART OF THE PRESENTATION THAT I DON’T HAVE ON THIS ONE WAS SOME PICTURES, YOU WILL SEE SOME OF THOSE IN THE MATERIALS THAT I GIVE TO YOU BUT THOSE WILL NOT BE AVAILABLE BECAUSE I DON’T HAVE IT IN THIS PRESENTATION FOR THE AUDIENCE.

AS AN ELECTED OFFICIAL, CEO, A PRESIDENT OF A COMPANY, ANY BUSINESS OWNER OR EVEN A PARENT – WE ARE REQUIRED TO MAKE DECISIONS. THOSE DECISIONS WILL NOT BE LIKED BY SOME FOLKS, PARTICULARLY BY THOSE INDIVIDUALS WHO OPPOSE THE PERSON MAKING THE DECISION OR THOSE WITH SEPARATE, PERSONAL OR POLITICAL AGENDAS. THE DECISIONS WE ARE REQUIRED TO MAKE ARE NOT ALWAYS EASY OR POPULAR BUT IT IS OUR JOB TO MAKE THOSE DECISIONS. AS YOU KNOW WE AS DECISION MAKERS, RARELY MAKE DECISIONS IN A VACUUM OR SOLELY OF OUR OWN DOING. MOST OFTEN WE ARE REQUIRED TO DECIDE ISSUES IN GIVEN SITUATIONS RESULTING FROM WHAT OTHERS HAVE DONE OR DECIDED. SUCH IS THE CASE WITH A NEW ADMINISTRATION. THE PRIOR ADMINISTRATION MADE SEVERAL DECISIONS, MANY OF THOSE DECISIONS YOU AND I MIGHT HAVE MADE DIFFERENTLY BUT THEY WERE MADE. WE CAN SIT BACK AND SECOND GUESS, FIND FAULT AND MICROMANAGE BUT THAT IS NOT WHAT I PREFER TO DO HERE TODAY. AS SEVERAL OF YOU ARE AWARE MAC MEYERS DID NOT INVOLVE ME IN THE PREPARATION OF THE DISTRICT ATTORNEY 2005 BUDGET AND IN FACT REFUSED TO PROVIDE ME A COPY OF THE BUDGET UNTIL IT WAS MADE PUBLIC IN MID-OCTOBER 2004. EVEN WHEN I REQUESTED COPIES OF THE INFORMATION REGARDING THE DEVELOPMENT OF THE BUDGET AND WORKSHEETS, MAC ADVISED THAT HE DID NOT HAVE ANY. WHEN WE TOOK OFFICE, MY MANAGEMENT TEAM, ON JANUARY 11, 2005 WE FOUND MUCH OF THE HISTORICAL INFORMATION ON THE FINANCIAL COMPUTER PROGRAM PREVIOUSLY USED WAS DELETED. EVEN THE INDIVIDUAL WHO PROVIDED ACCOUNTING IN ACCOUNTING SOFTWARE SERVICES TO THE OFFICE COULD NOT FIND SOME OF THE INFORMATION HE EXPECTED TO FIND AND THOUGHT WOULD BE AVAILABLE TO HELP US WITH THE TRANSITION. WE HAVE EXPENDED HUNDREDS OF HOURS REVIEWING THE INFORMATION AVAILABLE AND WORKING WITH THE OBSOLETE PROGRAM WHILE WE MAKE OUR TRANSITION AND CONVERSION TO THE SOFTWARE PROGRAM RECOMMENDED TO USE BY MCMANN AND

ASSOCIATES, THE NEW AUDITORS. THE INITIATION OF A NEW PROGRAM AND THE NUMBER OF DATA ENTRIES IS A FAMILIAR PROCESS TO EACH OF YOU AS THE COUNTY HAS BEEN UNDERGOING YOUR OWN CONVERSION TO NEW WORLD. YOU FIND THERE ARE MANY ADJUSTMENTS AND MANY THINGS YOU MUST DO. WE TOO ARE EXPERIENCING OUR OWN CONVERSION CHALLENGES. THE PREVIOUS ADMINISTRATION USED VERY BROAD CATEGORIES AND WE PLAN TO PROVIDE BETTER REPORT PRODUCING DOCUMENTS. TO THAT END WE HAVE BEEN WORKING WITH COUNTY FINANCE DEPARTMENT PERSONNEL TO DEVELOP THE ACCOUNTING CODES, WHAT WE WANT TO DO IS BE ABLE TO WORK HAND IN HAND WITH THE COUNTY AND THAT INCLUDES ALL THREE COUNTIES, NOT JUST GARFIELD COUNTY IN PRODUCING THE KIND OF INFORMATION THAT YOU'RE GOING TO WANT TO SEE. I'M WELL AWARE AS YOU ARE THAT THE PRIOR BUDGETS PRESENTED TO YOU WERE VERY SUMMARY AND VERY GENERAL AND THAT WAS ACCEPTABLE. I HOPE TO PROVIDE A LITTLE BIT MORE DETAIL IN WHAT IT IS AND WHERE THE MONEY IS BEING SPENT AS WE MOVE INTO THE BUDGET YEAR. WE ARE NOT PREPARED TO GO INTO THAT TYPE OF DETAIL HERE TODAY. I WILL ATTEMPT TO ANSWER WHATEVER QUESTIONS YOU MAY HAVE AS A RESULT OF WHAT WE'RE GOING THROUGH AND EXPERIENCING BUT I WILL NOT BE PREPARED TO ANSWER IN DETAIL ANY BUDGETARY ISSUES IN GREAT EXTENT.

I SENSE THAT PEOPLE FORGET THAT MAC HAD EIGHT (8) YEARS TO FIGURE OUT WHAT HE WANTED TO DO WITH HIS ACCOUNTING AND HIS ADMINISTRATION AND I HAVE TAKEN OVER A SYSTEM THAT WAS OBSOLETE WITH THE NEW TEAM GETTING ACCLIMATED TO THE OFFICE. WE HAVE A TREMENDOUS AMOUNT OF WORK IN THE FEW SHORT MONTHS OF OUR ADMINISTRATION. IT IS VITAL THAT YOU UNDERSTAND THE NATURE OF THOSE DECISIONS AND THE SERIOUS IMPACT ON THE CURRENT DA BUDGET.

MAC MADE CHOICES IN HOW HE WANTED TO PROCEED AND HE HAS DONE SOME DECISION MAKING THAT HAS IMPACTED THE 2005. WHAT I WOULD LIKE TO DO IS GO THROUGH A FEW OF THOSE DECISIONS BECAUSE IT IS IMPORTANT FOR YOU TO UNDERSTAND WHAT WE ARE FACING AND HOW WE HAVE MADE OUR DECISIONS IN PROCEEDING WITH WHAT WE HAVE DONE.

IT IS VITAL THAT YOU UNDERSTAND HOW WE MADE AND WHAT HAD AN IMPACT ON OUR DECISIONS. GIVEN YOU A GLIMPSE INTO THE BACKDROP OF WHAT I FOUND BEGINNING MY ADMINISTRATION WILL LEND YOU UNDERSTANDING.

MAC WAS VERY MUCH AWARE THAT THE DA'S BUDGET AND APPROPRIATIONS IS A BOTTOM LINE END-OF-THE-YEAR BUDGET. I TOO REALIZE THAT I MUST BE WITHIN MY BUDGET BY THE END OF THE YEAR, IT IS STILL NECESSARY FOR ME TO SHARE WITH YOU JUST A FEW OF MAC'S DECISIONS AND HOW THEY IMPACT THE CURRENT DA'S FINANCIAL SITUATION. KEEP IN MIND THEY WERE MAC'S DECISIONS NOT MINE AND NOT YOURS.

FIRST I AM GOING TO ADDRESS A COUPLE OF THINGS YOU'VE HEARD OR READ ABOUT:

BADGES – FIRST WE HAVE NOT ORDERED ANY NEW BADGES, WE HAVE LOOKED AT ORDERING NEW BADGES AND THE REASON WHY IS BECAUSE WHEN MAC LEFT, HE GAVE MANY OF THE DEPARTING DEPUTIES AND INVESTIGATORS AS IS CUSTOMER THEIR BADGE MOUNTED. HOWEVER, HE DID NOT REPLACE THOSE BADGES SO WE DON'T HAVE ENOUGH TO GO AROUND. IT'S AS SIMPLE AS THAT – WE HAD TO LOOK AT EITHER REPLACING THOSE BADGES AT A COST OR ORDERING DIFFERENT BADGES. SINCE THERE ARE A NUMBER OF THOSE BADGES CIRCULATING OUT THERE WHETHER MOUNTED OR UN-MOUNTED, WE DON'T KNOW. IT CERTAINLY APPEARED TO BE AN APPROPRIATE TIME TO LOOK AT NEW BADGES, WHICH WE WILL DO IF AND WHEN IT BECOMES AVAILABLE IN THE BUDGET TO REPLACE THOSE TYPES OF ITEMS.

MANDATED COSTS – YOU'RE FAMILIAR WITH THE MANDATED COSTS PROGRAM THROUGH CDAC – IMMEDIATELY UPON TAKING OFFICE IN MID-JANUARY WE STARTED RECEIVING TELEPHONE CALLS FROM NUMEROUS SHERIFF'S DEPARTMENTS ASKING ABOUT PAYMENT FOR SERVICES THEY PROVIDED TO THE NINTH (9TH) JUDICIAL DISTRICT ATTORNEY'S OFFICE. REIMBURSEMENT FOR THESE COSTS ARE ROUTINELY PROCESSED THROUGH THE STATE MANDATED COST PROGRAM MANAGED BY CDAC. HOWEVER, MAC'S ADMINISTRATION FOR WHATEVER REASON DIDN'T PROCESS SEVERAL OF THOSE INVOICES. WE BEGAN TO IMMEDIATELY PROCESS THE INVOICES AND PAID THE SHERIFF'S DEPARTMENTS. WITHIN THE FIRST SIX (6) MONTHS OF THE FIRST (1ST) FISCAL YEAR INCLUDING THE UNPAID INVOICES THE PRIOR ADMINISTRATION HAS USED ABOUT TWENTY FOUR THOUSAND (\$24,000) OF THE TWENTY EIGHT THOUSAND (\$28,000) OF OUR OFFICES MANDATED COSTS ALLOTMENT. EVEN WITH THESE EXPENDITURES OF THE MAJORITY OF OUR MONEY WE HAVE MANAGED OUR FUNDS AND USED THE APPROPRIATE PROCESS THROUGH THE MANDATED COSTS PROGRAM TO MEET OUR BUDGET NEEDS. I'M TELLING YOU THIS BECAUSE IT SEEMED TO BE AN ISSUE THAT HAD BEEN RAISED; WE'RE NOT ASKING FOR FUNDING FOR ANYTHING THAT WAS A MANDATED COST. PLEASE BE ADVISED OF THAT.

WHAT I'M GOING TO DO SO YOU CAN THROUGH SOME OF THIS WITH ME, I HAVE A COPY OF THE PRESENTATION AND EXHIBITS FOR JESSE, LARRY, JOHN, TRESI AND DON/MILDRED. NOTHING FANCY.

WE'RE MOVING THROUGH THE POWER POINT AS WELL HERE.

WORKER'S COMPENSATION

WE WERE ASKED, TO BACK UP, YOU HAVE AN EXHIBIT WHICH IS COUNTY'S WITH INVOICES FROM 2004 JUST SHOWING YOU WHICH OF THE COUNTIES HAD CONTACTED US.

WITH REGARD TO THE WORKER'S COMPENSATION WE RECEIVED AN INQUIRY FROM PATSY HERNANDEZ, YOUR FINANCE DIRECTOR AT THIS TIME, REGARDING DOCUMENTATION SHOWING WHAT WE MIGHT HAVE TO SHOW THAT THE 2004 WORKER'S COMP BILL HAD BEEN PAID. WE COULD NOT FIND ANY RECORD OF THAT INVOICE BEING PAID. I BELIEVE YOU WERE INFORMED THAT MAC NEVER RECEIVED THAT INVOICE. IN YOUR PACKET YOU WILL FIND A COPY OF THE EMAIL THAT MS. HERNANDEZ SENT TO US AND BEHIND THAT IS A COPY OF THE INVOICE DATED MARCH 1, 2004 FILED MARKED MARCH 8TH AS BEING RECEIVED IN OUR OFFICE OF 2004 AND TO CONFIRM THAT IN FACT WAS WHAT WE RECEIVED, THERE IS A BLUE STICKY ATTACHED TO IT DATED MARCH 17, 2004 TO MAC FROM THE OFFICE ADMINISTRATOR AT THE TIME INDICATED SHE WANTED DIRECTION ON WHAT TO DO WITH IT. THE SECOND PAGE IS THE COMPILATION OF HOW THOSE NUMBERS WERE ARRIVED AT. WITH REGARD TO THE WORKER'S COMPENSATION THAT WAS BUDGETED IN THE 2004 BUDGET; IT WAS NOT PAID OUT OF 2004. YOU HAVE ASKED THAT WE ADDRESS THAT INVOICE; IT'S NOT BUDGETED IN THE 2005 BUDGET AND I WILL BE ASKING FOR ONE (1) OF TWO (2) THINGS WITH REGARD TO THAT INVOICE – EITHER YOU APPROVE A SUPPLEMENTARY BUDGET ITEM TO COVER THAT DEBT FROM 2004 OR YOU FORGIVE THAT DEBT. I UNDERSTAND THAT MAY RAISE SOME ISSUES SINCE PART OF THE FUNDS FOR THAT COME FROM THE OTHER TWO COUNTIES TO WHOM MAC REFUNDED MONEY FOR 2004. I'M JUST BRINGING IT UP BUT IN

ORDER TO BRING MY BUDGET IN LINE THIS IS AN ITEM WE HAD NOT ANTICIPATED NOR COULD YOU HAVE ANTICIPATED FOR US TO EXPERIENCE.

CDAC – A COLORADO DISTRICT ATTORNEY’S COUNCIL IS AN ITEM THAT IS IN THE BUDGET. IT SHOWS UP IN THE BUDGET UNDER DUES WHICH IS ONE OF THOSE AREAS I HOPE TO CLARIFY AS WE MOVE INTO THE 2006 BUDGET CYCLE. WHAT YOU HAVE BEFORE YOU IS A DOCUMENT THAT SHOWS IN 2004, CDAC ACTUALLY ASSESSED THE DISTRICT ATTORNEY’S OFFICE TWELVE THOUSAND TWO HUNDRED AND FOUR DOLLARS (\$12,204.00) AND BREAKS IT DOWN IN THAT MANNER. THERE WAS AN EIGHTY FIVE HUNDRED DOLLAR (\$8500) BUDGET LINE ITEM UNDER DUES, WHICH IS WHERE I BELIEVE MAC WAS INDICATING THAT PARTICULAR CHARGE, IT’S VERY DIFFICULT ON SOME OF THESE THINGS WITHOUT ANY WORKSHEETS OR INFORMATION AVAILABLE TO KNOW EXACTLY WHERE HE WAS PUTTING THINGS IN THE BUDGET BUT WE’RE WORKING THROUGH THAT PROCESS. I WANT YOU TO NOTE THAT 2004 ASSESSMENT THAT WAS INVOICED, ACTUALLY IN NOVEMBER 17, 2003, WAS PAID IN DECEMBER OF 2003 OUT OF THE 2003 BUDGET, WHICH MEANT THAT THE PAYMENT DIDN’T HAVE TO COME OUT OF THE 2004 BUDGET. THE 2005 ASSESSMENT WHICH IS FOURTEEN THOUSAND AND SEVENTEEN DOLLARS (\$14,017.00) AND THE BREAKDOWN AS YOU SEE IT WAS INVOICED ON NOVEMBER 10TH AND WE DID PAY THAT ON MARCH 8, 2005. THE DIFFERENCE JUST BETWEEN THE ASSESSMENT AMOUNTS IS EIGHTEEN HUNDRED AND THIRTEEN DOLLARS (\$1,813.00). THE BUDGET ADJUSTMENT, WHICH I’VE NOTED DOWN AT THE BOTTOM WHERE MAC HAS INDICATED IT’S ONLY A FIVE HUNDRED DOLLAR (\$500.00) INCREASE AND REQUESTED NINE THOUSAND DOLLARS (\$9,000) STILL LEAVES A DEFICIT – IF YOU’RE ASSUMING THAT HE BROKE DOWN THE BALANCE OF THE HOLES INTO OTHER AREAS OF HIS BUDGET REQUEST OF THIRTEEN HUNDRED AND THIRTEEN DOLLARS (\$1313.00). YOU WILL SEE ATTACHED AS YOUR EXHIBITS, COPIES OF THOSE CHECKS MAKING THOSE PAYMENTS AND THE BREAKDOWN AND THE ASSESSMENTS. I WOULD ALSO LIKE TO POINT OUT ONE OF THE OTHER EXHIBITS, THE LAST EXHIBIT UNDER CDAC IN YOUR PACKET IS THE CDAC’S 2005 DRAFT BUDGET WHICH CLEARLY SHOWS THAT AS OF JUNE 2004 MAC WAS AWARE THAT THE AMOUNT TO BE ASSESSED WAS GOING TO BE FOURTEEN THOUSAND (\$14,000.00). SO THAT WAS A DECISION ON HIS PART THAT HAD AN IMPACT ON THE 2005 BUDGET WAS NOT BROUGHT TO YOUR ATTENTION SO IT COULD BE PROPERLY BUDGETED. JUST SO YOU KNOW, I’M NOT ASKING YOU FOR ANY FUNDS TO COVER THAT DIFFERENCE, I’M ANTICIPATING DEALING WITH THAT IN MY BOTTOM LINE BUDGET. OKAY.

NEXT TOPIC:

EMPLOYMENT TAXES – UPON TAKING OFFICE AND REVIEWING THE INFORMATION AVAILABLE WE BECAME AWARE THAT W-2’S WERE INACCURATELY, A FEW OF THE W-2’S FOR THE PRIOR YEAR HAD BEEN INACCURATELY PREPARED, WE NOTIFIED THE GENTLEMEN WHO HAD BEEN PROVIDING THOSE SERVICES AND HE CORRECTED THOSE. AFTER THAT HE HAD DROPPED INFORMATION OFF AT THE OFFICE BUT WE BECAME AWARE THAT HE HAD FILED AMENDED 941C FROM IRS; WE WERE NOT INFORMED NOR PROVIDED ANY DOCUMENTATION AND THE CONCERN OF COURSE THAT IRS HAD WAS TWO-FOLD: 1) IT WASN’T SIGNED AND 2) THERE WAS NO CHECK BECAUSE THERE IS AN AMOUNT OWING. SO THERE’S A \$1265.00 LIABILITY THAT MAY EXIST FOR 2004 PERSONNEL OR WITHHOLDING TAXES. NOW WE DON’T KNOW WHAT THAT IS AND WE’RE IN THE PROCESS OF TRYING TO FIND OUT EXACTLY WHAT THAT IS AND HOW WE NEED TO GO ABOUT CORRECTING THAT BECAUSE NO SUPPORTING DOCUMENTATION WAS SUBMITTED WITH THAT AS WELL. SO WE WILL BE PURSUING THAT TO FIND OUT WHAT IT IS AND THAT WILL BE ANOTHER DEFICIT AS A RESULT OF THE 2004 DECISION MAKING THAT WE WILL INCUR. I AM NOT HERE ASKING YOU FOR FUNDING FOR THAT, SINCE THAT WOULD BE EMPLOYEE TAXES THAT WOULD HAVE BEEN SHARED WITH THE OTHER TWO COUNTIES. ATTACHED TO THAT DOCUMENT ARE COPIES OF WHAT WE RECEIVED FROM IRS AND ACTUALLY THIS LETTER WAS GENERATED BECAUSE INITIALLY WE RECEIVED A PHONE CALL ASKING ABOUT OUR INQUIRY AND WE HAD NOT CALLED. AND SO THE OFFICE ADMINISTRATOR ASKED WHAT THE INQUIRY WAS AND THEY FOLLOWED UP AND SEND US THE DOCUMENTATION

I WANT YOU TO KEEP IN MIND THAT THESE ARE FINANCIAL OBLIGATIONS OF THE PREVIOUS ADMINISTRATION, WHICH IS WHERE THIS NEXT DOCUMENT BECOMES EQUALLY IMPORTANT.

2004, THE ADMINISTRATION DECIDED TO PAY YEAR-END BONUSES; THIS WOULD HAVE BEEN PERSONNEL COSTS THAT CAME OUT OF THE BUDGET THAT I DON’T KNOW HOW YOU FEEL OR WHERE YOU – IT’S MY UNDERSTANDING THAT AT LEAST GARFIELD COUNTY DOESN’T BELIEVE IN PAYING BONUSES AT THE END OF THE YEAR NOT HAVE THEY APPROVED THAT. IN ANY EVENT, EVEN IF YOU WOULD, THIS IS JUST A LINE ITEM TO SHOW YOU WHAT THE MONEY WAS SPENT ON. OVER \$39,000 WAS SPENT TO PAY EMPLOYEE BONUSES, MANY OF WHOM WERE LEAVING AND WOULD NOT BE REMAINING WITH THE OFFICE.

COMMISSIONER HOUP – OUT OF THE 2004 BUDGET?

COLLEEN TRUDEN – YES.

COMMISSIONER HOUP – OKAY.

COLLEEN TRUDEN – YES THIS DIDN’T HAVE ANY DIRECT IMPACT ON MY BUDGET BUT YOU’LL SEE WHERE IT DOES HAVE IMPACT – I HOPE TO BRING THAT TOGETHER FOR YOU.

ADDITIONAL ITEMS OF INTEREST AND AGAIN THESE ARE ONLY A FEW ITEMS THAT WERE PART OF THE DECISION MAKING. MY POINT IN POINTING THESE OUT IS IN PART TO EMPHASIS AS ELECTED OFFICIALS AND INDIVIDUALS WE ARE RESPONSIBLE FOR MAKING DECISIONS THAT AFFECT OUR BUDGET. WE’RE RESPONSIBLE FOR WHAT WE DECIDE AND HOW WE DECIDE IT. I AM NOT SAYING WHETHER THESE DECISIONS WERE RIGHT OR WRONG, I AM MERELY SHOWING SOME OF THE DECISIONS THAT WERE MADE THAT DO HAVE AN IMPACT UPON WHAT I’M TRYING TO DO WITH MY ADMINISTRATION AT THIS TIME.

CHOICES – AGAIN IT COMES DOWN TO CHOICES - WHAT TO DO WITH YOUR MONEY. FROM AUGUST TO DECEMBER, AND I’M NOT EVEN ADDRESSING ANY TRAINING OR TRAVEL COSTS THAT OCCURRED PRIOR TO THAT POINT, I’M ADDRESSING THINGS THAT HAPPENED AFTER AUGUST. THE FOLLOWING IS A LIST OF INDIVIDUALS WHO WERE SENT ON TRAINING PROGRAMS AND THE COSTS INVOLVED IN THOSE TRAINING PROGRAMS. AND MY SUB-TOTAL DOWN THERE IS NOT CORRECT IN THAT ONE, BUT AGAIN THIS ISN’T THE FINAL PRESENTATION I HAVE PREPARED ON THIS. AND WHY I POINT THIS OUT IS BECAUSE MY CONCERN IS THAT THE INDIVIDUALS AND THE AMOUNT OF MONEY THAT WAS SPENT WAS PEOPLE WHO WERE LEAVING THIS JUDICIAL DISTRICT AND WOULD NOT BENEFIT THIS JUDICIAL DISTRICT FROM THE TRAINING AND THE TRAVEL COSTS THAT WERE BEING SPENT.

COMMISSIONER HOUP – I’M STILL A LITTLE CONFUSED AS TO THE PERTINENCE OF THIS.

COLLEEN TRUDEN – IT IS IN HOW WE CHOOSE TO SPEND OUR MONEY BECAUSE I BELIEVE YOU’RE GOING TO BE ASKING ME SOME DIFFICULT QUESTIONS AND HOW I’VE CHOSEN TO SPEND MY MONEY.

COMMISSIONER HOUP – UH HUH.

COLLEEN TRUDEN – AND I THINK THIS GOES TO SHOW THAT YOU MAY NOT ALWAYS AGREE WITH WHAT A PERSON CHOOSES TO DO BUT IT IS THEIR CHOICE AND AS LONG AS THEY MEETING THEIR BUDGET AND THEY’RE MAKING THOSE CHOICES, THEN . . . AND ALSO ON THESE IT DOES IMPACT BECAUSE THERE WERE BILLS THAT DID NOT GET PAID FROM 2004 THAT YOU MAY OR MAY NOT BE ASKING ME TO PAY AS A RESULT OF DECISIONS THAT WERE MADE IN 2004. OKAY.

GENERAL INFORMATION – TRAVEL AND TRAINING

ONE OF THE DECISIONS, THE TRAVEL AND TRAINING BUDGET THAT WAS BUDGETED FOR 2003, WHAT WAS ACTUALLY SPEND IN 2003 AND THE DIFFERENCE; THE BUDGET THAT WAS SPENT IN 2004 AND WHAT WAS ACTUALLY SPEND IN 2004 AND THE DIFFERENCE AND WHAT MAC PUT IN THE 2005 BUDGET WHICH WAS THE SAME WHEN HE HAD A HISTORY OF KNOWING HISTORICALLY THAT HE NEEDED MORE IN THAT LINE ITEM BUDGET BUT DIDN’T CHOSE TO DO THAT, AGAIN, JUST CHOICES AND YOU’LL SEE THE AUDIT REPORTS VERIFYING THOSE NUMBERS.

NEXT ITEM

COMPENSATED ABSENCES – THESE ARE ITEMS FOR SICK AND VACATION TIME AND THE TOTAL AMOUNT THAT WAS PAID OUT TO INDIVIDUALS WHO WERE LEAVING THE OFFICE ON OR BEFORE JANUARY 10. PLEASE DO NOT MISCONSTRUE, THESE WERE ENTITLED IF THESE ARE PROPERLY DOCUMENTED. I AM NOT QUESTIONING WHETHER OR NOT AT THIS POINT THESE PEOPLE SHOULD HAVE RECEIVED THIS TOTAL SUM. ALL I’M SAYING IS THIS IS WHAT THE NUMBERS WERE AND HOW DOES THAT AFFECT THE 2005 BUDGET.

BECAUSE IT CAME OUT OF THE 2005 BUDGET. IT WAS PAID AFTER JANUARY 1, 2005, THAT IS THE BOTTOM LINE IMPACT THAT WAS NOT PUT IN THE BUDGET FOR 2005. THIS WAS A LIABILITY THAT ACCRUED PRIOR TO 2005, WAS NOT BUDGETED FOR IN 2005 AND WAS INCURRED IN 2005. SO I HAVE EXPERIENCED THAT AMOUNT OF IMPACT FOR WHICH I DO NOT HAVE FUNDS TO COVER. THE ATTACHMENTS THAT YOU HAVE IN YOUR PACKETS SHOW THAT WAS CARRIED AS A LIVE PART OF THE \$66,250 LIABILITY FROM THE AUDITOR’S REPORT. ANY QUESTIONS ABOUT THAT?

NOW, YOU MAY HAVE SOME QUESTIONS WHERE IN IT’S FAIRLY STANDARD AT LEAST IN GOVERNMENT AND MANY TIMES IN PRIVATE BUSINESS TO COVER COMPENSATED LEAVE BY LEAVING POSITIONS VACANT. WE WERE NOT IN A POSITION TO DO THAT. THERE WERE NINE PEOPLE LEAVING, WE HAD AN OFFICE TO START RUNNING ON JANUARY 11TH, WE GOT IN TO OFFICE ON JANUARY 10, 2005 AFTER 5 P.M. WE HAD TO HAVE PEOPLE IN COURT, WE HAD TO HAVE LEGAL ASSISTANCE READY TO GO FORWARD AND PREPARE SO WE MADE NEW HIRES TO START WITH US ON JANUARY 11TH. THEREFORE THERE WAS NO TIME TO LEAVE THESE POSITIONS VACANT IN ORDER TO MAKE UP FOR THE COMPENSATED ABSENCES THAT YOU WOULD NORMALLY HAVE. FOR THOSE INDIVIDUALS WHO HAVE SINCE DEPARTED WE ARE DOING THE STANDARD AND WE WILL PAY THOSE OUT OF ON-GOING PERSONNEL COSTS AS A RESULT OF THE COMPENSATED ABSENCES THAT HAD ACCRUED.

THE NEXT SHEET SHOWS YOU HOW – OVERLAPS. THIS SHOWS HOW THIS 2004 DECISION AFFECTED THE 2005 BUDGET. SINCE WE WERE FULLY STAFFED, THERE WAS ONLY ONE PLACE OUT OF THE PERSONNEL COSTS IN OUR BUDGET TO ACCOUNT FOR THIS MONEY AND THAT WAS OUT OF THE 4% INCREMENT MERIT INCREMENT THAT YOU GRANTED ON THE PERSONNEL COSTS AND WAGES. THE TOTAL OF THE 4% PLUS ON THE WAGES PLUS THE CONTINGENCY WAGES IS \$38,200. SUBTRACT OUT THE COMPENSATED ABSENCES THAT WERE PAID TO THOSE LEAVING THE OFFICE ON OR BEFORE JANUARY 10TH AND YOU HAVE A GRAND SUM TOTAL OF \$3,000 TO DO WHAT YOU HAD INTENDED THAT MERIT INCREASE TO DO. THAT HAD A SIGNIFICANT IMPACT ON NOT ONLY THE BUDGET BUT WHAT I CAN DO TO COMPENSATE EMPLOYEES WHO HAVE BEEN WORKING VERY HARD IN DOING THEIR JOB.

CHOICES. AND I DO WANT TO SAY ON THAT, I WASN’T INVOLVED WITH THE 2005 BUDGET AS YOU KNOW, I WAS UNAWARE OF THIS INFORMATION – I DIDN’T HAVE IT – I HAD NO ACCESS TO WHAT THE ACCRUALS WOULD OR WOULDN’T BE SO WHEN THOSE DECISIONS WERE MADE I DIDN’T HAVE AN OPPORTUNITY TO COME TO YOU AND SAY GEE DON’T YOU THINK WE SHOULD TAKE INTO ACCOUNT THIS AND THAT.

COMMISSIONER HOUP – I GUESS WHEN, DO YOU WANT TO DISCUSS THIS AFTER YOUR PRESENTATION OR AS WE GO ALONG. HOW DO YOU WANT TO DO THIS JOHN?

CHAIRMAN MARTIN – THAT THE CHOICE OF THE DISTRICT ATTORNEY, IF SHE WISHES TO GO AHEAD AND DO THAT OR STAY ON TRACK.

COLLEEN TRUDEN – WHY DON’T WE JUST STAY ON TRACK BECAUSE I HAVE SOME OTHER FOLKS WHO WANT TO SPEAK AND THEN WE CAN COME BACK TO THE QUESTIONS.

COMMISSIONER HOUP – AS LONG AS WE CAN COVER THEM ALL TODAY, YEAH.

COLLEEN TRUDEN - EXPANSION COSTS – YOU’VE HEARD A LOT OF TALK ABOUT REMODEL AND COST FOR THIS AND COST FOR THAT AND NOBODY HAD THEIR FACTS STRAIGHT AND INDIVIDUALS WERE GIVEN INFORMATION BECAUSE WE’VE BEEN COMPLYING WITH AN AWFUL LOT OF OPEN RECORDS REQUEST WHICH IS TAKEN A GREAT DEAL OF TIME FROM OUR ABILITY TO MAKE THE DAY TO DAY NEEDS BUT, EXPANSION COSTS. THESE ARE THE COSTS THAT WERE INVOLVED IN RELOCATING SOME OF OUR OFFICES INTO THE NEW SPACE THAT YOU PROVIDED TO US AT THE BEGINNING OF MY ADMINISTRATION THEY WEREN’T A LOT, BUT SOME TO MOVE THE TELEPHONE LINES AND DATA PORTS INTO THE NEW AREA SO WE COULD ACTUALLY CONDUCT BUSINESS THERE. THIS WAS NOT AN ANTICIPATED COST IN THE 2005 BUDGET SO IT WAS NOT INCLUDED IN THAT. BUT IT HAS BEEN A COST THAT HAS BEEN ABOVE AND BEYOND THE 2005 BUDGET THAT WE DID INCUR. THOSE EXPENSES AND YOU CAN SEE THE INVOICES ATTACHED TO THOSE ARE FOR THAT PURPOSE. THIS IS WHAT IT HAS COST US TO MOVE INTO THAT SPACE AND THOSE EXPENSES I AM REQUESTING BE PUT IN A SUPPLEMENTAL LINE ITEM TO COVER THAT ADDITIONAL COST NOT ANTICIPATED BY THE BUDGET.

I ALSO WANT TO GO BACK AND MAKE CLEAR THAT I’M NOT REQUESTING FUNDING FOR THE COMPENSATED ABSENCES BECAUSE AGAIN THAT IS AN ITEM I BELIEVE THAT THREE (3) COUNTIES WOULD HAVE TO SHARE IN AND I THINK WE’RE WELL INTO THE YEAR AND WE WILL BE LOOKING AT ANY APPROPRIATE COMPENSATION IN NEXT YEAR’S BUDGET RATHER THAN TRYING TO ADDRESS THAT TYPE OF A SHORTFALL FOR THIS YEAR.

AT THIS POINT, I WOULD LIKE TO MOVE INTO DISCUSSING EXPENSES AND COMPUTER ISSUES AND NEEDS AND FOR PART OF THAT PRESENTATION, I HAVE WITH ME BOB MCNUTT AND MIKE WINN OF DESK TOP CONSULTING WHO WILL BE PARTICIPATING.

COLLEEN TRUDEN – TO PROVIDE YOU SOME BACKGROUND INFORMATION WITH REGARD TO CHOICES THAT I MADE WITH REGARD TO THE COMPUTER SITUATION. PART OF WHAT I ATTEMPTED TO GAIN BEFORE ENTERING OFFICE SO I WOULD KNOW WHAT WE HAD WAS AN INVENTORY FOR OUR COMPUTERS AND WHAT OUR SYSTEM WAS. MAC PROVIDED ME A LIST OF COMPUTERS AND PRINTERS WHICH ON JANUARY 10TH AFTER 5 P.M. WE HAD TO LITERALLY CHECK THE SERIAL NUMBERS ON EACH ONE OF THEM AND VERIFY THAT WAS A BOX OR A MONITOR OR A PRINTER. IT DID NOT TELL ME ANYTHING THAT WAS ON THE COMPUTERS, WHAT SOFTWARE, HARDWARE OR ANYTHING ABOUT IT FOR WHATEVER PROGRAMS MIGHT BE AVAILABLE. I HAD ALSO CONTRACTED THE INDIVIDUALS WHO WERE PROVIDING SERVICES TO THE DA'S OFFICE AT THAT TIME PRIOR TO TAKING OFFICE TO FIND OUT IF THERE WAS AN INVENTORY SO I WOULD KNOW WHAT WAS GOING ON. BUT I WAS ADVISED THAT NO THERE WASN'T ON WELL THERE MAY BE BUT IT WAS OUT OF DATE. THAT CONCERNED ME. I'D HAD PREVIOUS CONSERVATIONS WITH INDIVIDUALS IN THE COUNTY DEPARTMENT, MANAGER, FINANCES, WITH REGARD TO UTILIZING COUNTY SERVICES MORE. I THOUGHT THE IT DEPARTMENT WAS ONE WAY THAT WE COULD UTILIZE MORE THE COUNTY SERVICES BECAUSE OF THE CONDUITS GOING THROUGH THE COUNTY. THEY SEEMED AMENABLE TO USING COUNTY SERVICES TO CONTINUE TO PROVIDE SOME OF THE COMPUTER NEEDS. UNFORTUNATELY AT THAT TIME THE COUNTY DEPARTMENT WAS WELL UNDERSTAFFED, CHARLES HAD BACK INJURY AND HAD BEEN OUT, BRIAN WAS ATTEMPTING TO HIRE PEOPLE AND HE SAID COLLEEN, I JUST CAN'T PROVIDE YOU THAT IMMEDIATE SERVICE. SO I ASKED ADVICE IN HOW TO PROCEED AND WHAT TO DO AND IT WAS SUGGESTED THAT I WORK WITH THE INDIVIDUALS WHO HAD BEEN WORKING WITH THE COUNTY ON A NUMBER OF PROJECTS IN THEIR CONSULTING AND ADVISING AND BRINGING COUNTY PROJECTS UP TO SPEED. THIS MAKES SENSE TO ME SINCE THEY WERE THE ONES FAMILIAR WITH THE AREA IN THE BUILDING AND HAD BEEN WORKING WITH THE COUNTY AND WOULD BE THE COMPANY OF CHOICE TO BE WORKING WITH BRIAN AS WE MOVED FORWARD WITH OUR DEPARTMENT NEEDS. CONSEQUENTLY, I CONTACTED MIKE WINN WHO'S SITTING TO MY RIGHT AND ASKED IF WOULD BE ABLE AND THEIR COMPANY WOULD BE ABLE TO COME IN AND HELP ME ASSESS COMPUTER NEEDS AS THEY CURRENTLY EXISTED WHEN I TOOK OFFICE. HE AGREED THAT THEY COULD DO THAT AND THEY AND ON JANUARY 11TH WHEN WE WALKED INTO THE OFFICE ABOUT ½ LATER, MIKE WINN WALKED INTO THE OFFICE AND HE THEN SET ABOUT ASSESSING WHAT WAS THE COMPUTER SITUATION. AND AT THIS POINT, I'M GOING TO LET MIKE TALK TO YOU ABOUT HIS EXPERIENCES AND WHAT HE FOUND AND WHAT HE RECOMMENDED.

MIKE WINN – DESK TOP CONSULTING - WHEN WE FIRST WENT INTO THE OFFICE WE DID A GENERAL LOOK OVER OF THE COMPUTER SYSTEMS PRIMARILY FOCUSING ON THE SERVER AND THE WIRING INFRASTRUCTURE. TO GIVE YOU A LITTLE BACKGROUND, IN 2000 WHEN WE FIRST STARTED WORKED WITH COUNTY WE DID THE SAME TYPE OF EVALUATION OVER IN THE COURTHOUSE, THAT WAS BEFORE THIS BUILDING EXISTED, AND HAD MADE A RECOMMENDATION TO THE COUNTY THAT THEY RE-WIRE AND I SAY RE-WIRE I MEAN COMPUTER WIRING, NETWORK WIRING THAT BUILDING. THAT RECOMMENDATION WAS ACCEPTED AND IN LATE 2000 WE RE-WIRED THE COUNTY COURTHOUSE; THE PART OF THE COURTHOUSE THAT WAS OMITTED WAS THE DISTRICT ATTORNEY'S AREA. AND WE CAME BACK THIS TIME, SAW THE SAME WIRING THAT WE HAD RECOMMENDED TO BE REPLACED IN 2000, WE FOUND THE SAME WIRING AND ONCE AGAIN RECOMMENDED THAT WIRING BE REPLACED, BE UPGRADED. A LOT OF IT DIDN'T MEET FIRE CODES AND A LOT OF IT WAS IN OUR ESTIMATION NOT SALVAGEABLE AND IT SHOULD HAVE BEEN REPLACED. WE LOOKED AT THE SERVER, WE FOUND THAT THE SERVER IN OUR OPINION WAS OBSOLETE AND NEEDED TO BE REPLACED. IT WAS HAD POTENTIAL TO BE UNRELIABLE AND THERE WAS A LOT OF INFORMATION THAT THE DISTRICT ATTORNEY HAD ON THE SYSTEM THAT WAS VENERABLE TO MECHANICAL OR ELECTRICAL FAILURE DUE TO THE AGE OF THE SERVER. WE LOOKED AT THE WORKSTATIONS AND IT LOOKED LIKE THEY HAD BEEN UPGRADED ON SOME TYPE OF SCHEDULE BASIS AND THEY WERE IN PRETTY GOOD SHAPE. SO OUR RECOMMENDATIONS TO THE DISTRICT ATTORNEY WERE TO REPLACE THE SERVER, BEGIN THE PROCESS AS PART OF THE REMODEL TO UPGRADE THE WIRING AND TO REMOVE ALL OF THE OLD WIRING AS PART OF THAT PROCESS; TO REPLACE THE SWITCH INFRASTRUCTURE WHICH ALLOWS THE NETWORK TO OPERATE PROPERLY, A LOT OF THAT EQUIPMENT WAS OLD AND OBSOLETE AND ALSO TO AGAIN, BACK TO THE SERVER, TO UPGRADE THE SERVER BECAUSE IT WAS NOT ONLY WAS THE SERVER AN OLD OBSOLETE SERVER BUT THE OPERATING SYSTEM AND SOFTWARE THAT WAS RUNNING ON IT WAS NOT UP TO STANDARDS NOT WAS IT COMPLETELY COMPATIBLE WITH WHAT THE COUNTY WHO PROVIDED MAIL SERVICES AND INTERNET SERVICES, IT WAS NOT UP THE STANDARDS THAT THE GARFIELD COUNTY HAD ESTABLISHED. SO THOSE WERE OUR RECOMMENDATIONS BASED ON OUR BACKGROUNDS AND OUR KNOWLEDGE AND OUR HISTORICAL PERSPECTIVE ON COURTHOUSE BUILDING AND WHAT HAD TAKEN PLACE THERE OVER THE YEARS. THANKS.

COLLEEN TRUDEN – SO BASED UPON THEIR RECOMMENDATIONS IN CONSULT WITH BRIAN SHOLTEN, THEY ORDERED A NEW SERVER AND ALL OF THE ATTENDANT STUFF FOR LACK OF A BETTER WORD, I'M NOT A COMPUTER TECHNO GEEK, I KNOW A FEW THINGS ABOUT THEM BUT NOTHING NEAR THIS, SO IN CONSULT WITH COUNTY FOLKS THEY MOVED FORWARD AND BRIAN PLACED THOSE ORDERS FOR US. WE THEN PROCEEDED TO DO THE LABOR, PUT IN THE TIME AND MAKE THE CONVERSIONS. PART OF WHAT'S IMPORTANT FOR YOU TO UNDERSTAND IS THE AMOUNT OF TIME IT TAKES TO DO THAT, THE NUMBER OF PEOPLE IT TAKES TO DO THAT. WHAT WE DIDN'T HAVE WAS A WHOLE LOT OF DAYTIME BECAUSE GUESS WHAT, WE'RE STILL RUNNING A DAILY OPERATION, WE HAVE TO HAVE OUR COMPUTERS, WE ARE A PAPER DRIVEN BUSINESS AND THEREFORE WE HAVE TO HAVE COMPUTERS ASSESSABLE TO OUR LEGAL STAFF IN ORDER TO BE PREPARED TO GO TO COURT, FOR THE PLEA BARGAINS TO BE READY, FOR THE MOTIONS TO GET FILED, FOR THE FILINGS TO GET DONE AND WE CAN'T BE DOWN WHILE COMPUTERS ARE BEING ADDRESSED. CONSEQUENTLY IT WAS GOING TO TAKE TWICE AS LONG FOR MIKE OR AGAIN FOR AS MUCH AS LONG FOR MIKE TO TRY TO DO IT AND GET IT DONE AND WE WERE IN A CRUNCH AS FAR AS NEEDING TO HAVE IT DONE ON TIMES WHERE IT WOULDN'T BE AS NECESSARY, THEY HAD SEVERAL OTHER PROJECTS GOING AND SO I EMPLOYED ADDITIONAL STAFF CONSULTING COMPANY IF YOU WILL TO DO THAT AND THAT WAS MEDIATED, INC. TO HELP PROVIDE MIKE IN THE PREPARATION OF MOVING OR PREPARING THE VARIOUS COMPUTERS, WE HAD TWENTY-FIVE (25) THAT HAD TO BE SET UP AND WORKED ON AND MOVED OVER AND IT WAS TO DO THAT AS WELL AS THE SWING OVER TO GET THOSE TAKEN CARE OF. MIKE HELPED PROVIDE THE DIRECTION AND GUIDANCE AND THE RATES WERE SPENT ON THAT YOU CAN SEE FROM WHAT'S INCLUDED IN YOUR PACKAGE, THE EXHIBITS THERE INCLUDE THE BILLINGS OR INVOICES FROM THE THREE (3) COMPUTER COMPANIES THAT PROVIDED SERVICES TO THE DA'S OFFICE. I WENT WITH FRED WHOSE RATE WAS MUCH LOWER WHO COULD BE THERE AND WAS THERE AND DIDN'T BILL FOR NEAR AS MUCH OF HIS TIME AS HE WAS

ACTUALLY THERE DOING THE WORK. SO YES, I DID PAY HIM AND YOU CAN SEE THE HOURLY RATE IS MUCH LOWER THAN THE OTHER HOURLY RATES INVOLVED. IT WAS A STOP GAP BECAUSE WE NEEDED THE COMPUTERS UP AND RUNNING DURING THE DAY, DURING THE WEEK WHEN STAFF WAS THERE AND MIKE CAN ADDRESS ANY OF THOSE ISSUES IF YOU'D LIKE HIM TO.

COMMISSIONER HOUP – CAN YOU ADDRESS THE QUESTION OF DUPLICATED SERVICES DONE ON THIS; OR MAYBE MIKE.

COLLEEN TRUDEN – SURE. MIKE, OKAY.

MIKE WINN – PART OF THE TIME THAT I SPENT WAS TO HELP BRING FRED UP TO SPEED ON AND DID SOME TRAINING AND SOME EDUCATION AND THOSE TYPES OF THINGS, I DON'T BELIEVE THE SERVICES WERE DUPLICATED, I THINK THE TIME FRAMES WERE THE SAME BECAUSE FRED AND I WERE WORKING HAND IN HAND FOR ME TO EDUCATE FRED AND BRING HIM UP TO SPEED.

COMMISSIONER HOUP – THANK YOU.

COLLEEN TRUDEN – AS YOU CAN FROM THOSE ADDITIONAL TIMES WHEN FRED WAS THERE DOING EXACTLY WHAT HE HAD BEEN SHOWN TO DO THE RATE WAS MUCH LOWER THAN HAD MIKE BEEN THERE DOING IT HIMSELF OR SOMEONE ELSE DOING IT, SO IT WAS A COST SAVINGS OVERALL TO THE BUDGET WHICH I HAD TALKED WITH DESK TOP CONSULTING AND THEY HAD NO DIFFICULTY WITH HAVING SOMEONE ELSE DO IT AS A LESSER COST.

COLLEEN TRUDEN – DO YOU HAVE ANY OTHER QUESTIONS ALONG THOSE LINES?

CHAIRMAN MARTIN – JUST KEEP GOING.

COMMISSIONER HOUP – EXCEPT THESE GUYS ARE GOING TO STAY THE WHOLE TIME SO IS THIS THE TIME TO ASK THEM QUESTIONS TOO?

COLLEEN TRUDEN – YES, PLEASE ASK THEM ANY QUESTIONS YOU MIGHT HAVE.

COMMISSIONER HOUP – OKAY, THERE HAS ALSO BEEN SOME CONCERN THAT ONE OF THE COMPANIES AND I HADN'T SEEN THE THREE COMPANIES INVOLVED BEFORE, HAD TO COME BACK AND REDO SOME OF THE WORK THAT FRED'S COMPANY HAD DONE. WERE YOU INVOLVED IN ANY OF THAT?

MIKE WINN – IF I COULD HAVE SOME SPECIFICS BECAUSE I'M NOT AWARE OF ANY THING WE HAD TO REDO.

COMMISSIONER HOUP – WELL IF YOU WEREN'T THE COMPANY INVOLVED WITH THAT, AND THEN YOU WEREN'T.

COLLEEN TRUDEN – I CAN UNEQUIVOCALLY ANSWER, NO OTHER COMPANY HAS BEEN IN THE OFFICE, UNLESS I'M NOT AWARE OF ANY THING AND IF SOMEBODY WAS IN THERE UNAUTHORIZED THAT'S A PROBLEM THAT I HAVE WITH THAT. BUT NO OTHER COMPANY BESIDES DESK TOP CONSULTING AND MEDIATED INC HAS BEEN IN THERE SINCE I TOOK OFFICE ON JANUARY 11TH.

COMMISSIONER HOUP – SO MICRO SOLUTIONS WAS BEFORE THAT?

COLLEEN TRUDEN – YES. OKAY. SO YOU DIDN'T HAVE TO COME IN AND REWORK ANY OF THE WORK THAT FRED HAD DONE,

MIKE WINN – NO.

COMMISSIONER HOUP – DID YOU HAVE TO WORK SIDE BY SIDE WHERE TYPICALLY YOU WOULD HAVE WORKED ON YOUR OWN?

MIKE WINN – WELL AS I SAID EARLIER, WE DID SOME TRAINING WITH FRED, SOME OF THE OPERATING SYSTEM, SOME OF THE TECHNOLOGY, WE WERE WORKING WITH, FRED WAS NOT FAMILIAR WITH SO WE SPENT SOME TIME WITH HIM AND SOME OF THE WHERE YOU SEE THE SAME TIME FRAMES TOGETHER THAT'S PRIMARILY WHAT WE WERE DOING, OR WE WERE FOR EXAMPLE UPGRADING SOFTWARE ON THE TWENTY FIVE (25) WORKSTATIONS, HE WAS DOING HALF, I WAS DOING HALF, THOSE KINDS OF THINGS, I MEAN THERE WERE SEVERAL SITUATIONS WHERE WE DID THAT AS WELL BUT I DON'T IN MY OPINION WE WERE WORKING TOGETHER TO ACCOMPLISH THE GOAL.

COMMISSIONER HOUP – COLLEEN, DO YOU HAVE HIS TRAINING IN HERE? HOW MUCH TIME

COLLEEN TRUDEN – YOU KNOW, I DON'T HAVE ANY OF THERE TRAININGS LISTED, AND IT WOULD BE NO DIFFERENT THAN IF I HAD TWO PEOPLE FROM THE ONE COMPANY COMING IN AND DOING IT.

COMMISSIONER HOUP – POSSIBLY. POSSIBLY, I DON'T KNOW IF I AGREE WITH THAT BUT SO WAS FRED BEING PAID WHILE HE WAS BEING TRAINED ON THIS?

COLLEEN TRUDEN – WHILE MIKE WAS GOING THROUGH AND SHOWING HIM WHAT HE WANTED HIM TO DO ON THE SERVER LIKE YOU WOULD WITH ANY OTHER EMPLOYEE OR PERSON THAT MIKE WOULD BE WORKING WITH HE WAS SHOWING HIM WHAT HE NEEDED HAVE HIM TO DO ON THOSE SPECIFIC COMPUTERS FOR THE PROGRAMS THAT WERE BEING ACCESSED OR ADDED.

COMMISSIONER HOUP – SO HE WAS BEING PAID WHILE HE WAS BEING TRAINED ON THOSE, ON THAT, IS THAT YOU'RE ANSWER.

COLLEEN TRUDEN – HE WAS BEING PAID, THE ANSWER IS YES, WHEN MIKE WAS SHOWING HIM WHAT MIKE WANTED HIM TO DO ON THE COMPUTER SO THAT WAY THE WHOLE PROCESS WOULD MOVE FASTER, THEN YES, HE WAS LEARNING THAT PROCESS THAT MIKE WANTED HIM TO USE IN ORDER TO SPEED UP THE ENTIRE PROCESS.

COMMISSIONER HOUP – OR IN ORDER TO UNDERSTAND THE PROGRAM THAT WAS BEING USED.

COLLEEN TRUDEN – AND I BELIEVE THAT IF ANYBODY CAME UP FROM THE COUNTY COMPUTER DEPARTMENT AS A TECHNICIAN, THEY WOULD NEED TO HAVE MIKE SHOW THEM AND IN FACT DID WHEN THEY WERE DOING THE EMAIL UPDATES, WHEN LORI CAME UP AND HELPED MIKE DO THAT – WE USED THE COUNTY DEPARTMENT TO UTILIZE THAT SERVICE WHEN WE SWITCHED OUR EMAIL OVER BECAUSE IT WAS MOVING RIGHT ALONG WITH WHAT I HAD SAID ALL ALONG, I WANTED TO START WORKING WITH THE COUNTY PEOPLE, IN FACT I BELIEVE THE COUNTY BUDGET INCLUDED ADDITIONAL STAFF BECAUSE OF ANTICIPATED INCREASE IN THEIR WORKLOAD BECAUSE OF HELPING THE DA'S OFFICE. SO WERE MOVING INTO THAT AS SOON AS THE COUNTY GOT THE STAFFING TO HELP US DO THAT.

COMMISSIONER HOUP – OKAY, WELL THAT WAS MORE THAN I HAD ASKED. OKAY. THANK YOU, I DON'T HAVE ANY MORE QUESTIONS.

COLLEEN TRUDEN – OKAY. IS THAT IT FOR THE COMPUTER QUESTIONS? I BELIEVE SO, THANK YOU GENTLEMEN.

CONSEQUENTLY AS A RESULT OF WHAT I WAS ADVISED AND TOLD WOULD BE APPROPRIATE TO DO TO BRING THE COMPUTERS INTO COMPLIANCE WITH WHAT WE NEEDED AND TO UPGRADE WITH THE COUNTY, WE INCURRED THOSE COSTS AND I WILL BE REQUESTING THAT THOSE ADDITIONAL COMPUTER COSTS BE ADDED AS A SUPPLEMENTAL; YOU WILL CHOOSE WHETHER YOU WANT TO DO THAT OR NOT, I UNDERSTAND THAT. IF YOU CHOSE YOU DON'T WANT TO DO THAT THEN I WILL EAT THAT IN MY CURRENT BUDGET AND I WILL MAKE THAT WORK. BUT IT WAS SOMETHING – A CHOICE I MADE BECAUSE I WANTED THE OFFICE TO MOVE FORWARD AND I WILL STAND BY THAT CHOICE A HUNDRED PERCENT.

COMMISSIONER HOUP – I'M SORRY, THERE'S SO MUCH IN HERE, WHAT WAS THE TOTAL ON THAT COMPUTER WORK?

CHAIRMAN MARTIN - \$55,374.22.

COMMISSIONER HOUP – OKAY, ITS IN HERE, I JUST COULDN'T FIND THE PAGE. THANK YOU.

COLLEEN TRUDEN – OKAY. AND I WILL TELL YOU ON THE INVOICES WITH RESPECT TO THE COMPUTER SOFTWARE, HARDWARE AND ALL THAT, THAT IS NOT INCLUDED IN PUBLIC DOCUMENTS AND I'LL TELL YOU THE REASON THAT IS NOT INCLUDED, IS BECAUSE BRIAN SHOLTEN HAS ASKED ME, BECAUSE OF THE SECURITY NATURE OF EVEN PARTS OF THE SOFTWARE, HARDWARE PROGRAMS INVOLVED HE DID NOT WANT TO MAKE ANY OF THAT ASSESSABLE TO THE PUBLIC WHERE IT COULD POTENTIALLY RESULT IN HACKING OR COMPROMISE THE COUNTY SYSTEM. SO I HAVE HONORED THAT REQUEST.

COMMISSIONER HOUP – BUT THE NUMBERS THAT WE HAVE –

COLLEEN TRUDEN – THE NUMBERS ARE ACCURATE. YES MAMM.

COMMISSIONER HOUP – ARE MOST DEFINITELY PUBLIC.

DON DEFORD – COLLEEN, I HAVE A QUICK QUESTION, GIVEN THE STATUTORY REQUIREMENTS ON FUNDING FOR YOUR THREE-COUNTY OFFICE, WHEN YOU SAY THAT YOU'RE ASKING FOR A BUDGET SUPPLEMENT OF \$55,000 FOR INSTANCE, IS THAT ALL OF ATTRIBUTABLE TO GARFIELD COUNTY?

COLLEEN TRUDEN – YOU KNOW, THAT'S A REALLY GOOD QUESTION DON AND I SAY AT THIS POINT, YES, AND MY REASONING FOR THAT IS BECAUSE BOTH OF THE OTHER TWO COUNTIES PROVIDE THEIR COMPUTERS AND THEIR SOFTWARE AND THEIR LINKS AT THIS POINT. IT IS MY INTENT TO MOVE THIS DISTRICT ATTORNEY'S OFFICE FORWARD AND UNITE AND LINK ALL OF THREE COUNTIES TOGETHER THROUGH THE ONE SERVER BUT THAT WILL BE ADDITIONAL COSTS TO DO THAT AT WHICH TIME I WILL PUT THAT IN THE 2006 BUDGET OR TAKE THAT OUT OF THE JOINT BUDGET THAT MAY REMAIN AVAILABLE TO DO THAT SO THAT THERE IS COST SHARING IN THAT.

COMMISSIONER HOUP – WE CAN TALK ABOUT THIS LATER, BUT SO MUCH OF THIS IS BUDGET PROCESS.

COLLEEN TRUDEN – IT IS BUDGET PROCESS.

COMMISSIONER HOUP – AND IT WASN'T, WHICH MAYBE YOU WEREN'T FAMILIAR WITH IN THIS COUNTY, BUT – OKAY.

COLLEEN TRUDEN – I WOULDN'T DISAGREE WITH THAT AT ALL. I'M INTO A NEW JOB, NEW ADMINISTRATION, YOU LEARN A LOT.

COMMISSIONER HOUP – YEAH BUT, YEAH WELL WE CAN HAVE THAT DISCUSSION IN GENERAL.

REMODEL

COLLEEN – OKAY, I WOULD LIKE TO MOVE INTO THE REMODEL. AND WITH ME TODAY IS CHUCK

BRENNER, ARCHITECT WHO HAS ASSISTED IN LOOKING AT OUR OFFICE FACILITY AND SPACE AND MADE SOME RECOMMENDATIONS. WHEN I BEGAN THE ADMINISTRATION AND HAVING BEEN AROUND THE COUNTY FOR A FEW YEARS AND UP IN THOSE OFFICES TO SOME EXTENT AS IT HAD TRANSITIONED OVER THE YEARS I WAS VERY MUCH AWARE THAT THEY HAD BEEN OCCUPIED BY VARIOUS DEPARTMENTS THROUGHOUT THE COUNTY OVER THE NUMBER OF YEARS. I WAS AWARE THAT PARTICULAR AREA HAD NOT RECEIVED UPGRADES TO WIRING, ELECTRICAL, DATA, WHATEVER WHEN THE COUNTY CAME THROUGH AND DID SOME A COUPLE OF YEARS AGO. WE ALSO ACQUIRED SOME ADDITIONAL SPACE AND IT APPEARED APPROPRIATE TO TAKE A LOOK AT WHAT MAYBE RELEVANT TO MOVE FORWARD AT THIS POINT. HOW WE WOULD MAYBE REORGANIZE THE OFFICE, RESTRUCTURE IT BUT LITERALLY AND FIGURATIVELY TO MAKE IT MORE EFFICIENT USE OF SPACE AND LOCATION FOR OUR STAFF AND FOR THE SERVICES OF THE OFFICE OF THE DISTRICT ATTORNEY.

CONSEQUENTLY, I CONTRACTED TIM ARNETT, WHO SUGGESTED AND I SAID IF I WANT TO LOOK AT THIS HOW TO I GO ABOUT THIS PROCESS. TIM SUGGESTED I CONTRACT THE COUNTY ATTORNEY, WHO WAS AT THAT POINT, MR. BRENNER, I MEAN COUNTY ARCHITECT.

CHUCK BRENNER – I WANT TO STAY AN ARCHITECT.

COLLEEN TRUDEN – SO I CONTACTED CHUCK AND CHUCK SAID SURE HE'D BE HAPPY TO COME OVER, DO A WALK-OFF, STEP IT OUT, YOU KNOW, GIVE ME SOME PLANS AND AN IDEA. AND HE DID THAT. HE CAME OVER JANUARY 11, OR SOMEWHERE AROUND THAT OR A WEEK AFTER AND KIND OF LOOKED AT THE PLACE AND GAVE ME YOU KNOW A FLOOR PLAN OF WHERE THE OFFICES WERE, WHAT THE SPACE WAS, THAT SORT OF THING. AND WE TALKED ABOUT WHAT WE COULD POTENTIALLY DO UP THERE TO MAKE THE SPACE MORE EFFECTIVE AND AS WE TALKED ABOUT IT AND STARTED LOOKING AT HOW THAT PROCESS WOULD LOOK, WE BOTH KNEW THAT IT WAS TIME TO COME BACK TO THE COUNTY AND SAY HOW DO YOU WANT US TO PROCEED. SO I DID THAT. I CAME BACK AND I KNEW THE COUNTY HAD A NEW ARCHITECT ON BOARD SO I ASKED WHAT WAS THE APPROPRIATE WAY TO PROCEED, SHOULD I CONTINUE TO WORK WITH CHUCK SINCE HE HAD STARTED OR SHOULD I MOVE TO THE NEW COUNTY ARCHITECT AND I WAS ADVISED SINCE CHUCK HAD ALREADY STARTED THE PROJECT IT WAS FINE TO GO AHEAD AND PROCEED WITH WORKING WITH HIM. SO WE DID THAT AND AS WE LOOKED AT THAT PROCESS THEN I CAME BACK TO THE COUNTY AND SAID OKAY, WE'VE GOT DOWN IN CONCEPT FORM I THINK GENERALLY WHAT WE WANT TO DO. WHAT DO I DO NEXT? SO I MET WITH ED GREEN AND DALE HANCOCK AND THEY SUGGESTED THAT I GO AHEAD AND WORK WITH CHUCK TO GET MORE DETAILED PLANS SO I COULD PRESENT THOSE SO YOU WOULD HAVE A CLUE WHAT WE WANTED TO DO AND WHAT KIND OF

ESTIMATE WE WERE EVEN LOOKING AT. HAD I NOT DONE THAT AND I JUST CAME OVER AND SAID HERE IS MY WILD GUESS IDEA, NOBODY HAD LOOKED AT OR GOTTEN AN IDEA, YOU'D HAVE SAID WELL GO BACK AND DO YOUR HOMEWORK AND COME BACK SO WE HAVE A CLUE.

COMMISSIONER HOUP – I DON'T KNOW IF WE WOULD...

COLLEEN TRUDEN – IN ANY EVENT – WE MAY DISAGREE TO DISAGREE. SO IN ANY EVENT I DID THAT AND SO I ASKED CHUCK TO DO THAT AND HE BROUGHT THE ENGINEERING FOLKS, WE WENT THOUGH THE PLACE, THEY CAME UP WITH THEIR SUGGESTIONS BASED UPON WHAT WE WANTED TO DO WITH THE LOCATION AND MOVE FORWARD. AND I'M GOING TO LET CHUCK START TALKING WHAT THE SITUATION IS AND WHAT WE WANT TO LOOK AT DOING.

CHUCK BRENNER – WOULD YOU LIKE TO SEE THE PLANS, I CAN SHOW THE PLANS OR IS THAT REALLY NECESSARY.

COMMISSIONER HOUP – I DON'T KNOW IF THAT'S PART OF TODAY. I MEAN, WHEN YOU SAY YOU WENT BACK TO TALK TO THE COUNTY ABOUT HOW TO PROCEED, YOU TALKED TO PEOPLE THAT HAD NOTHING TO DO WITH THE BUDGET AND NOTHING TO DO WITH MAKING THE DETERMINATION ON WHETHER OR NOT IT WAS APPROPRIATE TO AS LANDLORDS UPGRADE A PART OF OUR BUILDING. AND SO I'M WONDERING HOW YOU EVEN GOT TO THE POINT WHERE YOU'VE EXPENDED MONEY FOR FORMAL PLANS TO BRING TO US FOR A PROJECT THAT WE DIDN'T EVEN HAVE SCHEDULED FOR CAPITAL EXPENDITURE THIS YEAR. AND WHERE YOU THINK THAT MONEY MIGHT BE COMING FROM – I MEAN I'M BAFFLED BY WHO YOU THINK MAKES THOSE DECISIONS.

COLLEEN TRUDEN – WELL, THE FINAL DECISIONS I CERTAINLY UNDERSTAND ARE MADE BY THIS THREE MEMBER COUNTY COMMISSIONERS.

COMMISSIONER HOUP – UH HUH.

COLLEEN TRUDEN – I ALSO UNDERSTAND THAT YOU HAVE A COUNTY MANAGER WHO HELPS PROVIDE SOME ANSWERS AND GUIDANCE TO OTHER ELECTED OFFICIALS AND OTHER COUNTY DEPARTMENT HEADS, OR AM I WRONG ON THAT?

CHAIRMAN MARTIN – RIGHT.

COMMISSIONER HOUP – WELL AND I HAD HEARD THAT HE SUGGESTED YOU COME AND TALK TO US BUT I, THIS IS SOMETHING NOT IN YOUR BUDGET AND TYPICALLY PEOPLE DO NOT ADD MAJOR EXPENSES TO THEIR BUDGET WITHOUT COMING BEFORE US PRIOR TO MAKING THOSE CHANGES AND SO I WOULD – I'M CONFUSED ABOUT THAT THE PROCESS THAT WAS USED HERE AND WHAT GOT US TO THE POINT TODAY WHERE YOU THINK ITS OKAY TO COME IN AND PROPOSED PLANS WHEN WE HAVEN'T EVEN TALKED ABOUT PUTTING ANY WORK INTO THAT BUILDING THIS YEAR, IN THAT LOCATION.

COLLEEN TRUDEN – WELL I CAN TELL YOU THAT I CONTACTED, TALKED TO THE INDIVIDUALS IN THE COUNTY FOR SOME DIRECTION AND GUIDANCE, THAT'S WHAT WAS SUGGESTED, IF IT WAS WRONG THEN *MEA CULPA* – I'M HERE TO CORRECT IT AND SEE WHAT WE CAN DO TO MOVE FORWARD. IF WE DON'T WANT TO MOVE FORWARD IN THAT DIRECTION THEN WE'LL WAIT TILL THE NEXT BUDGET YEAR.

COMMISSIONER HOUP – OKAY.

COLLEEN TRUDEN – BUT I UNDERSTAND THERE ARE CAPITAL FUNDS THAT COULD BE AVAILABLE TO FUND THIS TYPE OF A PROJECT, IF THERE ARE – GREAT, LET'S MOVE FORWARD AND PROCEED WITH IT. IF THERE AREN'T THEN WE'LL PUT IT IN NEXT YEAR'S BUDGET.

COMMISSIONER HOUP – WE HAVE SOME PRETTY MAJOR CAPITAL EXPENDITURES THIS YEAR AND WE USUALLY HAVE TO PLAN FOR THAT DURING BUDGET SEASON, I DON'T KNOW HOW MY FELLOW COMMISSIONERS FEEL ABOUT THAT, BUT

CHAIRMAN MARTIN – WE HAVE A CAPITAL PROJECTS IMPROVEMENT PLAN THAT'S IN PLACE AND ITS UPGRADED EVERY YEAR FOR A 6-YEAR PLAN AND WE NEED TO MAKE SURE THE FUNDS ARE NOT ENCUMBERED OUT OF ORDER IS WHAT YOU'RE LOOKING AT AND THAT IS A DISCUSSION WE WILL NEED TO HAVE WITH OUR ADMINISTRATOR.

CHUCK BRENNER – I GUESS IF I COULD ADD ONE THING, AT THIS POINT I DON'T BELIEVE ANY CAPITAL FUNDS HAVE BEEN SPENT ON IMPROVEMENT.

CHAIRMAN MARTIN – NO.

CHUCK BRENNER – BUT IF YOU WANT TO HAVE SOME IDEA OF WHAT IT'S GOING TO COST

CHAIRMAN MARTIN – YES

CHUCK BRENNER – SOME FUNDS NEED TO BE SPENT TO DEVELOP A CONCEPT OF WHAT WELL NEED TO TAKE PLACE TO BRING

CHAIRMAN MARTIN – RIGHT

COMMISSIONER HOUP – BUT IF YOU DON'T KNOW THAT YOU HAVE THE FUNDS AVAILABLE THAT YEAR YOU CAN'T COME UP WITH A TRUE DOLLAR AMOUNT BECAUSE THOSE CONSTRUCTION COSTS ARE GOING TO CHANGE ON AN ANNUAL BASIS.

CHUCK BRENNER – YOU'RE RIGHT THE FUNDS AND ONE NEEDS TO TAKE INTO CONSIDERATION IF ITS NOT IN THIS YEAR'S BUDGET, ITS NEXT YEAR'S BUDGET, THE \$70,000 SOMETHING RIGHT HERE MAY BE \$80,000 NEXT YEAR.

CHAIRMAN MARTIN – RIGHT.

CHUCK BRENNER – BUT HOW DO WE KNOW THAT ITS \$70,000 THIS YEAR OR \$80,000 NEXT YEAR UNLESS WE DO SOMETHING TO LOOK AT THE SPACE AND, YOU CAN'T COME IN AND JUST SAY I NEED \$70,000 WHEN YOU HAVE NOTHING TO BASE IT ON. WE NEED TO KNOW HOW MANY SQUARE FEET OF TILE ARE YOU REPLACING IN THE CEILING AND WHAT IMPACT IS THERE IS ON WALLS, WHAT IMPACT IS THERE ON POWER AND MECHANICAL AND

COMMISSIONER HOUP – AND I CAN UNDERSTAND THAT IF IT THE FIRST PLACE WE WERE APPROACHED PERHAPS HAD MADE A DECISION TO MOVE FORWARD ON SOME KIND OF RECONSTRUCTION IN THAT AREA OR REMODEL BUT WE HAD NOT DONE THAT.

CHUCK BRENNER – YEAH AND

CHAIRMAN MARTIN - AND IT HAPPENS ALSO TO BE UNDER PROFESSIONAL SERVICES THAT COULD QUALIFY UNDER COLLEEN'S BUDGET THAT SHE WOULD BE EXPENDING THOSE FUNDS OUT OF HER BUDGET AND SHE COULD GO AHEAD AND CONTRACT WITH YOU KNOWING THAT YOU GET PAID THROUGH THE DISTRICT ATTORNEY'S BUDGET.

COMMISSIONER HOUP – ABSOLUTELY AND IT FALLS UNDER HER BUDGET.

CHAIRMAN MARTIN – AND THEN SHE CAN GO AHEAD AND BRING THAT TO US AND SAY THIS IS WHAT HAS BEEN DONE, THIS IS HOW MUCH ITS GOING TO COST TO GET IT DONE, IT’S A CAPITAL IMPROVEMENT TO A BUILDING, ETC. PLEASE MAKE A DECISION. THAT’S THE PROCESS WE ALWAYS USE ON EVERY ELECTED OFFICIAL INCLUDING THE SHERIFF.

COMMISSIONER HOUP- BUT I WOULD THINK IT WOULD HAVE BEEN ADVANTAGEOUS TO FIND OUT FIRST IF THERE WAS ANY

CHAIRMAN MARTIN – I UNDERSTAND

COMMISSIONER HOUP – INTENT TO EVEN LOOK AT A CONSTRUCTION PROJECT.

COLLEEN TRUDEN – GO AHEAD WITH THE PROJECT.

CHUCK BRENNER – WELL IF IT WOULD HELP THERE HAVE BEEN SOME PROBLEMS MECHANICALLY AND ELECTRICALLY AND YOU KNOW THIS, YOU WORK, YOU’VE HEARD THE COMPLAINTS FROM VARIOUS PEOPLE THAT WORK IN ALL OF THE DEPARTMENTS OVER THERE – THERE’S BEEN A LOT OF IMPROVEMENTS OVER THE YEARS, A LOT OF SPACE. I WORKED ON THE SHERIFF’S OFFICE WHEN IT MOVED INTO THAT SECTION. I DID NOT WORK ON SOME OF THE OTHERS AND NOT SURE WHO DID BUT A LOT OF THE WORK THAT TOOK PLACE IN THAT AREA, AND IF YOU DON’T MIND CONTINUE ON AS TO WHY WE SHOULD DO SOMETHING THERE AT SOME POINT, WHETHER ITS THIS YEAR OR NEXT YEAR OR THE FOLLOWING WHATEVER, THAT THERE ARE OFFICES SPECIALLY IN THAT, WHAT WOULD THAT BE, THE NORTH WEST CORNER THAT HAS AIR COMING INTO IT BUT NO AIR GOING OUT OF IT SO YOU’RE GOING TO HAVE PEOPLE IN THAT AREA THAT MAY BE OVERHEATED – TOO WARM. THEN YOU’VE GOT OTHER AREAS WHERE WITH REMODELS AND THINGS THAT HAVE TAKEN PLACE THE PERIOD OF TIME, WE HAVE AIR GOING OUT OF A SPACE BUT NO AIR COMING IN. AND THAT CAN CREATE A PROBLEM AS WELL. SO THERE’S A DISCOMFORT AND ALSO BECAUSE THERE’S BEEN VARIOUS DIFFERENT DEPARTMENTS IN THERE, THERE HAVE BEEN SOME MODIFICATIONS MADE TO THE ELECTRICAL SYSTEMS BUT THEY DON’T NECESSARILY BALANCE ANY LONGER AND THE RESULT IN THAT IS WHAT WAS IT – A COMPUTER THAT BLEW BECAUSE OF SOME PROBLEM ANYWAY BECAUSE THAT NO LONGER IS THE ELECTRICAL BALANCED. AND THEN OF COURSE IS THERE QUANTITY OF POWER AVAILABLE. AND WE THINK THERE IS A QUANTITY OF POWER AVAILABLE, AMPLE POWER, ITS JUST THAT THERE MAY NOT BE ENOUGH CIRCUITS THAT ONE CIRCUIT IS OVERLOADED AND THAT’S WHY WE’VE HAD SOME PROBLEMS. WHEREAS ANOTHER CIRCUIT MAY HAVE MORE POWER ON THAN IT NEEDS. WE GOT LIGHT SWITCHES THAT SWITCH ON IN ONE AREA AND LIGHTS COME ON IN ANOTHER AREA BECAUSE THEY’VE BEEN SWITCHED. WHEN COLLEEN FIRST CAME TO ME WE TALKED ABOUT WELL, WE WANT TO REPLACE THE CEILINGS – CEILINGS ARE THE DULL COLOR WE HAVE THERE AND ITS DARK IN THAT BUILDING AND A FEW YEARS AGO WE DID THE TREASURER’S OFFICE AND WE PUT A SIMILAR TILE IN BUT A WHITE TILE AS OPPOSED TO THAT KIND OF AN EARTH TONE TAN AND COLLEEN AND I ACTUALLY WENT DOWN AND VISITED WITH THE OTHER DAY JUST TO SEE HOW THEY FELT ABOUT THE ROOM AND THEY ARE FEELING IT’S A LOT MORE COMFORTABLE WITH THE LIGHT TILE IN THERE. WE COULD DO ONE THING, WE COULD REPLACE THE TILE AND NOT DO THE MECHANICAL OR ELECTRICAL PORTION BUT WHEN WE DO THE MECHANICAL OR ELECTRICAL PORTION AT SOME POINT IN THE FUTURE WE’RE GOING TO HAVE TO REDO THE TILE AGAIN, NOT NECESSARILY REPLACE IT BUT WE’LL HAVE TO TAKE IT DOWN. SO IT MADE SENSE TO US AS WE WERE DISCUSSING THIS THAT OKAY IF WE’RE GOING TO REDO THE CEILING AND ANOTHER ISSUE AND I GUESS I MISSED THAT ONE IS THAT THE LIGHTING, SOME ROOMS HAVE A LOT OF LIGHT, FOUR FIXTURES FOR A ONE ROOM AREA, THERE’S OTHERS THAT HAVE ONLY TWO FIXTURES IN THAT AREA, WE FELT THAT WHILE WE’RE REPLACING THE TILE THAT WE SHOULD TAKE CARE OF ALL OF THAT WHICH IS ABOVE THE TILE AS WELL SO THAT THIS DOESN’T HAVE TO BE DONE A SECOND TIME. A THIRD ITEM THAT IS AN ISSUE THAT IS THAT SOME OF THE WALLS GO UP TO THE CEILING, THEY DON’T PENETRATE THE CEILING AND IT LEAVES A GAP AND THAT CAN BECOME A PROBLEM IN TERMS OF MEETING WITH SOMEBODY AND IT’S A CONFIDENTIAL MEETING AND YOU’VE GOT SOUND TRANSFERRING FROM ONE SIDE OF THE WALL TO THE OTHER. SO THE WORK THAT WE DID WAS TO TRY AND REALLY, WITH SOME DEGREE OF SUCCESS, HOPEFULLY SUCCESSFUL AND DOING THE PLANS THAT SHOWED A NEW CEILING THROUGHOUT. THERE ARE VERY FEW WALLS THAT ARE BEING CHANGED. THERE ARE A COUPLE – ONE AREA WE ARE OPENING UP A LITTLE BIT TO MAKE IT MORE OF A GENERAL OFFICE AREA AND IN RELATIONSHIP TO THAT BECAUSE THERE ARE SO MANY ROOMS AND IT BEEN SUCH A CONGLOMERATE THERE IS A CONCERN REGARDING EGRESS UP THERE. IF YOU’RE BACK IN A CORNER, IF YOU’RE EMPLOYED, YOU KNOW HOW TO GET OUT OF THAT ROOM, IF YOU’RE NOT AN EMPLOYEE – THERE’S SOMEBODY IN THERE MEETING FOR ONE REASON OR ANOTHER AND THERE’S AN EMERGENCY YOU COULD WIND UP GOING DOWN DEAD END CORRIDORS AND OTHER AREAS THAT THIS COULD BE A PROBLEM AND SO GETTING BETTER EGRESS SIGNS, EXIT SIGNS, BETTER DEFINITION OF EGRESS OUT OF THE AREA IS ALSO A PART OF THAT BUT IT REALLY DIDN’T CHANGE A LOT OF ROOMS. WE ELIMINATED MORE WALLS THAN WE ADDED AND THAT HELPED IN THAT ONE CAN VISUALLY SEE A MEANS OF EGRESS. CARPETING WAS JUST PUT IN, WE DON’T SEE DOING THAT, WE WEREN’T LOOKING AT REPAINTING WALLS EXCEPT IN SOME ROOMS WHERE WE WERE DOING SOME UPGRADING OF THE POWER PREDOMINANTLY IN THE COMPUTER ROOM AND THE COPIER ROOM – THERE’S ANOTHER ROOM THAT IS SITTING THERE VACANT RIGHT NOW BECAUSE IT HAS SOME BUILT-IN CABINETS AND A PARTIAL WALL, ETC THAT AND IN OUR DISCUSSIONS WITH COLLEEN WOULD BE A MEETING PLACE FOR STAFF OR OTHERS AND SO IT WAS CLEANING UP THAT ROOM AND REMOVING THE OLD CABINETS BUT GENERALLY NOT A LOT OF PHYSICAL WORK, MOSTLY REPLACING CEILING AND THEN THE MECHANICAL/ELECTRICAL WORK. AND WHEN I STARTED OUT THE PROJECT I DID NOT SEE A LOT OF MECHANICAL/ELECTRICAL WORK UNTIL WE STARTED GETTING INTO IT AND REALLY LOOKING AT IT CLOSELY. AND AT THAT POINT THE MECHANICAL/ELECTRICALLY BUDGET WENT UP FURTHER THAN I ANTICIPATED ALTHOUGH NOT REALLY HIGHER THAT I SAID IT WOULD BE FOR MY WORK.

COLLEEN TRUDEN – ONE OF THE THINGS IN THE ROOM THAT’S HE’S TALKING ABOUT IS, I JUST WANT YOU TO KNOW AT THIS POINT WE DON’T HAVE A SINGLE OFFICE AREA WITHIN OUR OFFICE THAT WE CAN HOLD A STAFF MEETING WHERE EVERYBODY CAN FIT IN THE ROOM COMFORTABLY. WE HAVE A SMALLER LUNCHEON ROOM WHICH IS WHAT WE USE AND PEOPLE LINE UP ON TOP OF EACH OTHER AND CRAM IN AND ITS COZY BUT IT’S NOT COMFORTABLE AND IT ISN’T CONDUCIVE TO MEETINGS – IT SEEMS APPROPRIATE TO HAVE A ROOM THAT WOULD PROVIDE SUFFICIENT SPACE FOR WHETHER IT’S A STAFF MEETING OR TRAINING OR WHATEVER WE WANT TO DO IN HOUSE. THAT ADDRESSES THAT PARTICULAR ROOM. THERE ARE REMODEL ISSUES THAT I BELIEVE ARE APPROPRIATE FOR THAT AREA AND BETTER UTILIZE THE SPACE NECESSARY BECAUSE OF THE MECHANICAL SITUATION THAT NEEDS TO BE ADDRESSED, THE ELECTRICAL SITUATION AND I REALLY STRONGLY ENCOURAGE YOU TO LOOK AT THOSE PICTURES AND I DO HOPE YOU

WILL COME WITH ME OVER TO THE SPACE AND SEE IT FOR YOURSELF. IT IS A HODGEPODGE AND THE JOKE ABOUT THE OFFICE IS WHEN SOMEBODY NEW COMES IN AND WE TALK THEM OVER TO THE OTHER SIDE WE TELL THEM FIND YOUR WAY OUT AND THEY CAN'T DO IT, THEY SAY DON'T LEAVE ME STRANDED. IT ISN'T WELL ORGANIZED AT THIS POINT AND WE WANT TO MAKE BETTER ORGANIZATION OF THE SPACE AND OPEN IT UP SO THERE'S GREATER LIGHT, THOSE TYPES OF THINGS BUT IT REALLY IS IMPORTANT TO ADDRESS THE ELECTRICAL AND DATA LINES THAT ARE DANGLING FROM THE CEILINGS AND AREN'T PROVIDING APPROPRIATE CODE REQUIREMENTS.

CHAIRMAN MARTIN – ALL RIGHT. MY QUESTION TO YOU THEN COLLEEN, THE MONIES THAT HAVE BEEN EXPENDED WOULD BE PRESENTLY RIGHT NOW WOULD BE CHUCK'S FEE.

COLLEEN TRUDEN – THAT'S CORRECT THAT'S THE TOTAL.

CHAIRMAN MARTIN – THAT'S NOT THE \$73,000 BECAUSE YOU'VE GOT \$50,000 IN THERE FOR THE WORK TO BE DONE, MY QUESTION IS THAT CHUCK'S GOT \$10,711.88 I THINK OUTSTANDING PAYMENT TO HIM, HAVE YOU RECEIVED PAYMENT ON THAT CHUCK?

COLLEEN TRUDEN – HE'S RECEIVED PAYMENT AND YOU'RE CORRECT, THAT CAME FROM THE PROFESSIONAL SERVICES LINE ITEM THAT IS MONEY THAT WHETHER IT'S APPROVED THIS YEAR OR NOT, THOSE PLANS ARE GOOD –

CHAIRMAN MARTIN – THAT'S NOT WHERE I'M HEADED

COLLEEN TRUDEN – NO, I UNDERSTAND THAT, BUT I JUST WANT TO MAKE THAT CLEAR THAT'S NOT WASTED MONEY AND

CHAIRMAN MARTIN – I'M NOT SAYING THAT IT WAS I JUST NEEDED TO KNOW

COLLEEN TRUDEN – I KNOW AND YOU'VE READ A THOUSAND TIMES OVER WHERE I'VE SPENT \$15,000 OR \$50,000 ON A REMODEL THAT HASN'T EVEN EXISTED, IT'S NOT

CHAIRMAN MARTIN – THAT'S RIGHT, YOU HAVE NOT ENTERED INTO A CONTRACT WITH THE \$50,000?

COLLEEN TRUDEN – NO I HAVE NOT.

CHAIRMAN MARTIN – HAVE YOU PAID OUT OF YOUR BUDGET AT THE PRESENT TIME FOR THE CABLE SERVICE THAT'S THERE, THE \$12,900?

COLLEEN TRUDEN – I HAVE NOT BECAUSE THAT'S OVER THE \$10,000 THAT I COULD HAVE ENTERED INTO

CHAIRMAN MARTIN – SO HAS ANY WORK BEEN DONE ON THAT?

COLLEEN TRUDEN – NOT ON THE CABLING THROUGHOUT, JUST THE RELOCATION OF THE SERVER UNIT THAT WE PUT IN FROM THE BIG ROOM

CHAIRMAN MARTIN – THAT'S A BOTTOM LINE ISSUE RIGHT NOW. SO WHAT YOU HAVE REALLY EXPENDED ON YOUR REMODEL RIGHT IS \$10,711.88 BASICALLY.

JESSE SMITH - \$7,711.88

CHAIRMAN MARTIN – I'VE GOT TWO IN THERE AND AN ADDITIONAL \$3,000

COLLEEN TRUDEN – NO THAT'S NOT, THAT WOULD BE PROPOSED

CHAIRMAN MARTIN – THAT'S PROPOSED

COLLEEN TRUDEN – WHAT HE WOULD ANTICIPATE

CHAIRMAN MARTIN – SO CHUCK IS AT \$7,711.88.

COLLEEN TRUDEN – YES.

CHAIRMAN MARTIN – OKAY, I JUST WANTED TO MAKE SURE THAT WAS WHAT YOU GOT IN THERE.

CHUCK BRENNER – AND IF I CAN QUALIFY THAT, THAT'S BASED ON IF WE PROCEED WITH THESE PLANS THEN ALL I HAVE REMAINING IS BIDDING AND REVIEW OF THE WORK WHILE UNDER CONSTRUCTION. IF YOU DECIDE TO CHANGE THE SCOPE OF THE WORK, THEN THERE MAYBE MORE DOLLARS OCCURRED.

CHAIRMAN MARTIN - OKAY. THAT'S JUST – OKAY, VERY GOOD, I JUST WANTED TO MAKE SURE THAT WE'RE ALL DOING THE SAME MATH HERE AND THIS IS PROPOSED BOTH WITH THE \$3,000 EXTRA – THE \$12,900 AND THE \$50,000 SO YOU'RE AT \$7,711.88 AND THAT'S WITHIN YOUR BUDGET LINE ITEM – BASICALLY YOU'RE BOTTOM LINE DOLLARS, THE KEY POINT, I DON'T WANT YOU TO GET OFF TRACK, SO GO AHEAD.

COLLEEN TRUDEN – NO WHICH ONE, THE 77, YES, NOT THE 73.

CHAIRMAN MARTIN – NO. WE'RE JUST SEEING WHAT YOU HAVE EXPENDED.

COLLEEN TRUDEN – CORRECT. ABSOLUTELY.

CHAIRMAN MARTIN – OKAY. THAT'S A QUALIFICATION FOR ME. ALL RIGHT. DIDN'T MEAN TO THROW A COG OUT OF WHACK, JUST WANTED TO MAKE SURE THAT I WAS GOING DOWN THE RIGHT MATHEMATICAL PATH HERE.

COLLEEN TRUDEN – AT THIS POINT I'M GOING TO ASK FOR DIRECTION FROM YOU THE COMMISSIONERS AS TO WHAT YOU WANT TO DO, DO YOU WANT TO SEE THESE PLANS, DO YOU WANT TO MOVE FORWARD WITH IT, DO YOU WANT TO TAKE IT UNDER CONSIDERATION, YOU WANT TO WAIT TILL YOU'VE TOURED THE JOINT, WHAT'S YOUR PLEASURE?

CHAIRMAN MARTIN – I THINK THAT WE NEED TO MEET WITH OUR ADMINISTRATOR, OUR OPERATIONS DIRECTOR, WHICH IS IN CHARGE OF THE BUILDING ITSELF, WE WANT TO LOOK AT THE MAINTENANCE ISSUES, ETC AND I THINK THAT WE'LL HAVE ANOTHER DISCUSSION ON ANY KIND OF CAPITAL OUTLAY ON CHUCK'S PLANS – I THINK THAT'S A DIFFERENT MEETING

COLLEEN TRUDEN – I THINK THAT'S VERY APPROPRIATE.

CHAIRMAN MARTIN – I THINK WE'RE TRYING TO SETTLE SOME OTHER ISSUES, GETTING DOWN TO THE BOTTOM; WE'RE DOING GOOD SO FAR AND TRYING TO KEEP TRACK OF EVERYTHING THAT YOU'VE REQUESTED.

COLLEEN TRUDEN – THERE'S OBVIOUSLY A LOT GOING ON WITH THE NEW ADMINISTRATION AND THIS, PLEASE DON'T BE CONFUSED – THIS IS A WORKSHOP.

CHAIRMAN MARTIN – I KNOW AND THAT'S WHY I'M TRYING TO DO MY MATH AT THE SAME TIME.

COLLEEN TRUDEN – AND I WANT YOU TO UNDERSTAND, I KNOW THAT YOU MIGHT NOT APPROVE ANYTHING TODAY, THIS IS MERELY A WORKSHOP SO WE CAN TALK ABOUT SOME OF THESE THINGS AND GIVE YOU A BETTER UNDERSTANDING OF WHAT I'M PROPOSING.

CHAIRMAN MARTIN – WELL, THAT'S WHAT I'M TRYING TO WHITTLE DOWN, JUST EXACTLY WHAT YOU'RE PROPOSING AND HOW MUCH WE'RE LOOKING AT AND WHAT THE REQUEST WOULD BE IF YOU'RE STILL WITHIN YOUR BUDGET, YOUR BOTTOM LINE DOLLAR AND HOW WE'RE GOING TO GO ABOUT THAT INTEGRATING INTO THE GARFIELD

COUNTY ACCOUNTING SYSTEM INTO THE NEW WORLD SYSTEMS, ARE YOU GOING STAY OUT, THAT KIND OF STUFF, THOSE ARE THE QUESTIONS THAT I'VE GOT GOING.

COLLEEN TRUDEN – OKAY

COMMISSIONER HOUP – THE PRINTOUT – DO YOU HAVE THE PRINTOUT THAT PATSY PUT TOGETHER OF EXPENDITURES?

COLLEEN TRUDEN – I DO.

CHAIRMAN MARTIN – ALL RIGHT. CHUCK, YOU'RE PUT ON HOLD ON YOUR REMODEL.

CHUCK BRENNER – THAT'S FINE, ARE YOU THROUGH WITH ME AT THIS POINT?

COMMISSIONER MCCOWN – YES

CHUCK BRENNER – I'VE GOT TO GO UPON YOUR ROOF AND TAKE A LOOK AT

CHAIRMAN MARTIN – YOU'VE GOT ANOTHER CONTRACT ON ANOTHER ISSUE WITH THE GARFIELD COUNTY AND THAT'S THE ROOF OF THE COURTHOUSE ITSELF, OKAY, IF YOU'D TAKE CARE OF THAT I APPRECIATE THAT CHUCK – UNLESS THERE'S ANY OTHER QUESTIONS FROM THE BOARD OR THE ADMINISTRATION.

COMMISSIONER MCCOWN – I HAVE NONE.

CHAIRMAN MARTIN – THANK YOU VERY MUCH CHUCK, I APPRECIATE IT.

COMMISSIONER MCCOWN – COLLEEN, BEFORE WE START ON THE SPREAD SHEET, EARLY IN YOUR ADMINISTRATION I BELIEVE YOU'D INDICATED AN INTEREST OF UTILIZING MORE COUNTY SERVICES AS YOU'VE MENTIONED TODAY AND IN FACT GOING ON OUR NEW WORLD SYSTEM AND UTILIZING OUR ACCOUNTING SERVICES – IS THAT STILL YOUR PLAN OR HAVE YOU CHANGED YOUR MIND ON THAT?

COLLEEN TRUDEN – I HAVE LARRY, AND THE REASON BEING IS WHEN JERRY MCMANN AND PAUL BAUCUS WERE OVER HERE WORKING WITH YOU ALL ON YOUR AUDIT, I STOLE AN HOUR OF THERE TIME AND THEY CAME OVER TO THE OFFICE AND THEY LOOKED AT THE SYSTEM – I THINK THEY THOUGHT I WAS JOKING INITIALLY WHEN I TOLD THEM WE HAD A FAIRLY OLD FINANCIAL PROGRAM THAT WE WERE OPERATING UNDER AND WHEN THEY CAME OVER THEY SAID OH MY THAT REALLY IS AN OBSOLETE VERSION AND SO THEY RECOMMENDED WE GO WITH A DIFFERENT PROGRAM AND I ASKED THEM IF WE SHOULD LOOK AT USING A NEW WORLD COMPONENT AND HE THOUGHT THAT WAS WAY OVERDOING FOR WHAT WE WOULD NEED AND THAT WE WOULD NEED SOMETHING A LOT LESS COMPLICATED AND SOMETHING THAT WOULD BE EASIER AND PRODUCE ALL THE TYPES OF REPORTS THAT WE WOULD NEED AND WANT FOR PURPOSES OF OUR SIZE OF OFFICE. SO THAT'S WHAT WE WENT TO THEN AND WE'VE BEEN IN THE PROCESS OF CONVERTING OVER TO THAT FOR THE LAST SEVERAL WEEKS, A FEW WEEKS ANYWAY AND I WILL SAY THAT WE HAVE BEEN WORKING I THINK VERY WELL WITH FOLKS FROM THE COUNTY IN TRYING TO SET THAT UP SO THAT IT LINES UP WITH THE TYPES OF THINGS THAT YOU'RE GOING TO WANT TO SEE, ACCOUNT CODES AND ENTRIES AND REPORTS FOR WHEN WE COME TO BUDGET, AND I WANT TO THANK BOTH PATSY AND BOB FOR THEIR TIME AND HELP IN SHOWING US WHAT YOU WOULD WANT SO WE CAN BRING TO YOU THE INFORMATION THAT YOU'RE GOING TO NEED. SO TO ANSWER YOUR QUESTION, WE ARE WORKING WITH YOU BUT WE'RE NOT GOING TO WORKING THROUGH YOUR SYSTEM.

COMMISSIONER MCCOWN – OKAY I'LL BE VERY CANDID WITH YOU, I'VE GOTTEN REPORTS FROM THE ACCOUNTING DEPARTMENT THAT WE ARE NOT ABLE TO GET THE INFORMATION THAT WE NEED THAT IS COMPATIBLE.

COMMISSIONER HOUP – UH HUH.

COMMISSIONER MCCOWN – IS IT TOO PREMATURE IN THE PROCESS TO GET TO THAT, OR WHERE ARE WE AT?

COLLEEN TRUDEN – THAT'S MY UNDERSTANDING – WE'RE STILL IN A DATA ENTRY SO WE'RE NOT EVEN PRODUCING A LOT OF REPORTS BECAUSE WE'RE STILL INPUTTING THAT AND SETTING THOSE ACCOUNTS UP AND GETTING THAT ROLLING, SO ONCE WE HAVE THAT DONE THEN WE OUGHT TO BE ABLE TO PROVIDE THAT INFORMATION TO YOU AND I WOULD CERTAINLY HOPE IN WORKING WITH THEM THAT WE'RE DEVELOPING THE TYPES OF REPORTS THAT YOU GUYS WANT. IS IT GOING TO FIT INTO YOUR NEW WORLD SYSTEM WHERE YOU CAN CRANK IT, NO, IT'S NOT GOING TO BUT THEN IF THAT WAS MY WHOLE GOAL; I WOULD BE WORRIED ABOUT FITTING INTO THREE DIFFERENT SYSTEMS. I WANT TO BE ABLE TO PROVIDE WHAT WE NEED IN ACCOUNTING SERVICES THAT WILL PRODUCE THE TYPE OF INFORMATION THAT ALL THREE COUNTIES WILL NEED TO HAVE AVAILABLE TO YOU IN ORDER TO DO WHAT YOU NEED TO DO DURING BUDGET AND FEEL COMFORTABLE WITH THAT AND ..

COMMISSIONER MCCOWN – YOU FEEL WITH YOUR PRESENT SYSTEM THAT ROBIN COULD GO IN TOMORROW AND PULL UP THE NUMBERS THAT WOULD TELL HER WHERE SHE IS AT FINANCIALLY IN COMPARISON TO HER BUDGET AS OF THIS DATE.

COLLEEN TRUDEN – ONCE WE HAVE ALL OF THE INFORMATION INPUTTED, THAT'S THE GOAL. AND THAT'S WHY WE WERE ALSO STARTING FROM JANUARY 1, SO WE COULD PUT IN BUDGET AND THEN WE WOULD KNOW WHERE WE WERE WITH ACTUALS AND THEN WE COULD PROJECT OUT HOPEFULLY AND PREPARE THE BUDGET.

COMMISSIONER MCCOWN – HOW FAR ARE YOU BEHIND IN YOUR DATA?

COLLEEN TRUDEN – A COUPLE OF WEEKS AND WE'RE CONTINUING TO PUT THAT IN AND FINISH THAT PROJECT AND IT HAS BEEN A HUGE PROJECT WITH A NUMBER OF ENTRIES AS YOU CAN IMAGINE. AND WE ARE AND TO JUST ANSWER YOU'RE QUESTION LARRY, WE USING A PROGRAM THAT JERRY AND PAUL HAD SUGGESTED WE GET AND USE. SO I FEEL THAT WE'RE DOING WHAT WE CAN TO WORK COMPATIBLE WITH THE COUNTY AND USE THE TYPE OF PROGRAMS THAT WILL PRODUCE THE INFORMATION BECAUSE THEY'RE THE AUDITORS WHO ARE GOING TO BE DOING IT AND LOOKING AT IT AND NEEDED THAT KIND OF COMPATIBLE INFORMATION AND OR AT LEAST DOCUMENTATION AND DETAIL THAT WOULD DO THAT.

COMMISSIONER MCCOWN – UH HUH.

COMMISSIONER HOUP – SO YOU'RE A COUPLE OF WEEKS BEHIND, OUR LAST NUMBERS ARE FROM APRIL, DO YOU HAVE MAY?

COLLEEN TRUDEN – WE HAVE MOST OF MAY INPUTTING, YES, BUT WE'RE NOT SATISFIED WITH THE PROGRAM TO PRODUCE THE TYPES OF REPORTS UNTIL WE'RE ABLE TO GO BACK AND RECONCILE IT. I GUESS I WOULD ASK YOU IF AFTER HAVING SPENT A MONTH OF TWO WITH THE COUNTY SWITCH OVER TO NEW WORLDS WHETHER YOU WOULD REALLY WANT TO BE HAVING TO RELY ON THAT WITHOUT BEGGING ABOUT TO RECONCILE IT AND MAKING SURE THAT IS WAS ACCURATE AND THE INPUTTING EVERYTHING BASED ON ALL THE RECORDS AND INFORMATION I'D HEARD ABOUT HOW THAT PROCESS WHEN TO FOR YOU ALL.

COMMISSIONER HOUP – BUT WE HAD A BACKUP SYSTEM, I WOULD WANT TO HAVE A BACK UP SO I ALWAYS KNEW WHERE I WAS WITH THOSE NUMBERS TOO AND THAT’S WHY I ASKED.

COLLEEN TRUDEN – RIGHT. BUT WE HAVE ALL THE INFORMATION, YES.

COMMISSIONER HOUP – FOR MAY?

COLLEEN TRUDEN – YES, WE HAVE ALL THE INFORMATION FOR MAY.

CHAIRMAN MARTIN – AND I KNOW THAT PATSY’S JUST DYING TO GET INTO MORE AND MORE MODULES. SHE JUST IS CHALLENGED.

COLLEEN TRUDEN – SO WE’LL BE ABLE TO PRODUCE ALL SORTS OF FUN LITTLE THINGS.

CHAIRMAN MARTIN – I HAVE A QUESTION TO JESSE OR TO MR. DEFORD IN REFERENCED TO THE PACKAGES THAT WERE OF THOSE EMPLOYEES THAT WERE LEAVING AND WHY THAT WASN’T ADDRESSED IN OUR BUDGET OR HAS IT BEEN ADDRESSED, BECAUSE I DON’T REMEMBER TALKING ABOUT – WE KNEW THAT THERE WAS A CHANGE OVER, WE KNEW THAT PEOPLE WERE GOING TO BE LEAVING, JESSE DID WE BUILD THAT IN – IT’S \$38,000 OR \$35,000 – DID WE BUILD THAT INTO A PACKAGE THAT WOULD BE CLEAR?

JESSE SMITH – YOU MEAN THE SICK LEAVE PAYOUT AND THE VACATION

CHAIRMAN MARTIN – ALL THE PAYOUTS IN REFERENCE TO THE EMPLOYEES, DID WE PUT THAT IN OUR BUDGET.

JESSE SMITH – NO, THE COUNTY DOES NOT PAY SICK LEAVE PAYOUT FOR ONE THING

CHAIRMAN MARTIN – THAT’S A DIFFERENCE IN POLICY

JESSE SMITH – AND THE VACATION NO, I WAS PROVIDED INFORMATION BY THE PREVIOUS DA ON WHAT THE SALARIES WERE FOR THE PEOPLE LEAVING AND WE CALCULATED THE FIRST 10 DAYS OF THAT SALARY AND BUILT THAT IN

CHAIRMAN MARTIN – BUT NOT A PAYOFF.

JESSE SMITH – BUT NOT PAYOFF.

CHAIRMAN MARTIN – DON DID YOU HAVE ANY DISCUSSION ABOUT THAT WITH MAC AT ALL – PAYOFF? AND WHAT REQUIREMENT WOULD BE

DON DEFORD – I DON’T REMEMBER AT THIS POINT IF IT WAS JESSE AND ED AND I WHO HAD THAT DISCUSSION WITH MAC AND I THOUGHT IT WAS JESSE AND I TO DETERMINE WHETHER OR NOT THERE WAS ANOTHER PORTION OF HIS BUDGET WOULD ACCOUNTING FOR THAT LIABILITY. AND MY RECOLLECTION IS THAT HE HAD NOT.

CHAIRMAN MARTIN – HE HAD NOT. WELL, WE NEED TO LOOK INTO THAT BECAUSE I KNOW THAT IF I WAS RUNNING THAT BUDGET AND I KNEW I GOT HIT RIGHT OFF THE BAT WITH \$35,000 OF PAYING PEOPLE THAT WERE GONE IN THE FIRST 10 DAYS, I MIGHT HAVE A PROBLEM WITH MY LINE ITEM BUDGET AT THE END OF THE YEAR.

COMMISSIONER HOUP – YOU COULD BUT THERE IS THE PERSONNEL CONTINGENCY LINE ITEM THAT COULD HELP WITH THAT AS WELL.

CHAIRMAN MARTIN – THAT’S TRUE BUT THAT HAS NOT BEEN REQUESTED AND THAT’S WHAT I’M SAYING.

COMMISSIONER HOUP – NO,

CHAIRMAN MARTIN – IF THAT WAS A REQUEST WELL WE’D NEED TO SEE THAT IN A SUPPLEMENTAL BUT I HAVEN’T SEEN THAT REQUEST YET. BUT THAT’S SOMETHING THAT WE NEED TO DISCUSS.

COMMISSIONER MCCOWN – SO DO YOU FEEL COLLEEN, GIVEN THE INFORMATION YOU HAVE AND THE LEARNING EXPERIENCE YOU’RE HAVING WITH YOUR NEW PROGRAM THAT YOUR BUDGET IS ABOUT WHERE IT NEEDS TO BE FOR THE 5 MONTHS THAT HAVE GONE BY OR DO YOU FEEL THAT THERE ARE SOME AREAS THAT HAVE BEEN OVER SPENT?

COLLEEN TRUDEN – WELL, I THINK THERE ARE SOME AREAS BECAUSE OF THINGS LIKE THIS IMPACT THAT HAVE BEEN SPENT THAT ONCE WE LOOK AT ADDING THE CONTINGENCY FUND NUMBERS BACK IN YOU’RE NOT GOING TO SEE THAT SKEWED VIEW OF WHAT’S GOING ON AS WELL AS WE’RE GOING TO HAVE TO WAIT TO BASICALLY BALANCE OUT SOME OF THAT DURING THE COURSE OF THE YEAR. THERE WERE SOME UP FRONT EXPENSES THAT WE HAD TO GET – LETTERHEAD, ALL SORTS OF THINGS THAT YOU COULD BALANCE OUT DURING THE COURSE OF THE YEAR THAT ARE HIT UP FRONT VERSUS WAITING. OBVIOUSLY THE COMPUTER EXPENSES WERE UP FRONT EXPENSES THAT AS YOU START TO SEE THOSE ARE NOT GOING TO BE RECURRING EXPENSES OVER THE COURSE OF TIME AND THAT WILL FLOW TO THE BOTTOM IN A LOT EASIER. SO YES, IT’S APPARENT THAT THINGS ARE GOING TO LOOK OUT OF SKEW BECAUSE MORE FUNDS HAVE BEEN SPENT UP FRONT RATHER SAVING IT TO THE END TO DO SUCH THINGS AS BONUSES.

COMMISSIONER HOUP – SO YOU’RE COMFORTABLE WITH THE 74.2% THAT HAS BEEN DOCUMENTED TO HAVE BEEN SPENT AS OF APRIL IF YOU CAN PUT THE MONIES THAT WENT TO THE PACKAGES BACK IN THERE FROM THE CONTINGENCY FUND WHICH IS STRICTLY FOR PERSONNEL COSTS. YOU FEEL COMFORTABLE, SO WHICH IS NOT

COLLEEN TRUDEN – YES. BECAUSE IT’S NOT 74% - SURE.

COMMISSIONER HOUP – WHICH IS NOT THE \$400,000 -

COLLEEN TRUDEN – RIGHT.

COMMISSIONER HOUP - IT WOULD JUST BE THE PACKAGE OF \$35

COLLEEN TRUDEN – IT WOULD BE THE CONTINGENCY FUND THAT WAS FOR PERSONNEL, RIGHT.

CHAIRMAN MARTIN – AND MY FIGURES ON THAT WAS ABOUT \$46,429.27 THAT YOU WERE TAKING A NICKEL OR SO.

COMMISSIONER HOUP – IT WAS NOT THE \$400,000

COLLEEN TRUDEN – I’M NOT SURE I’M FOLLOWING YOU

CHAIRMAN MARTIN – WELL THAT’S WHAT YOU HAD ASKED FOR UNDER THAT CONTINGENCY THAT WOULD QUALIFY UNDER THE CONTINGENCY TO PUT THAT BACK INTO THE LINE ITEM OUT OF THE CONTINGENCY TO PUT YOU IN BALANCE WITH THE TAKING UP ALL THOSE EXPENDITURES THAT YOU WEREN’T RESPONSIBLE FOR OR YOU PAID FOR IN THE PREVIOUS ADMINISTRATION.

COLLEEN TRUDEN – RIGHT.

CHAIRMAN MARTIN – BUT THAT MONEY IS AVAILABLE IN THAT CONTINGENCY. IF YOU FEEL THAT YOU COULD LIVE WITHIN THAT, THAT WOULD LOWER YOU BACK DOWN AND THE OTHER ISSUES SUCH AS REMODELING, ETC. IS A DIFFERENT ISSUE.

COLLEEN TRUDEN – IT IS A DIFFERENT ISSUE AND AS FAR AS THE CONTINGENCY, I WILL BE REQUESTING THAT FULL AMOUNT BECAUSE THAT’S WHAT WE’VE BASED OUR, WELL WHAT WE DID HIRE ON, THE PEOPLE WE DID BRING IN AND WHAT I WAS ADVISED THAT I NEEDED TO DO WAS THE SAME THING THAT MAC DID IN HIS ORIGINAL BUDGET – SAID HERE’S THE POSITION, HERE’S THE TITLE AND HERE’S THE SALARY; AND THE FUNDS THAT WENT ALONG AND IF I’M GOING TO BE HELD TO A DIFFERENT STANDARD

CHAIRMAN MARTIN – NO YOU’RE NOT

COLLEEN TRUDEN - AND WHAT I NEED TO SHOW YOU TO GET THAT CONTINGENCY RELEASED I NEED TO KNOW THAT AND I NEED TO KNOW WHY, BECAUSE THAT’S HOW I’VE MANAGED TO FIGURE OUT WHERE WE’RE GOING TO BE AND HOW I’M GOING TO MEET MY BOTTOM LINE NUMBERS AT THE END OF THE YEAR.

COMMISSIONER HOUP – WELL YOU DO HAVE TO SHOW US HOW YOU COME UP WITH THE NEED OVER AND ABOVE WHAT’S ALREADY BEEN ALLOCATED FOR WAGES OF AN ADDITIONAL \$400,000.

COLLEEN TRUDEN – WELL I UNDERSTAND THAT AND I’M JUST WANTING TO MAKE SURE WE’RE ON TRACK THAT FOR THE MONEY THAT HAS BEEN PLACED IN CONTINGENCY – THAT WAS FOR POSITIONS THAT WERE APPROVED AND THAT WE FILLED WHEN I STARTED.

CHAIRMAN MARTIN – THAT’S CORRECT.

COLLEEN TRUDEN – SO THAT MONEY HAS BEEN SPENT, I JUST HADN’T COME TO YOU AND ASKED TO RELEASE THAT AT THIS POINT.

COMMISSIONER HOUP – BUT IT’S NOT FOR ANY OF THESE ADDITIONAL EXPENDITURES THAT HAVE OCCURRED THAT ARE WAY OVER BUDGET.

COLLEEN TRUDEN – NO, NO THAT’S CORRECT.

CHAIRMAN MARTIN – WELL YOU CAN’T BE SPENDING IT BECAUSE JESSE WON’T RELEASE IT WITHOUT AN ORDER FROM US – PATSY NOW,

JESSE SMITH – LET ME CLARIFY IF I CAN ON THAT. WHAT WE’RE ASKING THE DA’S OFFICE TO PROVIDE US IS THE EXACTLY THE SAME THING WE ASK ALL OF THE OTHER ELECTED OFFICES. CONTINGENCY IS A POT OF MONEY TO COVER NEW HIRES OR FILLING OF VACANCIES BUT WE NEED TO KNOW IN ADDITION TO THE PERSON’S NAME AND THE AMOUNT, WE NEED TO KNOW WHAT DATE OF HIRE IT WAS SO THAT WHAT WE’RE MOVING FROM CONTINGENCY INTO THE LINE ITEM IS THE AMOUNT TO COVER THE SALARY FROM THE DATE OF HIRE ON.

CHAIRMAN MARTIN – RIGHT.

JESSE SMITH – SO, IT’S EXACTLY THE SAME THING AS WE ASK FROM THE SHERIFF’S DEPARTMENT.

CHAIRMAN MARTIN – RIGHT. AND THERE’S A CERTAIN PROCESS TO GO AHEAD AND DO THAT, I THINK THAT’S ITS GOING TO COME THROUGH THE CHAIN, FIRST TO PATSY AND UP THROUGH THE CHAIN OF COMMAND AND THEN MAKING SURE THAT THE PRESENTATION’S THERE.

JESSE – NO THIS WOULD NOT BE THE SAME THING, IT DOESN’T DATE OF HIRE ON HERE.

COLLEEN TRUDEN – WELL JANUARY 11TH IS WHEN ALL THOSE PEOPLE WERE HIRED ON.

JESSE – BUT THEN SOME OF THEM LEFT SO ANYTIME A PERSON LEAVES WE MOVE THE MONEY FROM THE LINE ITEM BACK INTO CONTINGENCY UNTIL THE POSITION IS FILLED.

COLLEEN TRUDEN – WELL THAT WASN’T MY UNDERSTANDING OF THE WHOLE CONTINGENCY. THE BUDGET MONEY WAS FOR THE POSITIONS THAT WEREN’T PUT INTO CONTINGENCY. THE CONTINGENCY MONEY WAS PUT IN THERE TO PROTECT THOSE POSITIONS WITHOUT THE MONEY BEING JUST WILY NILY SPREAD OUT AS RAISES OVER THE REMAINING PEOPLE. SO I WOULD ACTUALLY HAVE POSITION TO FILL WITH SALARIES AND PERSONNEL COSTS TO FILL THOSE POSITIONS. I FILLED THOSE POSITIONS BEGINNING THE FIRST OF THE YEAR, I HAVE BEEN WORKING OFF THE UNDERSTANDING THAT THE MONEY WOULD BE RELEASED BECAUSE THOSE POSITIONS WERE FILLED, NOT THAT I HAD TO COME BACK AND EVERY 5 MINUTES WHEN SOMEBODY COMES AND GOES BEG FOR THE MONEY FROM THAT CONTINGENCY FUND TO BE RE-RELEASED.

CHAIRMAN MARTIN – NO, IT’S JUST A PAPER TRAIL IN REFERENCE TO WHO WAS HIRED AT A CERTAIN DATE, LEFT AT A CERTAIN DATE – THAT LINE ITEM STOPS AND THEN WITH THE NEW EMPLOYEE NUMBER THAT MONEY IS THEN TURNED BACK ON AND THROUGH THAT PROCESS YOUR NEW EMPLOYEE WITH THE HIRE DATE HAS MONEY FLOWING TO THEIR NAME AND WE ADOPTED THE BUDGET IN TWO STEPS – ONE IS TO MAKE SURE THAT THE EMPLOYEE WAGES ARE A DIFFERENT ITEM THAN THE OVERALL OPERATING BUDGET SO THAT PROTECTS THE EMPLOYEE KNOWING THAT THE CONTINGENCY IS THERE, THE MONEY IS THERE, AND WHEN YOU ASK FOR IT, IT’S RELEASED OR WHEN YOU SAY THAT THE PERSON LEFT, THAT MONEY STOPS, SO IT DOESN’T ...

COLLEEN TRUDEN – SO THIS IS A WHOLE NEW WAY THAT THE BUDGET IS GOING TO BE TREATED?

CHAIRMAN MARTIN – THIS IS THE WAY WE’VE BEEN DOING IT

COLLEEN TRUDEN – NOT IN PREVIOUS ADMINISTRATIONS.

CHAIRMAN MARTIN – YES.

COMMISSIONER HOUP – IT WAS LINE ITEM WITH PREVIOUS

CHAIRMAN MARTIN – LINE ITEM WAS ADOPTED AND THAT’S WHY YOU WILL SEE UNDER EXHIBITS THE NUMBER OF INDIVIDUALS WHO AND AGAIN ITS EXHIBIT G YOU’LL HAVE THE POSITION THAT IS LISTED WITH THE 2004 WAGES AND THEN YOU WILL HAVE ANY KIND OF BREAK IN THE EMPLOYMENT, THAT LINE ITEM WOULD STOP. YOU WOULD HAVE TO RE-ACTIVATE THAT LINE ITEM TO RECEIVE THE FUNDS BACK WITH THE NAME, WITH THE POSITION, AND WITH THE DATE OF HIRE AND THEN THEY WOULD AUTOMATICALLY FLOW BACK TO YOU, BUT THAT IS A PAPER TRAIL AND THE CHECKS AND BALANCES WE HAVE.

COLLEEN TRUDEN – AND THAT PAPER TRAIL MATCHES THIS ONE BASICALLY SO THAT’S NOT A PAPER TRAIL THAT’S SATISFACTORY BASED ON THE SAME PAPER TRAIL THAT WAS PROVIDED BEFORE, IS THAT WHAT YOU’RE TELLING ME NOW?

JESSE SMITH – WHAT I THINK COLLEEN IS SAYING IS THAT WHEN SHE SAID PRIOR ADMINISTRATION, SHE IS TALKING ABOUT PRIOR DA’S OFFICE. AND PRIOR DA’S OFFICES WE SIMPLY GAVE THEM A BOTTOM LINE PERIOD, BUT THIS LAST YEAR WHEN WE RECEIVED THE BUDGET REQUEST FROM OTHER OUT GOING DISTRICT ATTORNEY, HE INCLUDED PERSONNEL COSTS IN THERE THAT WERE FOR FEWER EMPLOYEES BUT CONSUMED 100% OF ALL THE MONIES AVAILABLE, SO I BROUGHT THAT TO THE BOARD AND IT WAS DECIDED TO PUT THEM ON A CONTINGENCY BASIS TO PROTECT THE INCOMING DA TO BE ABLE TO FILL ANY VACANCIES THAT SHE HAD TO FILL. SO THIS IS THE FIRST YEAR THEY’VE BEEN ON A CONTINGENCY BASIS BUT THE

WAY WE'RE DEALING WITH THEM ON THE CONTINGENCY IS EXACTLY THE SAME WAY WE DO IT WITH ALL OTHER ELECTED. SO WE WOULD NEED THE SAME INFORMATION FROM YOU THAT WE WOULD GET FROM ANY OTHER ELECTED OFFICIAL.

COLLEEN TRUDEN – AND WE HAVE ALL THAT INFORMATION AND BASICALLY GOT THE FORM THAT WAS PROVIDED TO ME FILLED OUT, I JUST WANT TO MAKE SURE THAT I'M NOT BEING TREATED ANY DIFFERENTLY BECAUSE OF THE SKEWERING I'M TAKING IN THE PAPERS OVER DECISIONS THAT I DIDN'T MAKE AND DECISIONS THAT I AM MAKING.

CHAIRMAN MARTIN – NO.

COLLEEN TRUDEN – AND SO I JUST WANT TO MAKE SURE THAT'S CLEAR AND I APPRECIATE JESSE YOUR COMMENTS AND YOUR CLARIFYING WHY YOU DID WHAT YOU DID AND THE FACT THAT THIS IS A NEW PROCEDURE FOR YOU AND I HOPE THAT IF THE OTHER TWO COUNTIES DECIDE THAT THEY WANT TO DO A SIMILAR TYPE OF PROCEDURE AT SOME POINT IN THE FUTURE, I WILL KNOW ABOUT IT AS WELL AND CAN TRY – AND THAT'S ONE OF THE THINGS I WOULD LIKE TO POINT OUT AS AN ELECTED OFFICIAL DIFFERENT FROM THE OTHER ELECTED OFFICIALS THAT YOU DEAL WITH – THEY ARE ALL COUNTY ELECTED OFFICIALS – I AM A DISTRICT ELECTED OFFICIAL AND I HAVE MORE THAN JUST THE ONE BOARD TO WORK WITH AND SO IN TRYING TO MEET ALL OF YOUR NEEDS, THAT MAY MEAN I DON'T MEET SOMEBODY ELSE'S NEEDS AND I HAVE TO BALANCE THOSE VARIOUS THINGS AND I HOPE YOU CAN BE PATIENCE WITH ME WHILE WE'RE WORKING THROUGH A NEW ADMINISTRATION AND GETTING UP TO SPEED ON ALL THE NEEDS THAT THE DIFFERENT COUNTIES WOULD LIKE TO HAVE US DO SO THAT WAY YOU FEEL COMFORTABLE WITH YOUR RECORD KEEPING AND YOUR AUDIT TRAIL AND ALL THOSE TYPES OF THINGS AND I'M MORE THAN HAPPY TO CONTINUE TO WORK WITH YOU TO MEET THOSE NEEDS.

JESSE SMITH – WELL WHEN WE DISCUSSED THIS WITH THE BOARD AND THEY DECIDED TO DO THIS, IT WAS REALLY TO PROTECT THE DA'S OFFICE TO MAKE SURE YOU COULD FULLY STAFF THE OFFICE – THAT WAS ALSO DISCUSSED WITH THE OTHER TWO COUNTIES. AND THEY WERE – ALL OF THE INFORMATION WAS SHARED WITH THEM AND ALL THREE AGREED THAT THIS WAS AN APPROPRIATE WAY TO DO IT. AND IN FACT WE PUT \$36,000 MORE THAN WHAT HAD BEEN REQUESTED BECAUSE A NUMBER OF SALARIES WERE CUT WHEN THE EXISTING PEOPLE LEFT, THE BUDGET FIGURE THAT WE WERE GIVEN WAS FOR A MINIMUM, NOT TO REPLACE THAT PERSON AT AN EQUIVALENT LEVEL.

COLLEEN TRUDEN – CORRECT AND I APPRECIATE THAT.

PATSY HERNANDEZ – I JUST WANTED TO SHARE MORE FOR YOU COLLEEN, IS THAT YOUR REQUEST HERE IS FOR THE \$602,000 THE AMOUNT THAT'S IN THE CONTINGENCY IS 68%, WHICH IS \$409,841 – THAT'S WHAT OUR LINE ITEM CONTAINS.

COLLEEN TRUDEN – SO YOU NEED THAT NOT THIS ONE.

CHAIRMAN MARTIN – THAT'S CORRECT.

PATSY HERNANDEZ – THE AMOUNT THAT WE HAVE IN OUR BUDGET IN THE DA CONTINGENCY IF THE \$409,841.

COLLEEN TRUDEN – ACTUALLY THE TOTAL.

PATSY HERNANDEZ – WELL I KNOW WHAT'S IN OUR LINE ITEM

CHAIRMAN MARTIN – REMEMBER THAT YOU DIDN'T – 68% IS THE ONLY AMOUNT – YOU MAY NEED THE TOTAL AMOUNT THAT WE'RE LOOKING AT BUT WE CAN ONLY AUTHORIZE UP TO 68%.

COLLEEN TRUDEN – THAT'S WHY WE WERE GOING BACK AND FORTH, SO I'LL ADJUST THAT AND WE'LL GET YOU THE PROPER, THE DOCUMENTATION THAT WOULD MAKE YOU FEEL COMFORTABLE.

CHAIRMAN MARTIN – GET US THE DOCUMENTATION AND THEN WE'LL HAVE ANOTHER SUPPLEMENTAL BUDGET HEARING, THAT'S A PUBLIC HEARING THAT NEEDS TO BE NOTIFIED THAT THAT IS WHAT WE'RE GOING TO DO AT WHICH TIME AGAIN IT BECOMES ANOTHER DISCUSSION.

JESSE SMITH – MR. CHAIR, ANOTHER ITEM THAT MIGHT HELP WITH HER BUDGET ON THIS, IS WHEN YOU TALKED ABOUT THE WORKMAN'S COMPENSATION AND THE FACT THAT THE 2002 BILL WAS PAID IN 2003, THAT'S THE WAY IT WORKS, THE BILL IS RECEIVED AT THE VERY END OF THE YEAR AND IT'S USUALLY PAID IN THE FOLLOWING YEAR – WE BUDGET FOR THAT – YOU HAVE \$8500 BUDGETED TO PAY WORKMAN'S COMPENSATION FROM 2004.

COMMISSIONER HOUP – SO THAT WAS BUILT INTO HER BUDGET ALREADY.

CHAIRMAN MARTIN – RIGHT, YES

COLLEEN TRUDEN – SO THEN WHEN WE GET THE 2005 INVOICE,

JESSE SMITH – WELL THAT WON'T COME UNTIL; WELL THE 2005 IS FOR 2004.

COLLEEN TRUDEN – WELL THEN WHY DID YOU KEEP ASKING IF YOU GOT PAID?

JESSE SMITH – 2005 IS FOR 2004.

PATSY HERNANDEZ – I COULD BE MISTAKEN BUT I'M WONDERING WHETHER OR NOT, I THOUGHT THAT THE ITEM THAT DA TRUDEN MENTIONED WAS THE CDAC –

COLLEEN TRUDEN – YES

PATSY HERNANDEZ – RIGHT THE WORKERS COMP – THE ITEM THAT SHE WAS REFERRING TO WAS A COMPLETELY DIFFERENT BILL.

JESSE SMITH – OKAY.

CHAIRMAN MARTIN – YES.

COMMISSIONER MCCOWN – AND SHE ALSO TALKED ABOUT WORKMAN'S COMP.

CHAIRMAN MARTIN – WORKERS COMP BILL WHICH WAS \$8646

PATSY HERNANDEZ – YES AND THAT IS ONE THAT OUR PROCESS OF DOING THAT IS THAT ITS BUDGETED INTO THE DA'S BUDGET WE PAY THE BILL, WE SEND THE BILL TO THE DA'S OFFICE FOR THEM TO REIMBURSE US, WE PAY THE BILL BUT WE DIDN'T GET REIMBURSED FOR 2004. SO THAT'S WHAT THAT'S FOR.

CHAIRMAN MARTIN – AND THAT'S IN YOUR 2005 BUDGET AT \$8500. BECAUSE UNDER THE PERSONNEL COSTS AND WHAT HAVE YOU UNDER WAGES, TAXES, HEALTH INSURANCE, DISABILITY, RETIREMENT, PERIOD IT'S ALSO WORKMAN'S COMP AND GARFIELD COUNTY SHARES THAT WITH \$5780 THAT WAS IDENTIFIED TO BE USED FOR THAT AND THAT AGAIN YOU'VE GOT AN EXPENDITURE IN APRIL OF \$8218 THE OVERALL COST WAS \$8500.

PATSY HERNANDEZ – AND THAT'S FOR A BILL THAT WE SENT TO THEM THIS YEAR FOR A BILL THAT WE PAID IN JANUARY.

CHAIRMAN MARTIN – I UNDERSTAND THAT.

COMMISSIONER McCOWN – SO IS 2004 STILL OUTSTANDING.

COLLEEN TRUDEN – YES

PATSY HERNANDEZ – CORRECT

COMMISSIONER McCOWN – SO THE COUNTY HAS EATEN THAT?

COLLEEN TRUDEN – CORRECT

PATSY HERNANDEZ – I CAN'T DECIDE THAT.

CHAIRMAN MARTIN – BECAUSE WE HAVEN'T BEEN REIMBURSED BY THE DISTRICT ATTORNEY.

COMMISSIONER McCOWN – HAS IT BEEN PAID?

PATSY HERNANDEZ – WE PAY WORKER'S COMP SO THE COUNTY AT THIS POINT HAS UP FRONTED THOSE COSTS THAT HAVE NOT COME BACK FROM – BUT BECAUSE IT'S NOT IN THIS YEAR'S BUDGET, IN ORDER FOR THAT TO BE PAID, IT NEEDS TO GO INTO THE BUDGET SO THAT WE CAN BE PAID BECAUSE IT WASN'T IN THE 2005 BUDGET.

COMMISSIONER McCOWN – OKAY. BUT IT WAS PAID, THE COUNTY PAID IT, THE COUNTY UP FRONTED IT AND WAS BILLED TO THE DA SO THE BILL WAS PAID.

PATSY HERNANDEZ – THE BILL TO THE COMPANY THAT PROVIDES THE SERVICE WAS PAID.

COMMISSIONER McCOWN – THERE YOU GO – THAT'S MY POINT.

COLLEEN TRUDEN – THAT WAS PAID?

PATSY HERNANDEZ – YES.

COMMISSIONER McCOWN – SO COVERAGE WAS IN PLACE, EVERYBODY WAS COVERED FOR THAT YEAR, AND THE BILL JUST WASN'T PAID BY THE PREVIOUS ADMINISTRATION.

PATSY HERNANDEZ – FOR THE DA'S SHARE INTO 2004. CORRECT.

COMMISSIONER HOUP – DID THE BILL COME IN – I MEAN HAVE WE LOOKED AT THE 2004.

COLLEEN TRUDEN – YOUR OFFICE, PATSY BILLED THIS ON MARCH 1, 2004 TO THE DA, AND THE DA RECEIVED IN ON MARCH 8, 2004 AND THERE'S NO RECORD OF IT HAVING EVER BEEN PAID.

COMMISSIONER HOUP – OKAY. I'D LIKE TO GO TO A BIG QUESTION HERE, THE GARFIELD COUNTY 100% CONTRIBUTION LINE WHERE WE HAVE BUDGETED \$12,400 FOR EQUIPMENT MAINTENANCE, COPIER LEASE, CAPITAL OUTLAY – AND AS OF APRIL YOU'VE EXPENDED \$54,542.67 WHICH IS WELL ABOVE THE \$12,400 THAT WAS BUDGETED FOR AND YOU DID SAY THAT TO LARRY A FEW MINUTES AGOO THAT YOU FEEL COMFORTABLE THAT YOU CAN EVEN WITH THESE NUMBERS WORK WITHIN YOUR BUDGET SO THAT YOU CAN COVER ALL OF THIS, ARE YOU LOOKING AT ALL OF YOUR EXPENDITURES AND SAYING THAT YOU CAN MAKE IT THROUGH THE YEAR WITH THE REVENUE YOU HAVE LEFT IN YOUR BUDGET?

COLLEEN TRUDEN – YES.

COMMISSIONER HOUP – OKAY.

COLLEEN TRUDEN – AND I DO THINK THAT SOME OF THE ITEMS THAT WE ARE TRYING TO IDENTIFY THAT GOT CHARACTERIZED UNDER GARFIELD SEPARATE THAT MAY OR MAY NOT BE COMPLETELY GARFIELD COUNTY SEPARATE AND WE'LL BE ADJUSTING ANYTHING THAT NEEDS TO BE APPROPRIATE AND I CERTAINLY HOPE WITH THE CHANGE OVER AND THE CONVERSION AND TRYING TO ADJUST BETWEEN THE DIFFERENT TYPES OF ACCOUNTING THAT WERE DONE AND WHAT WAS PREVIOUSLY SENT TO YOU AND WHAT YOU NEED THAT YOU WILL UNDERSTAND THAT WE ARE IN THE PROCESS OF TRYING TO GET THE INFORMATION AND ADJUST THOSE ENTRIES AS APPROPRIATE.

COMMISSIONER McCOWN – IS THAT WHAT THE COMPUERS ARE THAT YOU'RE ASKING FOR THE \$55,000 SUPPLEMENT FOR?

COLLEEN TRUDEN – YES, PART OF IT.

COMMISSIONER McCOWN – OKAY. SO THAT'S WILL TAKE CARE OF THE \$54,542?

COLLEEN TRUDEN – YES.

COMMISSIONER McCOWN – OKAY.

CHAIRMAN MARTIN – WELL, I'M STILL NOT WILLING TO MOVE OFF THE \$8500 UNDER EXHIBIT G 2005 APPROPRIATED BUDGET, \$8500 FOR WORKMAN'S COMP, IT'S IN THE BUDGET.

COMMISSIONER McCOWN – YEAH AND

CHAIRMAN MARTIN – AND EXPENDED WITH 2004 THE BILL THAT CAME IN JANUARY WAS \$8212 WHATEVER; IT SHOULD BE PAID OUT OF THAT LINE ITEM – AM I CORRECT?

COLLEEN TRUDEN – NO, BUT THERE WAS A BILL IN 2004 THAT DIDN'T GET PAID, WHETHER YOU WANT TO CALL IT THE 2003 THAT DIDN'T GET PAID IN 2004, THAT WAS BUDGETED.

CHAIRMAN MARTIN – OKAY, THAT'S THE CLARIFICATION – THE 2003 WAS NOT PAID IN 2004.

JESSE SMITH – THAT'S CORRECT – THE 2004 BILL WAS BUDGETED FOR THIS \$8500 AND PAID.

CHAIRMAN MARTIN – OKAY, THAT'S WHAT I'M CONCERNED ABOUT. IF IT IS AN OUTSTANDING ONE, WE ATE IT FOR 2003 NOT FOR 2004.

COLLEEN TRUDEN – AND THAT'S WHY I BRING IT TO YOU AND SAY HOW DO YOU WANT TO HANDLE IT?

CHAIRMAN MARTIN – I WANT IT CLARIFIED THAT'S ALL, BECAUSE I KNOW WE WENT THROUGH THAT LINE BY LINE TO MAKE SURE WE HAD EVERYTHING COVERED AND WORKMAN'S COMP WAS AN ISSUE.

COLLEEN TRUDEN – I UNDERSTAND.

COMMISSIONER McCOWN – WHAT DOES CDAC DO FOR US?

COLLEEN TRUDEN – CDAC IS THE COLORADO DISTRICT ATTORNEY'S COUNCIL THAT PROVIDES A TREMENDOUS AMOUNT OF RESOURCES AND WE COULDN'T DO OUR JOB WITHOUT CDAC, THEY PROVIDE A LOT OF LEGAL ASSISTANCE AS WELL AS THE COMPUTER, WE HAVE OUR OWN COMPUTER DATA BASE THAT'S STATE-WIDE UTILIZED BY PROSECUTORS THAT WE BUY INTO OUR PROPORTIONAL SHARE AND I WILL TELL YOU THAT THE BIGGER COUNTIES BUY INTO A HUGE PORTION OF CDAC BILL AND WE PIGGY BACK ON SEVERAL OF THOSE THINGS – THEY RUN THE MANDATED COSTS PROGRAM WHICH IS FUNDED BY THE STATE AND THEY ARE USED AS A PASS THROUGH BUT THEY ARE THE ONES WHO ALLOCATED WHAT GOES WHERE AND HANDLES ALL THAT – THEY PROVIDE ON-GOING TRAINING YEARLY FOR ALL THE PROSECUTORS AND DO IT AT A SUBSTANTIALLY REDUCED COST AND PROVIDE SPECIFIC TRAINING TO PROSECUTORS THAT YOU WOULD NOT BE ABLE TO GET OTHERWISE AT THE SAME TYPES OF COSTS. THEY PROVIDE RESOURCES IN TREMENDOUS AMOUNT OF AREAS AS FAR WORK GROUPS AND JUST AN OPPORTUNITY FOR THE ELECTED

OFFICIALS, THE DA'S TO COME TOGETHER ON THE GOVERNING BOARD AND TO TALK THROUGH ISSUES AND WHAT ARE WE FACING AND WHAT DO WE NEED TO DO AND JUST SHARE VARIOUS IDEAS IN THAT FORMAT AS WELL; AS WELL AS WORK GROUPS AND A NUMBER OF THINGS SUCH AS JURY INSTRUCTIONS OR PARTICULAR EXPERT WITNESSES – THE LIST GOES ON AND ON. IT'S LIKE ANY OTHER – PROBABLY SIMILAR IN SOME RESPECTS TO WHAT THE COUNTY ATTORNEY'S AND THE RESOURCES THAT ARE AVAILABLE THERE SPECIFICALLY TRAININGS THAT ARE GEARED TOWARD PROSECUTORS IS VERY IMPORTANT.

COMMISSIONER McCOWN – IT IS POPULATION BASED, HOW ARE YOU ASSESSED?

COLLEEN TRUDEN – IT IS PARTLY SIZE AND POPULATION BASED AND THAT'S A GOOD QUESTION. THE OTHER THING IT DOES IS PROVIDE US GREATER ACCESS AND RESOURCE TO LEGAL RESEARCH THAT WE WOULD OTHERWISE BE SPENDING A FORTUNE ON IF WE HAD TO DO IT AS A SEPARATE ENTITY. THE OTHER THING THAT IT PROVIDES IS THROUGH THE CDAC MEMBERSHIP WE BELONG TO THE NATIONAL DISTRICT ATTORNEY'S ASSOCIATION WHICH IS THE COMPANY WITH THE ORGANIZATION THAT PROVIDES THE UNDERWRITING FOR OUR PROFESSIONAL LIABILITY INSURANCE, THAT'S SUBSTANTIAL GREAT RATES COMPARED TO WHAT, WE PROBABLY COULDN'T GET INSURED OTHERWISE.

CHAIRMAN MARTIN – WHICH IS CALLED BLACKSTONE.

COLLEEN TRUDEN – BLACKSTONE IS THE COMPUTER DATA BASE WHICH THEY ARE IN THE PROCESS OF CONVERTING TO ANOTHER NAME.

COMMISSIONER McCOWN – ARE THEY A NON FOR PROFIT ENTITY, OR DO YOU KNOW?

COLLEEN TRUDEN – I DON'T KNOW, I DON'T BELIEVE NON FOR PROFIT BUT I'M NOT SURE HOW THAT IS TAX WISE STRUCTURED AT THIS POINT.

CHAIRMAN MARTIN – AND FROM MY SIMPLE MIND, THAT IS PROFESSIONAL SERVICES AND THE LINE ITEM BECAUSE I HAVEN'T HAD THAT DETAIL PRIOR TO THIS BUT YOU WOULD PAY THAT OUT OF PROFESSIONAL SERVICES.

COLLEEN TRUDEN – THAT'S PART OF WHAT OF WE'RE TRYING TO ASSESS IS WHERE THINGS BELONG – THAT PREVIOUSLY HAS BEEN ALLOCATED IN THREE AREAS OUT OF THE TRAINING, THE DUES AND THE COMPUTER PROFESSIONAL SERVICES. LIABILITY INSURANCE IS A SEPARATE LINE ITEM.

COMMISSIONER McCOWN – IT LOOKS LIKE DUES ARE TAKING A PRETTY GOOD HIT.

COLLEEN TRUDEN – IT HAS AND WHAT'S INTERESTING IS THAT I THINK THAT'S WHERE WE PLACED ALL OF CDAC RATHER THAN SEPARATING IT OUT AMONG THE OTHER CATEGORIES.

COMMISSIONER McCOWN – IT WOULD LOOK LIKE IT.

CHAIRMAN MARTIN – YEAH, ON THE SPREADSHEET.

JESSE SMITH – YES.

COMMISSIONER HOUP – SO IF YOU SWITCH AROUND SOME PROFESSIONAL SERVICES YOU CAN FALL INTO THAT?

COLLEEN TRUDEN – YES.

COMMISSIONER McCOWN – AND I THINK THAT MAY BE PART OF THE PROBLEM THAT MAKES THIS SPREAD SHEET LOOK SO SKEWED IS SOME THINGS HAVE BEEN MISAPPLIED TO CERTAIN COST CODES, IF YOU WILL.

COLLEEN TRUDEN – CORRECT.

COMMISSIONER McCOWN – BUT THE BOTTOM LINE IS YOU'RE STILL DOING WITH A BOTTOM LINE BUDGET.

COLLEEN TRUDEN – CORRECT.

CHAIRMAN MARTIN – AND THAT'S THE DETAIL WE GET INTO THAT YOU PATSY TO MAKE SURE THINGS ARE CODED AND ALSO HAVE A HISTORY OF THAT LINE ITEM – ON SOME LINE ITEMS YOU'RE WAY OVER, 400% ON ONE, OTHERS YOU'RE DOWN TO 1.1% THAT YOU'VE SPENT.

COLLEEN TRUDEN – AND I'LL TELL YOU MY PHILOSOPHY ON THAT – IT ALWAYS HAS BEEN WITH BUDGETS. YOU'RE FAR BETTER OFF TO PUT THE ITEMS IN THE APPROPRIATE CATEGORIES SO YOU KNOW YOU'RE SPENDING YOUR MONEY AND WHAT YOU NEED IT FOR FUTURE BUDGET PURPOSES VERSUS SOME TRIED AND TRUE METHODS OF STICKING IT WHATEVER JUST SO YOU LOOK LIKE YOU'RE IN COMPLIANCE WITH EVERY LINE ITEM WHEN IN FACT YOU MAY BE SPENDING IT ON ANOTHER ITEM AND YOU NEED TO KNOW THAT – I THINK THAT'S JUST A BETTER ACCOUNTING PROCEDURE IS IF I'M GOING TO SPEND X NUMBER OF DOLLARS ON THIS PARTICULAR THING, THEN WHEN WE'RE LOOKING AT WHETHER OR NOT WE NEED THAT MONEY NEXT YEAR IN THAT COLUMN, IT DOESN'T LOOK LIKE EVERYTHING'S FLAT – YOU NEED TO KNOW WHERE YOU'RE MONEY'S GOING AND I THINK, AND IN ORDER TO COME AND TELL YOU WHAT I NEED FOR TRANSPORTATION OR WHAT I NEED FOR TRAVEL, OR THIS OR THAT, ITS BETTER TO BRING YOU A CLEAR PICTURE.

COMMISSIONER HOUP – BUT THIS DOESN'T BRING US A CLEAR PICTURE SO YOU'RE KIND OF CAUGHT IN THE MIDDLE BECAUSE YOU'RE THINKING THAT THIS

COLLEEN TRUDEN – THIS IS A WORK IN PROGRESS

COMMISSIONER HOUP – I UNDERSTAND THE WAY YOUR CATEGORIZING THINGS MAKES A GREAT DEAL OF SENSE TO YOU BUT IF ANYONE ELSE LOOKS AT THIS BUDGET THEY'RE GOING TO SAY YOU KNOW YOU'VE FAR SURPASSED MANY OF THESE LINE ITEMS AND AS OF APRIL YOU'VE USED THREE-QUARTERS OF YOUR BUDGET AND SO ITS VERY DIFFICULT TO UNDERSTAND INCLUDING THE PUBLIC WHO FUNDS YOUR BUDGET HOW YOU'RE GOING TO GET THIS UNDER CONTROL AND I UNDERSTAND YOU'RE GETTING A NEW COMPUTER SYSTEM IN PLACE BUT AT THE SAME TIME YOU ALSO HAVE TO HAVE BACK-UP SO THAT YOU KNOW WHERE ALL THIS MONEY IS AND IT MIGHT BE A WISE IDEA TO WORK VERY CLOSELY WITH HOW THE BUDGET IS SEPARATED OUT SO THAT YOU CAN DEFEND YOUR EXPENDITURES, OTHERWISE PEOPLE HAVE NO IDEA WHERE YOU'RE MONEY IS GOING.

COLLEEN TRUDEN – AND I GUESS THE FIRST THING THAT I WOULD DISAGREE WITH YOU ON IS THAT IT'S OUT OF CONTROL. I BELIEVE ITS VERY MUCH IN CONTROL ITS JUST DOESN'T SHOW IT FROM THE WAY THAT ITS CHARACTERIZED HERE PLUS I THINK THAT THE OVERALL BUDGET, YOU JUST CAN'T LOOK AND SAY 74% WITHOUT CONSIDERING THE CONTINGENCY BECAUSE WHEN I LOOK AT AND OVER THE YEAR VIEW OF A BOTTOM LINE NUMBER I CONSIDER THE ENTIRE BUDGET, I'M NOT CONSIDERING IT THE WAY ITS BROKEN DOWN HERE BECAUSE I INTEND TO FULLY REQUEST THAT CONTINGENCY AND PROVIDE THE INFORMATION AND I FULLY EXPECT TO GET THAT CONTINGENCY. THAT'S WHAT WAS BUDGETED AND THAT'S WHEN I CAME IN AT THE FIRST OF THE YEAR WAS MY UNDERSTANDING WOULD BE AVAILABLE TO UTILIZE IN THE OPERATION OF MY OFFICE. SO THESE NUMBERS, YES, I CAN

GO BACK AND WE RE-CATEGORIZE THEM TO EVERYTHING THAT YOU'RE USED TO SEEING BASED ON THE BUDGET THAT WAS APPROVED LAST YEAR AND IF THAT WOULD MAKE YOU MORE COMFORTABLE, WE CAN LOOK AT DOING IT. I DON'T THINK THAT'S THE APPROPRIATE ACCOUNTING APPROACH BASED UPON THE INFORMATION I'VE GOTTEN AND THE REASON WHY WE'RE RESETTING THE ACCOUNTING CODES WHILE WORKING WITH THE STAFF HERE AND OTHER COUNTIES, BUT IF THAT WOULD MAKE YOU HAPPIER, WE CAN CERTAINLY LOOK AT TRYING SQUEEZE EVERYTHING IN UNDER THE APPROPRIATE CATEGORY AS BUDGETED FOR.

COMMISSIONER HOUP – WELL WE'LL TRYING TO UNDERSTAND THE BOTTOM LINE TODAY, COLLEEN AND YOU AS THE CONTINGENCY WAS EXPLAINED EARLIER YOU ONLY RECEIVE MONIES FOR THE TIMES THAT YOU HAD EMPLOYEES EMPLOYED AND SO WHEN YOU LOOK AT THE ACTUAL AMOUNT THAT'S LISTED HERE, THE \$409,841 THAT ISN'T NECESSARILY THE AMOUNT THAT YOU SHOULD COUNT ON FOLDING BACK INTO YOUR BUDGET BECAUSE ITS GOING TO BE CALCULATED BY THE DATES IN WHICH THOSE PEOPLE WERE ACTUALLY EMPLOYED WITHIN YOUR DEPARTMENT. AND IF YOU ADD THAT IN, THERE'S STILL HIGH EXPENDITURES AND I UNDERSTAND THAT YOU HAD SOME UP FRONT COSTS, WHAT I REALLY HOPE YOU WALK AWAY WITH TODAY AND I DON'T KNOW WHERE WE'RE GOING TO BE WITH NUMBERS, BUT ONE THING I REALLY HOPE THAT YOU WALK AWAY WITH FROM THIS MEETING IT THE KNOWLEDGE THAT ANY TIME YOU TRY TO ADD AN EXPENSE ONTO YOUR BUDGET, YOU RECOGNIZE THE FACT THAT WE'RE THE PEOPLE YOU HAVE TO TALK TO, BECAUSE YOU CAN'T INCREASE YOUR BUDGET WITHOUT COMING TO US BEFORE YOU ACTUALLY INCREASE YOUR BUDGET.

COLLEEN TRUDEN – I UNDERSTAND THAT AND I GUESS I SHOULD HAVE WAITED UNTIL THE YEAR WHEN I HAD A SURPLUS AND GAVE \$39,000 IN BONUSES – THAT WOULD HAVE BEEN A BETTER WAY TO APPROACH IT – YOU WAIT AND DO THE COMPUTER THING USING THE MONEY LEFT OVER IN THE BUDGET AT THE END. I UNDERSTAND YOUR CONCERNS AND I UNDERSTAND MY BOTTOM LINE AND WHAT I'M TELLING YOU IS BASED ON THE FULL AMOUNT THAT WAS BUDGETED IN 2005 EVEN IF YOU LOOK AT WHAT YOU HAVE AT THE END OF APRIL PUTTING THE FULL AMOUNT BACK IN – WHAT I'M TRYING TO EXPLAIN IS THAT SOME OF THOSE EXPENSES ARE NOT GOING TO BE REOCCURRING SO YOU'RE GOING TO BE SEEING THOSE GO DOWN

CHAIRMAN MARTIN – YES

COLLEEN TRUDEN – OVER THE COURSE OF THE MONTHS.

CHAIRMAN MARTIN – WELL,

COLLEEN TRUDEN – ARE YOU UNDERSTANDING THAT ASPECT

CHAIRMAN MARTIN – WELL YOU CAN TAKE

COMMISSIONER HOUP – WELL I UNDERSTAND THAT ASPECT COLLEEN BUT WHAT I'M ALSO SEEING THAT EVEN IF YOU FOLD THAT IN YOU'RE AT 48% OF YOUR BUDGET SO, IF YOU'RE COMFORTABLE WITH THAT AFTER THREE MONTHS OF THE YEAR,

COLLEEN TRUDEN – I AM, YES

COMMISSIONER HOUP – THAT'S HUGE

COLLEEN TRUDEN – SURE, BASED UPON THE EXPENSES

CHAIRMAN MARTIN – OKAY, AND AGAIN, YOU'RE TAKING ONE OF TWO APPROACHES HOPEFULLY. NUMBER ONE IS YOU CAN GET UP AND SAY I HAVE NOT EXCEEDED MY BUDGET AND THAT I AM GOING TO LIVE UP TO MY BOTTOM LINE AND THANK YOU VERY MUCH FOR YOUR CONCERN; OR YOU'RE GOING TO SIT AND WORK THROUGH DIFFERENT ISSUES THROUGHOUT THE YEAR MAKE ADJUSTMENTS, EITHER YOU'RE GOING TO HAVE A HIGH BRED OF TRYING TO COME IN LINE WITH THE COUNTY AND THE WAY THAT WE'RE USED TO DOING BUSINESS AND ACCOUNTABILITY AND GO THROUGH OUR LITTLE AUDIT PROBLEMS THAT WE HAVE FOR IDENTIFICATION AND HOPEFULLY WE CAN WORK THROUGH AND YOU STILL STAY BOTTOM LINE DOLLAR, THAT YOU DON'T EXCEED THAT. HOPEFULLY THAT WILL WORK.

COLLEEN TRUDEN – AND THAT'S MY PREFERENCE IS THE LATTER. I DON'T THINK WE GET ANYWHERE IF WE'RE NOT WORKING TOGETHER.

CHAIRMAN MARTIN – BUT YOU'RE NOT GOING 100% COUNTY SYSTEM THIS YEAR IS WHAT YOU'RE TELLING ME.

COLLEEN TRUDEN – CORRECT.

CHAIRMAN MARTIN – BUT YOU'RE GOING TO WORK TOWARDS THAT AND YOU UNDERSTAND THE BUDGET PROCESS IS GOING TO START IN TWO WEEKS, NEXT WEEK. ALL RIGHT, SO YOU'VE GOT THIS CHALLENGE, YOU'RE GOING TO HAVE BALANCE THIS BUDGET THE WAY IT COMES INTO AND HAVE TO WORK WITH PATSY AND EVERYBODY ELSE INVOLVED, COME IN LINE, MAKE SURE THAT YOU GET BOTTOM LINE DOLLAR AND EVERYBODY WILL BE HAPPY.

COLLEEN TRUDEN – I AGREE.

CHAIRMAN MARTIN – IF YOU EXCEED THAT, YOU KNOW, MY RESPONSE IS, "I'M GOING TO SQUEEZE PENNY I CAN, I'M GOING TO BE REALLY TOUGH AND I'M GOING TO SAY NO." BECAUSE WE HAVE TO LIVE UP TO WHAT WE SAID WE COULD LIVE IN AND I UNDERSTAND THAT YOU AND ALSO LOU WHEN HE CAME IN AND ANOTHER NEW ELECTED, WE DID HAVE SOME LENIENCY IN THE FIRST YEAR, SECOND YEAR IT GETS TOUGHER. YOU'RE GOING TO BE IN YOUR SECOND YEAR AND YOU'RE GOING TO START YOUR OWN BUDGET SO YOU'RE GOING TO HAVE AGAIN JUSTIFICATION, HISTORY, CLASSIFICATIONS, BECAUSE WE'RE GOING TO ASK TOUGHER QUESTIONS THE SECOND YEAR.

COLLEEN TRUDEN – WELL, I HOPE SO.

CHAIRMAN MARTIN – OKAY.

COMMISSIONER McCOWN – AND COLLEEN I CAN ASSURE ITS OUR STATUTORY RESPONSIBILITY TO MONITOR THIS BUDGET AND HAD WE SEEN A REPORT LIKE THIS FROM MILDRED OR GEORGIA OR LOU OR SCOTT AIBNER OR OURSELVES, WE WOULD HAVE REQUESTED A WORK SESSION TOO. I JUST WANT TO MAKE SURE THAT EVERYBODY IS ON THE RIGHT PAGE AND WE'RE ALL GOING DOWN THE SAME LINE – THIS IS NOT A PERSONAL ISSUE AT ALL, THERE WERE SOME FLAGS THAT WERE RAISED, I THINK WE IRONED OUT SOME OF THEM TODAY, I THINK WE STILL HAVE SOME WORK TO DO BUT I CAN ASSURE THAT HAD ANY OTHER ELECTED OFFICIAL HAD A SPREAD SHEET THAT LOOKED THAT THIS, WE WOULD HAVE ASKED FOR A WORK SESSION WITH THEM TOO, SO.

COMMISSIONER HOUP – WE STILL HAVE \$55,000 WORTH OF COMPUTERS, WERE YOU STILL GOING TO FOLD THAT INTO YOUR BOTTOM LINE AS WELL AND WORK WITH THAT?

COLLEEN TRUDEN – I’M ASKING BECAUSE I DO BELIEVE THAT IS PREDOMINATELY A GARCO SEPARATE FOR A SUPPLEMENT ON THAT AND YOU WILL MAKE THAT DECISION AND WHETHER YOU THINK IT’S APPROPRIATE OR NOT.

CHAIRMAN MARTIN – WE’LL HAVE TO HAVE THE PROPER

COMMISSIONER McCOWN – AND THE \$936.50. .

CHAIRMAN MARTIN – AND WE’LL HAVE TO HAVE A PUBLIC HEARING ON ADJUSTED SUPPLEMENTAL ETC. BASED ON THE INFORMATION.

COLLEEN TRUDEN – AND THAT WAS JUST THE OFFICE EXPANSION COSTS, LARRY.

CHAIRMAN MARTIN – AND AGAIN WE’LL TAKE PUBLIC TESTIMONY ON THAT AS WELL.

JESSE SMITH – WHAT ABOUT THE \$35,000?

COMMISSIONER HOUP – \$35,000 FOR WHAT JESSE?

JESSE SMITH – PAYING OFF PDO FOR THE PEOPLE THAT LEFT.

CHAIRMAN McCOWN – THE SEPARATION OF – THAT WAS WRAPPED INTO THE

COMMISSIONER HOUP – WHY WOULDN’T THAT BE PART OF THE CONTINGENCY FOR...

JESSE SMITH – IT WASN’T FACTORED INTO CONTINGENCY AT THE TIME WE BUILT THAT – THAT WAS TO COVER SALARIES FOR 2005.

CHAIRMAN MARTIN – WE’LL HAVE TO TALK ABOUT IT

COMMISSIONER HOUP – SO WHEN WE, WHAT - I’M TRYING TO UNDERSTAND THAT BECAUSE WAS AS A COUNTY LOSE AN EMPLOYEE THAT’S NOT BUDGETED INTO OUR PERSONNEL LINE ITEM?

JESSE SMITH – WE HAVE ENOUGH VACANCY SAVINGS THAT WE CAN COVER THAT THROUGH VACANCY SAVINGS.

COMMISSIONER HOUP – AND THAT’S NOT WHAT THIS CONTINGENCY WAS?

JESSE SMITH – NOT WITH THE QUANTITY OF PEOPLE THAT LEFT AND WHEN THEY LEFT AND THE AMOUNT OF THE YEAR THAT SHE’S GOING TO HAVE TO COVER WITH SALARIES – IT WOULDN’T HAVE BEEN BUILT IN TOTAL.

COMMISSIONER HOUP – OKAY.

COMMISSIONER McCOWN – IN MOST CASES WHEN AN INDIVIDUAL LEAVES THERE IS NOT ANYONE HIRED UNTIL THEIR PDO’S HAVE BEEN ALL USED UP AND THEREFORE THERE’S NOT AN OVERLAP IN SERVICE AS OCCURRED HERE.

JESSE SMITH – THIS ONE HERE, THEY LEFT ON THE SAME DAY THAT THE NEW PEOPLE CAME IN ON – THERE WAS NOT SAVINGS.

COMMISSIONER HOUP – I’D REALLY LIKE TO SEE ALL THAT IN DOCUMENT THAT

CHAIRMAN MARTIN – I THINK WE OWE THAT TO EVERYONE TO MAKE SURE THAT WE ALL HAVE THE UNDERSTANDING ON WHERE ITS GOING, HOW MUCH IT REALLY COST US, HOW MUCH WE’RE GOING TO BE LOOKING AT.

COMMISSIONER McCOWN IT’S CLEARLY A VIOLATION IF SICK LEAVE WAS PAID.

JESSE SMITH – BECAUSE WE DON’T PAY SICK LEAVE IN THE COUNTY.

DON DeFORD – JESSE, NORMALLY WHAT I’VE SEEN WITH THE COUNTY IS EVEN THE TRANSFER FROM THE CONTINGENCY IS A BUDGET AMENDMENT OR SUPPLEMENT, ISN’T IT?

JESSE SMITH – YES IT IS.

DON DeFORD – SO WITH THAT IN MIND AT LEAST FROM MY PERSPECTIVE I’VE FOUR AREAS THAT BUDGET SUPPLEMENTS NEED TO BE CONSIDERED: TRANSFER THE CONTINGENCY, DEALING WITH THE WORKERS COMP ISSUE ALTHOUGH MINOR MAY NEED A TECHNICAL BUDGET SUPPLEMENT, THE SEPARATE PACKAGES ARE SUBJECT TO A BUDGET SUPPLEMENT, AND THE COMPUTER RELATED EXPENSES.

JESSE SMITH – CORRECT.

DON DeFORD – DOES THAT SUMMARIZE THIS SO COLLEEN CAN GET THE DOCUMENTATION TO YOU.

CHAIRMAN MARTIN – IF WE DON’T HAVE THE DOCUMENTATION WE CAN’T TAKE ACTION ONE WAY OR ANOTHER AND IT’S NO GUARANTEE THAT IT WILL BE APPROVED OR NOT.

DON DeFORD – NO, IT’S A REGULAR PUBLIC HEARING PROCESS.

COMMISSIONER McCOWN – YES.

COLLEEN TRUDEN – AND I GUESS WITH REGARD TO THE CONTINGENCY JESSE, IF YOU’VE GOT SOME GUIDANCE OR DON, THE INDIVIDUALS THAT HAVE LEFT SINCE THEN THERE POSITIONS WILL HAVE BEEN VACANT SO IF I SHOW THE HIRE AND THE LEAVE DATES, WE’RE LEAVING THOSE VACANT IN ORDER TO PAY THOSE, HOW DO I SHOW THAT IN THE CONTINGENCY REQUEST.

JESSE SMITH – AGAIN, WE ASK THAT EACH DEPARTMENT HEAD OR ELECTED, WE RECEIVE PAR FORMS FROM THEM THAT TELLS US A PERSON HAS LEFT AND WHAT DATE THEY LEFT AND WE CUT THE PAYOFF AT THAT POINT AND TIME AND TAKE ALL THE REMAINING YEAR’S PAY FOR THAT INDIVIDUAL AND PUT IT BACK INTO THE CONTINGENCY LINE. THEN WHEN THEY FILL THE POSITION, WE GET A PAR FORM THAT SAYS I’VE HIRED A PERSON AS OF THIS DATE AT THIS RATE, WE THEN CALCULATE HOW MUCH MONEY THEY NEED FOR THE REST OF THE YEAR TO COVER THAT INDIVIDUAL AND WE MOVE IT FROM THE CONTINGENCY BACK INTO THE LINE ITEM FOR WAGES.

COLLEEN TRUDEN – OKAY, THAT’S GREAT AND IN THAT PAR DO YOU ALSO THEN PUT IN THERE THAT IS THE AMOUNT OF MONEY NEEDED TO COVER THE SEPARATION PACKAGE?

JESSE SMITH – THAT’S COVERED IN THE VACANCY SAVINGS THAT TAKES PLACE.

COLLEEN TRUDEN – I UNDERSTAND THAT BUT HOW DO I GET THAT IN MY BUDGET?

DON DeFORD – THAT IS A TOTALLY DIFFERENT ISSUE.

JESSE SMITH – IT’S NOT IN YOUR BUDGET.

COLLEEN TRUDEN – BUT IF I LEAVE THE POSITION VACANT, THEN – OTHERWISE I’M GOING TO HAVE ANOTHER \$33,000 BASED UPON THE AUDIT OF 2004

JESSE SMITH – YOU COULD POTENTIALLY COVER THAT \$35,000 WITH VACANCY SAVINGS.

COLLEEN TRUDEN – EXACTLY, THAT’S WHAT I INTENT TO DO BUT HOW DO I SHOW THAT TO YOU ON THOSE PAR FORMS OR WHAT KIND OF A REQUEST DO YOU NEED FROM ME SO YOU KNOW THAT I’M GOING TO LEAVE THAT POSITION VACANT FOR THE TWO WEEK, THREE WEEKS OR WHATEVER IT IS IN ORDER TO COVER THAT LIABILITY THAT EXISTS?

JESSE SMITH – YOU CHARGE THE PAID LEAVE TO YOUR WAGES LINE ITEM BECAUSE IT IS WAGES, THEY EARNED THAT, YOU GO AHEAD AND CHARGE IT AND THEN AT THE END OF THE YEAR WE LOOK AT THOSE TO SAY WHERE ARE IN RELATION TO YOUR TOTAL BUDGET INCLUDING THE CONTINGENCY AND IF NECESSARY WE CAN MOVE THE CONTINGENCY AT THAT TIME TO COVER THOSE PDO'S.

COLLEEN TRUDEN – OKAY, I'M WITH YOU I THINK.

CHAIRMAN MARTIN – AND THOSE ARE PERSONAL DAYS OFF AND THE PAR IS THE PERSONNEL ACTION REPORTING FORM.

COLLEEN TRUDEN – YES.

CHAIRMAN MARTIN – THERE'S TOO MANY ABBREVIATIONS.

COLLEEN TRUDEN – I DO HAVE THOSE FORMS BECAUSE I WAS WORKING WITH JUDY CLOSELY AND HER OFFICE HAS PROVIDED THAT TYPE OF INFORMATION.

CHAIRMAN MARTIN – AND WE'LL DEFINITELY NEED THOSE BEFORE WE MOVE FORWARD WITH ANY ACTION. SO THAT'S ANOTHER BOOKKEEPING SYSTEM – WELCOME TO GARFIELD COUNTY – WE JUST DOCUMENT EVERYTHING TO DEATH IT SEEMS LIKE, BUT ...

COLLEEN TRUDEN – EXCEPT FOR ME, PLEASE UNDERSTAND, IT'S TRIPPLICATE BECAUSE EVERY COUNTY HAS THEIR OWN SET OF FORMS TO MAKE THAT HAPPEN.

CHAIRMAN MARTIN – I UNDERSTAND THAT. WE DO BUT ANYTHING ELSE YOU'D LIKE US TO CONSIDER.

COMMISSIONER McCOWN – WE SHOULD BE THE EASIEST – WE'RE RIGHT ACROSS THE STREET.

COLLEEN TRUDEN – WELL YOU'RE MORE CONVENIENT AS FAR AS SPACE BUT NOT NECESSARILY AS FAR AS DOCUMENTATION. I THINK THAT'S IT, OTHER THAN I WOULD LIKE TO THANK YOU AGAIN FOR YOUR TIME AND THE WORKSHOP AND THE DISCUSSION WE'VE BEEN ABLE TO HAVE AND I HOPE YOU BETTER UNDERSTAND A LITTLE BIT MORE CLEARLY THE CHALLENGES THAT HAVE FACED THIS ADMINISTRATION BASED ON PRIOR DECISIONS AND WHAT WE'RE LIVING WITH AS WELL. AND THAT I WOULD STILL LIKE TO INVITE YOU OVER TO DO A WALK THROUGH TO SEE THOSE HANGING WIRES AND CHADS.

CHAIRMAN MARTIN – I CAN GIVE YOU, THE COUNTY ATTORNEY USED THOSE, THE COMMISSIONERS USED THOSE, THE SHERIFF'S OFFICE, THE PROBATION, THE DISTRICT ATTORNEY AND COMMUNITY CORRECTIONS AND NOW YOUR DISTRICT ATTORNEY'S OFFICE AS WELL AS ALCOHOL TREATMENT AND RECOVERY, MILDRED USED THAT – YES WE KNOW THE 3RD FLOOR – WE KNOW IT.

COMMISSIONER HOUPPT – I WOULD ALSO LIKE TO SAY THAT YOU KNOW I KNOW THAT THERE ARE CHALLENGES WHEN YOU FOLLOW ANYONE IN A BUSINESS OR A POSITION OR AN ELECTED OFFICE BUT THERE'S BEEN A LOT OF BLAME PLACED ON OTHER PEOPLE AND IN MAC'S DEFENSE, I THINK THAT ITS BEST NOT TO BRING THAT INTO THIS DISCUSSION BECAUSE I THINK YOU BOTH COME FROM THE PERSPECTIVE THAT YOU BOTH TRIED TO GET TOGETHER AND WORK ON THIS WITH EACH OTHER. SO, YOU HAVE WHAT YOU HAVE TO WORK WITH AND YOUR SUCCESS WILL BE WHAT YOU DO WITH THAT, NOT WHAT OTHER PEOPLE LEFT YOU.

COLLEEN TRUDEN – YES I

COMMISSIONER HOUPPT – I THINK THAT'S A CRITICAL DISTRACTION WITH SUCCESS AND BUDGETS AND MOVING FORWARD INSTEAD OF BEING TIED TO THE PAST.

COLLEEN TRUDEN – BUT IT'S ALSO IMPORTANT FOR YOU TO UNDERSTAND WHAT WENT INTO THE DECISIONS TO GIVE YOU THE SPREAD SHEETS THAT YOU HAVE.

COMMISSIONER HOUPPT – BUT THERE WERE, THERE ARE SOME NUMBERS BUT THEY WEREN'T THE SIGNIFICANT NUMBERS THAT WERE IN THERE SO

COLLEEN TRUDEN – OKAY, I DISAGREE.

COMMISSIONER HOUPPT – THANK YOU.

CHAIRMAN MARTIN – AND LARRY PHASED IT WELL – ANY ELECTED OR DEPARTMENT HEAD THAT HAD FIGURES LIKE THIS SCARE ME TO DEATH – THAT'S WHY WE'RE HERE TOGETHER. AGAIN, IF WE HAD THIS IN OUR BUDGET FOR THE COUNTY COMMISSIONERS, I'M SURE THAT WE WOULD GET TOGETHER AND SAY, GUYS WHAT'S GOING ON – THE ADMINISTRATION WOULD BE ON THE OTHER SIDE OF THE TABLE THERE EXPLAINING WHY WE SPENT SO MUCH MONEY. OKAY. NO ONE IS BEING PICKED ON; EVERYBODY'S BEING TREATED EQUAL BECAUSE AGAIN, WE'RE HAWKS WHEN IT COMES TO EXPENDITURES. THANK YOU. APPRECIATE YOUR TIME.

COLLEEN TRUDEN – THANK YOU.

**JUNE 14, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO**

The special meeting of the Board of County Commissioners began at 10:45 A.M. on Tuesday, June 14, 2005 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, Randy Russell, Randy Withee, Tim Arnett, Doug Dennison, Marvin Stephens, Jan Shute, and Mildred Alsdorf Clerk & Recorder.

Transportation Meeting

PRESENTATION OF THE PRELIMINARY PLAN

Dr. A.T. Stoddard with LSC Transportation Consultants is putting the transportation plan together. He was looking for the BOCC to give directions on the next steps. He presented the draft plan, corridor improvement plan, and the full draft plan for actual adoption in a power point.

**JUNE 20, 2005
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 20, 2005 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 of Surface Use Agreement with Williams Production for Wells at County Landfill – Marvin Stephens and Doug Dennison

Marvin Stephens and Doug Dennison presented.

The memo was submitted stating that the material was submitted to the BOCC on June 6, 2005 on the same subject. There was some confusion as to the location of the wells being proposed by Williams and this will hopefully clear up the confusion.

Williams is proposing to drill 7 new wells from 3 existing pads on the landfill property owned by the county. Two of these pads are to the west of the main gate to the landfill and will be accessed via County Roads 246 and 246A.

Williams will not enter the landfill area proper to access these wells and is very aware of the need to keep the access road to the landfill clear at all times. The third pad is located within the landfill area proper just to the east of the entry station for the landfill and north of the road leading from the entry station to the landfill cells. Williams will access this pad via the “back” gate on the east side of the landfill to avoid using the main entrance of the landfill.

This has been Williams’ practice in the past for drilling wells within the landfill area. Doug stated his understanding is that this arrangement has not lead to any major interference with landfill operations in the past.

Williams has stated verbally that they would repair any damage to the County roads used to access these sites, including the newly chip-sealed and paved roads leading to and within the landfill boundaries.

Discussion was held with respect to the damages.

Don – was there drilling on our property. There are 7 wells on two different sites. Two will access off the County Road and the 3rd site they will access through the back road. In terms of compensation if they do damage they will make restitution for damages.

Marvin stated if they do any more lines they will have to come to the Board. Any further development would affect the future cell construction. They plan to do directional drilling.

Doug said two wells are outside the landfill.

The Board wanted to make sure the agreement was specific and add mitigation language for damage to roads needs to be specific as to the expectations in the form of post damage.

Don – post damage – document the current road conditions.

Marvin stated he does this already on a CD so post damage would be very easy to demonstrate.

Don summarized the 3 areas of concern and may need to be addressed with Williams: 1) mitigation for compensation damage to the road that we would document; 2) requirement for consultation with Marvin to avoid interference with landfill operations in the installation of flow lines and 3) Don’s concern about indemnification.

Commissioner Houpt wants to be comprehensive with the 3 areas.

Don will contact Annette Apperson who sent the application to the County and negotiate the three areas of concern.

b. Carbondale and Rural Fire Protection District/Ambulance Licensing – Dale Hancock

Chairman Martin – inspections and state certification on the ambulances.

Ken Montsberger – EMS Director for the Fire Protection District. This is a new ambulance they purchased. The ambulance was delivered; a state grant and must have it licensed this month. The documentation on the inspection was submitted. They received a \$40,000 grant from the State of Colorado. Ambulance No. 20.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the licensing for Ambulance No. 20 for the Carbondale and Rural Fire Protection District. Houpt – aye; Martin – aye; McCown – aye.

c. Engineering Services for Bridge at County Road 108 – Randy Whitee

Randy submitted the engineering services for the County Road 108 Bridge. He sent out the RFP and 12 RFP were issued to prospective engineering firms and they received 2 official proposals from SGM, Inc. and Kirkham Michael.

The engineering staff reviewed, evaluated the proposals and scored the proposals using set criteria. After this was completed, the recommendation is to award the contract to SBM, Inc. for a not to exceed amount of \$25,080.

Discussion: This bridge was inspected and there are some deficiencies to take care of. The packet gave the background and public notification.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the contract to SBM, Inc. for a not to exceed amount of \$25,080 for the engineering services on County Road 108 bridge. Houpt – aye; McCown – aye; Martin – aye.

COUNTY ATTORNEY UPDATE – DON DEFORD

j. Executive Session: Litigation Update; Legal Advice – CR 233; 163 –Severance Tax payments; potential violations by EnCana – noise barrier and contract negotiations – Fairgrounds.

Don requested that Jesse, Ed and Patsy be involved in the Severance Tax payment topic.

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 PERMISSION TO PERFORM MAINTENANCE ON COUNTY ROAD 233 – ANTLERS ORCHARD

Don DeFord, Marvin Stephens, and Garrett Brandt from Brandt and Feigerbaum, P.C.

A memo was submitted that explains the escalating dispute of certain homeowners along the County Road that has sole access to many homes in the subdivision.

The County Road is the sole access road to many homes in Antlers Orchard. Starting from the North, there is a water ditch that runs parallel to the County Road, along its western border, until it reaches a culvert that diverts water under the County Road to a ditch on the east side. One landowner, Barbara Gold, performed an act of burying the previously open water ditch that has now resulted in a blockage at the junction between the culvert and ditch, causing water to bubble up and run across the surface of the County Road severely eroding the County Road and threatening to collapse the culvert.

According to one neighbor, when Barbara Gold obtained Tract 48 there was a perimeter fence running parallel to the County Road approximately 30 feet from the centerline of the road. Sometime after Gold obtained the Tract 48 she laid pipe inside of the ditch and covered the previously open ditch with soil. Gold then moved a portion of her perimeter fence beyond the ditch and onto Garfield County property.

The current situation is that Gold's buried pipe is not delivering water into the culvert properly and much of the water is now bubbling up to the surface where a pool three feet in diameter has formed delivering water across the surface of the County Road eroding CR 233 and threatening to crush the culvert. In order to make it passable two of the applicants installed a subsurface 4' x 4' square strip of tube steel in what is now a small streambed running across the County Road. The neighbors contend that Ms. Gold had the tube steel removed last weekend causing the road to wash out and become impassable. Some of the applicants replaced the tube steel and patched the road with gravel. This is a temporary fix and the tube steel has already proved an insufficient permanent solution.

The applicants term this road situation a hazard to their health, safety and welfare because if an emergency situation requiring a fire truck or ambulance it could crush the culvert and become stuck or another vehicle could get stuck and prevent a road impassable situation to emergency vehicles.

The attorney for Gene Maulvihill, Garrett Brandt request permission to repair the County Road including installation of the new culvert. The request if approved would prevent a problem with the Sheriff and allow the applicants to repair the road with all due haste.

The County owns a 60 feet right of way.

Barbara Gold has also placed boulders across the road at other times and ripped out a temporary fix the neighbors had constructed.

The intention is to go back to open water ditch, put in an 18" pipe culvert under it and then gavel over it back to County Road standards, Mr. John Jewell who has done many of these in the area will supervise the work, he's a ranch manager and a long time landowner, and then they will rip out the crushed culvert and replace it with good road base and gravel all into maintenance standards. All the work will be done within the County Right of Way. Briefly they will have to move a portion of her fence to complete the work. Every deed actually sites this road as they access to their property.

Discussion

Don - This property has been deeded to the County and a recent survey was performed. With the northern extremity of this property there will be some difficulties in establishing a tie with that legal description to what the deed describes as an old County road. But in any event, if the County desired to actually open this as a Public road or as a County road, the fence would need to be removed. But the fence by itself does not deprive you of an ownership interest, adverse possession cannot be established against a government whether it's there or not has no bearing on your title.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant written authority to utilize the County property for the purpose of maintenance of an access road to lots and said parties on the Antler's Orchard Subdivision and property owners in that area and authorize the Chair to sign the letter to the requested party. Houpt – aye; McCown – aye; Martin – aye.

Direction after Executive Session:

CR 163 Maintenance – Don asked for direction on maintenance of CR 163 from the point where it intersects with CR 116 and the entrance to Prehm Exemption Plat area. Mr. Neiley requested to reestablish maintenance on behalf of the Prehm Ranch HOA asking that the County re-establish maintenance in that area. At the point where it enters the Prehm Ranch Reserve property there is a physical difficult with a controlled access gate at that point and also at the point there is insufficient room for County vehicles to turn around. Mr. Neiley has represented to Don on behalf of the HOA that if we resume maintenance we will have no difficulty in obtaining access through that gate. Don suggested that if the Board desires that you re-establish maintenance of this portion of CR 163 that you direct the County Road & Bridge Department to resume that activity only upon presentation of a written agreement with the Prehm Ranch HOA indemnifying us from any claim that would emanate from their need to enter the Prehm Ranch property and also providing us with the right to use internal road in Prehm Ranch for turn around activity only.

Commissioner Houpt – was work discontinued because we had no way to turn around?

Commissioner McCown – thought it was, you would have had to back in and work your way out and that's quite an inconvenience – no safe area to turn around. Also, in that agreement, I would like to maintain historical maintenance on that particular section of road that we're talking about on 163 and made a motion that we move forward using Don's terminology as far as the agreement with the HOA.

Commissioner Houpt – seconded. Martin – aye; McCown – aye; Houpt – aye.

Direction regarding two very recent actions that were placed on the July 11, 2005 for the Colorado Oil and Gas Commission that will be conducted in Rifle, they are listed as Document Number 05007 – OV-6 and 05-07-OV-07 – one concerns the development of the well on the Amos property and the other is on the property that used to be owned by Detricks and is now owned by EnCana, these are alleged violations, they just came to Don and Doug's attention last week and need direction concern of the need for the County to intervene in those two causes.

Commissioner Houpt made a motion that we do intervene in these two cases. Commissioner McCown seconded.

Houpt – aye; Martin – aye; McCown – aye.

Fairgrounds

Don – we have a question on the contract for the stock provider who has declined to provide us with insurance as part of the contract agreement and since that's a County policy, they need direction if they will go forward without the normally required insurance from the individual. Commissioner Houpt seconded for discussion. Commissioner Houpt – its not only County policy but we require that insurance and our insurance pool has questioned this and require us to have insurance in place and we need to put some pressure on these folks to recognize the concerns that our carrier has and require insurance.

In favor: Martin – aye; McCown – aye Opposed: Houpt – aye.

Chairman Martin – the reason being that as long as we've doing Rodeo for as long as he can remember this is one of the issues that the stock providers can't even get themselves most of the time so cost-prohibitive that they wouldn't be able to provide any stock for any activity.

Commissioner Houpt – there was a proposal out there for insurance, so I think its time to require this.

COMMISSIONER REPORT

Ed Green - Budget workshop kick-off Tuesday, June 21st from 9 – 12.

Commissioner Houpt – Library design committee meeting on Tuesday at 2:30 pm at RE-1 School. The discussion on what part the County would play has not been determined.

Commissioner McCown – the Libraries own their own buildings, what part will be playing in this.

Commissioner Houpt - the design is a different issue – sharing resources and bringing the two libraries' together – this is a discussion only.

Chairman Martin – it would have been great if we had been notified of the design and the site, because he was opposed to the design and made this statement that this was the wrong direction to take. They needed to build on their own footprint. That is another issue and then to ask the City of Glenwood Springs to participate when they know they are in dire straights with the City on their selection. This is a hot issue that hasn't been resolved with the surrounding land owners yet. The idea of the validity of the actual location; this is a political issue that we don't want to get embroiled in. The Library owns their own building, if they decided they would need County support in finding additional resources. Come to the table to see what the options are. The pleasure of the Board was for Ed to sit in on the discussions.

Commissioner McCown – last week listened to the software demonstration that Shannon is taking a look at and following that we sat through the Road Presentation by our discussion and given a notebook to compile our comments on back to Randy by the 30th of this month. Wed the Worksession with the DA. Roan Plateau review of the comments cooperative meeting – 6-28-05 – 4 – RE 2 Admin building

Donna Gray – City of Glenwood Springs – July 12, 2005 Joint City/County – 7 a.m. not confirmed – City Hall – Tentatively set – no agenda yet but an attempt to begin communications again.

Ed - City Managers on June 28; Ed and Chairman Martin - Sheriff's staff meeting at 4 – 6 on Thursday – workshop.

Chairman Martin – STIP Meeting in Eagle going over the potential priorities if the two Tabor Amendment Questions on the Ballot – we'd see about \$11 million for the next 12 years and those priorities are the 7th pot projects, no new projects, etc. also discussed what would happen if an earmark came through or not, which priorities would be dropped from the list by CDOT's procedure and that would be Glenwood springs' South Bridge, now much would be cut off, etc. also what moneys weren't moved where would they be shifted to and of course the priority of the entrance to Aspen; met with folks from New Castle and Silt on Friday and discussed oil and gas to the price of cattle and what are we doing to help those folks out and also starting new businesses. Also a call this morning in reference to the Public Lands, Western Interstate Region Policy Review on RS2477, which is access across public lands and how the national versus the State of Colorado policy and procedures go. Colorado stands firm on theirs; this also convinced Alaska that they needed to move forward on theirs as well. They are under the same mining act of 1866 prior to NEBA of 1976. The budget workshop Tuesday and the Personnel; another meeting with CDOT with reference to the bridges in the region and that is on 6-29-2005 at 11:00 a.m. at CDOT office in Glenwood Springs. Talking about the monies available, monies that aren't available, the needs of the bridges, identifying those and we need to have an engineer there as well as ourselves so we can discuss bridges. This is a growing concern on and off service system – need to upgrade for safety reasons.

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 Final Plat and Subdivision Improvements Agreement for the Satterfield Subdivision. Applicants: Jerry and Mary Satterfield – Fred Jarman
- f. Authorize the Chairman to sign the Resolution of Approval and Conditional Use Permit for Home Occupation for Lot 8 of the Up Cattle Creek subdivision. Applicants: Jill and Alleghany Meadows – Fred Jarman
- g. Authorize the Chairman to sign the Resolution of Approval and Conditional Use Permit for Home Occupation for a property located at 7950 County Road 309. Applicants: Barry Stahl and Jodi Peterson – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f absent g; carried.

BOARD OF HEALTH

EPSDT CONTRACT AMENDMENT WITH HCPF FOR CURRENT CONTRACT

Mary submitted the contract amendment no. 2 adding \$1,000.00 to the not to exceed amount for fiscal year 2004-2005 ending June 30, 2005 for a total of \$22,211.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the contract amendment No. 2 for \$1,000 for a total of \$22,211.00. Houpt – aye; Martin – aye; McCown – aye.

EPSDT NEW CONTRACT WITH HCPF

Mary submitted the new contract for funding year 2005 – 2006 for services in the amount not to exceed \$23,211.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the contract award for \$23,211.00 for funding year 2005-2006.

In favor: Houpt – aye; Martin – aye; McCown – aye.

TB CONTRACT WITH CDPHE

Mary submitted the contract to assist in supporting tuberculosis prevention and control activities in Garfield County number 05 FAH 00021 for \$7,621.00. This is based on the number of cases they are following.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the contract award for \$7,621.00. Houpt – aye; Martin – aye; McCown – aye.

Request for Out-of-State Travel and Authorization for Yvonne Long, RN to attend one-week training on National Stockpile in Atlanta, GA. All expenses are paid by CDC.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the out of state travel request for Yvonne Long.

In favor: Houpt – aye; Martin – aye; McCown – aye.

HUMAN SERVICES COMMISSION - BEHAVIORAL HEALTH SERVICES – SUE HORN

No one was present.

SOCIAL SERVICES

EMPLOYEE RECOGNITION FOR STATE AWARDS

Allen Christie and Lynn Renick presented the awards. Allen nominated these two individuals for the awards. She read into the record the nomination: listen

Lori Bennett and Siobham (PeeWee) McMillan, Life Skills Workers in the Child Welfare Core Services Unit received State awards at the CDHS sponsored Child Welfare Conference in Vail on May 19. One nine statewide awards were given.

Lori and Siobham were present to receive their awards.

Lori Bennett appreciates all the support from Allen Christie and acknowledged the award. PeeWee seconded Lori's comments.

APPROVAL OF EBT/EFT DISBURSEMENTS FOR MAY 2005

The client and provider disbursements for the month of May 2005 were \$262,246.73; and the client benefits for food assistance and LEAP totaled \$210,792.60.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to approve and authorize the Chair to sign the client and provider disbursements for the month of May 2005 were \$262,246.73; and the client benefits for food assistance and LEAP totaled \$210,792.60. Houpt – aye; McCown – aye; Martin – aye.

CONSIDERATION AND APPROVAL OF CONTRACTS

NOTICE OF GRAND AWARD – AREA AGENCY ON AGING CAREGIVER AND SENIOR SERVICES CY 2005

Lynn submitted the contract for the Area Agency on Aging Caregiver and Senior Services for Contract Year 2005 increasing the grant to \$60,978.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the contract for the Area Agency on Aging Caregiver and Senior Services for Contract Year 2005 increasing the grant to \$60,978.

In favor: Houpt – aye; McCown – aye; Martin – aye.

PLACEMENT CONTRACTS

Lynn submitted four placement contracts and requested approval of the Board: 1) Child, Y21508 in the total not to exceed amount of \$22,67.28 at Chins Up Griffith Centers for Children; 2) Child W509276 in the total not to exceed amount of \$30,40.00 at Chins Up Griffith Centers for Children; 3) Child S852094 in the total not to exceed amount of \$10,33.00 at Hilltop Youth Services; 4) Child G122665 in the total not to exceed amount of \$17,010.33 at Ariel Clinic Services and 5) T469342 at Ariel Clinical Services.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the four placement contracts 1) Child, Y21508 in the total not to exceed amount of \$22,67.28 at Chins Up Griffith Centers for Children; 2) Child W509276 in the total not to exceed amount of \$30,40.00 at Chins Up Griffith Centers for Children; 3) Child S852094 in the total not to exceed amount of \$10,33.00 at Hilltop Youth Services; and 4) Child G122665 in the total not to exceed amount of \$17,010.33 at Ariel Clinic Services and authorize the Chair to sign; T469342 – Ariel Clinical Services T469342 – Griffith Center for Children in the not to exceed amount of \$14,688.72. In favor: Houpt – aye; McCown – aye; Martin – aye.

ALLOCATION/PROGRAM UPDATES

Lynn included a letter and spreadsheet for additional monies that have been allocated to counties for the implementation/conversion to the CBMS system and Garfield County is receiving \$39,849. The Department is able to recode expenses that have been incurred in SFY 05 or utilize the additional funds into SFY 06. This is the 3rd allocation year and can be used in this year or carry over for 2005-2006 contract year.

The TANF Participation rate incentive check in the amount of \$50,795.79 was also reported.

Medicare Part D Legislation

The Medicare Prescription Drug, Improvement and Modernization Act was signed into law on December 2003. Beginning 01-01-06 for 'dual-eligible' clients receiving both Medicare and Medicaid, Medicare will pay for most of the prescription drugs for recipients. Medicaid will no longer pay for most of the individual's prescription drugs. Clients can select one of the Medicare drug plan options beginning 11-15-05; if individuals who are not dual-eligible do not join a plan by 12/31/05, Medicare will enroll recipients into one of the plans. The State is anticipating an increase in Medicaid applications due to this legislation. The State is anticipating an increase in Medicaid

applications due to this legislation. Although Medicare is a federally administered program, the county departments will have some responsibilities to assist clients through this process.

RTC RATES

Lynn submitted two separate issues for the Board's information.

- 1) The Center for Medicaid and Medicare Services (CMS) a federal agency did not approve the State's plan amendment for residential treatment services (RTC). The two State departments (Human Services and Health Care Policy and Financing) and representatives from a few of the larger counties worked together to pass emergency state rules and devise a plan to work toward compliance with federal issues. This issue will continue to be addressed and monitored through the next several months, however there are concerns regarding potential cost shifting to the counties.
- 2) 15 RTC provides appealed the State's action re: the Medicaid treatment rates for SFY05. 1-14-05 County Departments were notified that the 14 providers that continued the appeal received a decision in their favor; the Administrative Law Judge stated that the DOSS did not have the authority to pull \$5.3 million out of the budgeted RTC allocation line item. We have requested a copy of the judgment order. If the order stands there will be a fiscal impact to GARCO with a rate adjustment.

Post-Adoption Services Grant

Steve Aurand, Adolescent and Resource Manager I the Department of Child Welfare Division submitted a grant proposal to the Colorado Post Adoption Resource Center and received a grant for \$3,544 and these funds must be expended before 9-30-05. Part of the grant will send one adoptive family to the North American Council on Adoptable Children Annual Conference in Pittsburgh.

Lynn gave a heads-up that they may have one case that will require placement out of state.

Child Support Collections – Lynn – one of the issues that the staff has been stable and part of the collections go up – most are stable and the more staff works with the enforcement the amounts go up and it can continue to go up. This is a reimbursable and offsets the County cost of 34% so they are continually looking at the program to make sure we're getting the money to the children in this particular program. She is considering adding one more staff person to keep the level of collections. Incentives are given back to offset the County costs incurred for the collections. Commissioner McCown – if you look at the 5-year span it is phenomenon, some as much as \$100,000 additional a month.

Lynn - The County has a very large arrears portion and they are making every attempt to collect.

But they are changing some of the rules in terms of putting some additional statewide goals down in terms of out of state programs as well as medical support is coming down so our resources will be strained in those two areas.

PUBLIC MEETINGS:

DISCUSSION OF ALTERNATIVE LOCATIONS FOR A PROPOSED WHITEWATER PARK – LORI HOGAN AND DAVIS FARRAR WITH GLENWOOD WHITEWATER PARK TASK FORCE

A Power Point presentation was provided that showed the alternative locations.

Lori Hogan was appointed by Glenwood Springs Council and for the last 3.5 years she has working on it. The Hot Springs Aquifer was brought up and they had to look at alternative locations – some are in unincorporated Garfield County

6 different locations have been looked into.

Davis explained why River Parks are needed in this area stating that they benefit municipal and County residents of all ages. Photos were shown. Kayaking, Crazy Dog races; etc. and educational opportunities to understand the importance of our river corridors

Locations:

South Canyon; Below the West Glenwood Bridge; Bend in the River towards Glenwood Canyon; Adjacent to Cemetery Rapids on the Roaring Fork River; Carter Jackson – south of the Airport; and across from the Glenwood Springs High School.

The Proposed timelines: June 20 – BOCC; July 7 – Glenwood City Council: July 7 – 14 – make a list of people to be invited to the public session; July 14 – public session; July 15 – August 1 – continued research and evaluation; August – another public input session; in mid August – RFP

New Castle is looking at a River Park and in September – GOCO grant for a regional effort.

Financial Commitments: Glenwood Springs \$160,000; Glenwood Springs Hot Pool – \$40,000; In-kind – \$50,000; Public – \$8,000; and Garfield County – open.

The request for the County participating includes: input, understanding the project, participation at public session, political support, in-kind help and financial support

The Regional grant would be for separate facilities: New Castle and Glenwood Springs -

New Castle – Southside of the River and in Carbondale at 133 and Hwy 82 is a potential site.

Who owns and runs the park: New Castle own, maintain and operate same with Carbondale.

In Glenwood – it would be the Parks and Recreation Department. Unincorporated – no decision.

Have applied for a non-profit status. The most successful parks are near a community. Fishing, running, kayaking – combined events. The Two Rivers location is completely out.

As more information is obtained the pros and cons vary.

Engineering Support – consulting companies – parking lot, access roads, etc.

Don asked Carolyn to find out if any of the proposed use would be required on County land – and if so to get the paperwork.

Chairman Martin pointed out that use of a County road to get to an access point would come before the Board.

Commissioner Houpt – would support in-kind – and in terms of specifics – not prepared but interested in learning more about the sites.

Commissioner McCown – consider the acreage involved for the area for parking, traffic viewing, etc.

Davis – pointed out that parking would be needed for 50 to 100 vehicles for an event; 10 spaces for a daily use; access to either bank, bridge for pedestrians – 5 acres were suggested.

Davis worked on Carbondale's site and stated they own property on the north side of the river.

County road row, CDOT – need permission to touch the bank.

River features – built for fishing – water drops – create a pool – site specific analysis. Army Corp has a process for these types of activities.

South of the Glenwood Spring Airport which adjoins publicly owned land which is the City of Glenwood Springs and the other at Captain Giles old place and that is also under debate – CDOT loaned the City for a right of way through there, what are they going to do, etc. that needs to be paid for and are they going to develop it as a park or as a right of way for the roadway and the other is going to be out of limits which is again what every one wanted in town, No Name is a real issue for Garfield County because we would have an access issue because we've closed off a portion of the road and South Canyon Bridge is another one, that's an issue because of parking, railroad ROW, CDOT ROA, Division of Wildlife ROW and more. And the other one across the West Glenwood Sanitation Area or West Glenwood exist has an access issue and that's a BLM issue to get to it – a bridge issue so we have a lot of challenges in place and again Martin sat and participated with Lori and everyone there starting over, clear the plates, clear the table off, discuss it and come forward with it and see if our commitments are still there. But as far as budgeted, budget starts tomorrow and the Board will talk about how much money we have allocated and how much money we have to go ahead and look at and that will be when we discuss a request for money.

Davis didn't have a specific amount to request from the County – range of \$35,000.

Ed - Conservation Trust - \$150,000 – commitment of about \$100,000 for LoVA and the Trail system.

Davis stated as far as In-kind – engineering etc. The first part of December is when they would notify of the award.

They have applied for a 501 3C – to run the park but they haven't completed the process. The City could say they wanted to run it under parks and rec.

GOCO is matching funds so anything the County could commit would be very beneficial for the grant process.

Item g –Consent Agenda Item

Commissioner McCown moved to approve item g; Commissioner Houpt seconded; Houpt – aye Houpt – aye; McCown – aye; Martin – aye.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Garden Gulch Access Road Project – applicants withdrew the application last week.

CONSIDER A REQUEST TO AMEND THE FINAL PLAT FOR ANTLERS ORCHARD DEVELOPMENT LOT 62. APPLICANTS: DOUGLAS AND KIMBERLY STEWART – MARK BEAN

Mark Bean and Barb Burwell, Attorney for the applicants were present.

This is a request to amend the final plat for Antler's Orchard Development for Douglas and Kimberly Stewart for Lot 62, Antlers Orchard Development.

The owners of Lot 62, Antlers Orchard Development Company's Plat No. 1, and Subdivision propose to reduce the lot from 20 acres to 16.82 acres and adding the same amount reduce to an adjoining tract they own. The adjoining tract will increase in size from 6.32 acres to 9.41 acres. This amendment will result in an exchange of approximately 3.09 acres with the adjacent land. No new roads, new lots, or dwelling units are proposed as a result of the proposal.

STAFF 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 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. 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 **and a legally described access easement across the new tract created to the east boundary of the amended Lot 62.**

Barb Burwell explained the access easement and recorded Book 1042 and Page 356 and allows access for all three lots.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request to amend the final plat for Antlers Orchard Development with the conditions as recommending by staff including the access easement statement to go across newly created Lot 62B. Houpt – aye; McCown – aye; Martin – aye.

TRAFFIC PATTERN STUDY – COLIN LAIRD - RRC – RANDY RUSSELL

Colin Laird of Healthy Mountain Communities, Randy Russell Senior Planner, and David Becker RRC Associates and Jim Charlier of Charlier Associates presented the information. See handout.

A Power Point was given by David Becker RRC and Jim Charlier; Transportation Planner thanked the BOCC for participating in the study.

Colin thanked the technical advisory committee and Randy Russell. The 1998 study covered the region from Parachute to Aspen. The 2004 study incorporates this same area, plus Eagle and Gypsum in Eagle County. When information is compared between the 2004 and the 1998 results in this report, Eagle and Gypsum have been excluded for geographic consistency.

The unique travel patterns of the Roaring For, and Colorado River Valley's which were originally documented in the 1998 study have remained in this 2004 study. Transit and carpooling percentages could increase further if the region's local governments, in conjunction with the Roaring Fork Transportation Authority, choose to increase the area and frequency of bus service, coordinate carpooling, and encourage transit oriented, pedestrian-friendly development patterns. These investments would build on current efforts to create a more balanced transportation system and offer people increasing choices about how to spend their time and their transportation money and how to get where they need to go. Such an approach could mitigate some of the impacts of the significant increase in population and jobs projected for the region over the next twenty years.

The study is available on line at: David Becher – daveb@rrcassociates.com
Jim Charlier – Charlier Associates - www.hmccolorado.org.
The written report was submitted for the record.

PUBLIC HEARINGS:

CONDITIONED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT FOR AN AIRCRAFT LANDING STRIP (HELIPORT) ON PROPERTY LOCATED APPROXIMATELY 5 MILES NORTH OF CARBONDALE IN THE UPPER CATTLE CREEK AREA, AT THE INTERSECTION OF COUNTY ROADS 113 AND 115. APPLICANT: TURNBERRY RANCH LLC.

Mark Bean, Carolyn Dahlgren, Jim Bowman, Chief pilot, Roy Reed Ranch manager, and Tim Thulson were present. Chairman Martin swore in the speakers.

Chairman Martin entered Exhibits A – F into the record at the original public hearing. Exhibit G – letter from Jim Sears, from the Sheriff's Department dated 4-22-05; Exhibit H – FAA regulation and case study; Exhibit I – Elle Korus and Samuel L. Nepf dated 4-27-05; Exhibit J – letter from Dave and Sue Faulkner dated 4-29-05; Exhibit K – memo letter from DOW dated 6-13-05.

Chairman Martin submitted A – K into the record.

This was continued from May 2, 2005 to allow the applicants the opportunity to meet with the neighbors. This meeting occurred on June 4, 2005. Verbal representations from the applicant's attorney indicated the meeting went very well and that they seem to have resolved the issues.

Mark stated this is a request for a conditional use permit to operate an aircraft landing strip; in this case it is a heliport. The property is located approximately 5 miles north of Carbondale in the North Cattle Creek area. It's a Ranch that is 625 acres in size with access off of CR 113. The applicants are requesting approval of the Board to allow for the heliport. Presently the application includes two alternative sites – the existing site was a subject to a Section 4-04 permit and noted for the record that he is not aware of any changes in the status of that particular application. The structure will consist of 4 foot high circular concrete pad that is 25 feet in diameter, and if the 404 permit was not approved, the application proposes to move the proposed landing pad to another site on the property that's outside of the wetlands area which was identified in the application as helipad B. This pad would be 2 foot high, raised square concrete pad that is 25 feet square. Landing facility as originally proposed to be available 24 hours per day, 7 days a week with 75% of the activity identified as occurring between 8 am and 6 pm except for fueling and emergencies, all maintenance activities would be conducted offsite at one of the local airports. Fueling will be done by a 500 gallon mobile fuel tank that's kept on the site. This was referred to the County Sheriff in terms of responding to comments, the Sheriff has received complaints from the residents in the area about the low level flights over residences and a few additional comments noted in Exhibit G.

Mark contracted the Glenwood Springs Airport regarding FAA regulations regarding heliport or helipad operations and that is included in Exhibit H, which identifies the various sections of the FAA regulations part 91 – General Operating and Flight Rules for helicopter.

The FAA has complete jurisdiction over all flying violations. The County should not designate a specific flight path but may suggest a particular flight path, it is possible to bring action against the pilot through the FAA but the process for filing various forms for documentation over a specified period of time is pretty tough to go through.

This property is zoned agricultural/residential/rural density within that zone district a conditional use allows a private facility for an aircraft landing strip which is defined as a private facility serving aircraft which the use of shall be limited to the owner or owners of the lot upon which the facility is located. Unless it was an emergency situation, only the property owners of the Turnberry Ranch are authorized to use this pad.

The County's criteria for reviewing was noted by Mark. A complete staff report was submitted.

At the May 2nd meeting, James E. Foster requested that the Board consider answering three questions that the homeowners in the area had regarding the proposed SUP.

- Any potential damage to the value of their property as a result of the helicopter flying in and out of the property?

Response – The County Assessor said they do not devalue a property due to the proximity to an airport, thus it would seem that the same would be true for a helipad.

- Is there a requirement for a seller to tell a buyer in the case of living in close proximity to a helicopter landing pad?

Response – CRS 38-35-5-101 states that "facts or suspicions regarding circumstances occurring on a parcel of property which could psychologically impact or stigmatize such property are not material facts subject to disclosure requirement in a real estate transaction.

- Is there a requirement for any additional insurance coverage required by homeowners in close proximity to a helipad?

Response: Staff was unable to make a determination on this issue and would suggest that it probably is best determined by requesting an answer from an individual's insurance carrier.

Mark said in addition to those issues, staff did receive a letter from Pat Tucker, Division of Wildlife, noting concerns about impacts to big game and eagles, herons, and raptors. Exhibit K.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **APPROVE** the Conditional Use Permit for an Aircraft Landing Strip with the following conditions.

1. All representations of the applicants contained in the application and made during the public hearing on the application shall be considered conditions of approval, unless they are modified by the Board of County Commissioners.
2. The helipad will be limited to use by the applicants, unless it is used for emergency purposes by another person.
3. The applicant shall continue to comply with all FAA Notice of Landing Area Proposal (Form 7480) requirements.
4. Prior to approval of the Conditional Use permit, the applicant shall get a final determination from the U.S. Army Corps of Engineers regarding the placement of the helipad in the jurisdictional area of the Corp. If the approval for Helipad A cannot be accomplished, the applicant shall use Helipad B.
5. The applicant be limited to take-off and landings between 7 a.m. and 7 p.m., except in emergencies.
6. The preferred direction for take-off and landing should occur from the south or southeast.
7. Prior to issuance of the permit, an emergency response plan will be provided to the County, identifying methods and techniques to be utilized in dealing with a helicopter related accident and the source of accessible fire protection water.

This cannot be denied but reasonable conditions can be applied.

Tim Thulson stated that due to the response from the neighbors, they continued the last meeting and held a meeting with the residents in the area and addressed their concerns. He submitted Exhibit L - a written summary of what was discussed at the community meeting – see it.

Chairman Martin admitted Exhibit L into the record.

Tim summarized saying he believes that by reaching out to the neighbors, these conditions are reasonable.

Jim Bowman, primary pilot – the winds often dictates the approach and departure and the direction of the wind typically being from the west we would take off to the west and land from east to west normally. With the variations in the wind, that may change. Out intent is to stay as high as possible in the approach and departure profile to minimize the time spent in low levels. Tim – primarily they are landing in and out of Glenwood County Airport and Pitkin County airport and we're talking about varying ways to get there so we're not over flying certain specific properties on a continuous basis.

Commissioner Houpt asked Tim to elaborate more on the wetlands.

Tim – the Ranch manager build a pond and this was the ranch manager before Roy and it was in the wetlands arguably and they entered into an agreement and said to mitigate that damage they would remediate the damage; Roy came on board and Tim has looked at the report, the agreement and there's no way you can figure heads or tails out of it. He built the helipad in what was defined under the agreement with the Corp of remediation area, so here we are back in the soup again. What we've done is the present, there are two locations – the one location is in the remediation area and they are meeting to see if they can maintain that area without going to the second location which is clearly out of any the wetlands whatsoever. We're looking at remediating certain other area of the Ranch, Jeff has 625 acres a lot of it along Cattle Creek and our proposal is let's do the greater good, don't just remove this little pad but remediate a lot of other areas along Cattle Creek that it normally wouldn't have to do, but its consistent with what he's doing up there, building a nice Ranch and he's willing to do that. Pond in the wetlands was the problem. This has been on-going for 1.5 years.

Jeff stated the last meeting he had with Mike Chaffy, in order to be okay with it all they had to do was to put in a culvert they put in and they're okay with the pad where it is.

Tim said they are trying to keep the culvert in and do remediation in other areas. We have Mike Chaffy handling this for us – a wetlands consultant originally from the Army Corp of Engineers.

Public Comments:

Roger Wilson – lives about 3 miles and looks down on it and has visual sight as many of his neighbors do. He's there most of the time. Most of the time he's aware of the sounds and the thought of a loud helicopter overhead was a little daunting if it was going to be very often. He became active in this and since then we've had the meeting and he was impressed with Jeff Sofer and everyone connected with this was at the meeting and listened the full time; they responded to the big issue of noise to the wildlife and residents and they agreed to keep it at 1,000 from ground. They gave us their phone numbers and now he'll speak in favor of it – very impressed with the effort.

Davis Farrar – there was a problem for a while and communicated with his neighbors – communicated with Tim Thulson and Mr. Bowman at the meeting at CMC. This was a great opportunity to work the problems out and hopefully it made the job easier for the BOCC. Jeff Sofer at the meeting was impressive. Supports the application and if problems come up – work those out – work out problems – appreciates all the efforts.

Dale Haring – participated in the meetings – appreciate the Turnberry staff and how they came up with a list and they made themselves available. Thanks and the only other concern in the staff recommendations – go with the recommendation to alternate the flights.

Kayla Darrington – supports their application.

Roger Wilson – didn't mention – might consider a power line 100 feet or south of the landing pad – concerned about a stiff wind and wants them to think about that.

Tim asked for the BOCC to approve with the conditions of staff as amended by them – very much appreciate

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 Conditional Use Permit to operate an aircraft landing site with the conditions of staff 1-7 adding number 8 which would be the applicants letter of commitments and number 9 the statement of no fixed wing landing strip without prior County approval and under number 6, it is with the assumption as stated in the applicant's letter of commitment that landing and departure will be varied with prevailing winds allowing that to happen.

Tim asked the times allows.

Commissioner McCown – dawn to dusk.

Commissioner Houpt seconded

Mark suggested to use their conditions and then to delete 5 & 6.

Commissioner McCown clarified that Mark would build their letter of commitment and then strike 5 & 6.

Tim stated that was acceptable to the applicant. Commissioner Houpt seconded.

Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR A REQUEST FOR A SPECIAL USE PERMIT FOR PROCESSING, STORAGE AND MATERIAL HANDLING OF NATURAL RESOURCES FOR A WATER STORAGE AND EVAPORATION FACILITY ON HIGH MESA SOUTH OF PARACHUTE, OFF OF CR 304. APPLICANT: ENCANA OIL AND GAS USA, INC. – MARK BEAN

Mark Bean, Carolyn Dahlgren, David Grisso, Operation manager for EnCana and Jimmy Smith, Wagon Wheel Consulting were present.

Jimmy – The land is now owned by EnCana formerly Tom Brown. Originally the property was formerly owned by 3 various owners – after today it is titled EnCana Oil and Gas with one surface owner no response and 1 mineral owner did not respond. Jimmy stated he noticed the entire adjacent property owners.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

She advised the Board 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 of 1978 as amended; Exhibit D –Garfield County Comprehensive Plan of 2000; Exhibit E Project Information and Staff Comments; Exhibit F – EnCana High Mesa Facility SUP Application.

Chairman Martin entered Exhibits A – F into the record.

The subject property is located in N1/2, Section 36, T.7S., R96W of the 6th P.M., generally located approximately 4 miles south of Parachute off of CR 304 on a tract of 30.45 acres in the (A/R/RD) zone district.

The application is for “Storage, Processing, and Material Handling of Natural Resource” in order to construct a series of three (3) lined water storage ponds on a 30.45 acre property owned by EnCana Oil & Gas USA, Inc located approximately 4 miles south of Parachute in the High Mesa area, along County Road 304.

The proposed storage ponds will serve as a holding pond where produced water generated from natural gas drilling operations in the area can be stored and evaporated. The proposal includes pipelines and tanker trucks to haul or transport produced water from drilling sites to the subject site where the water is skimmed to remove petroleum constituents at a portion of the site with storage tanks and a separator. In the initial period of project, water will be hauled to the site by truck. Eventually, fresh water will be piped to the site from the Colorado River. These treatment tanks will serve as the primary separation point for lighter than water hydrocarbons and heavier than water solids/ paraffin/ wastes /oils (“petroleum constituents”). These tanks are also called separators where natural separation process allows the solids to be skimmed off the produced water then be hauled away for disposal while the produced water is pumped (from a pump located in an enclosed pump house) directly into the storage pond for reuse in drilling operations. The proposed ponds will be able to contain approximately 302,000 barrels of produced water at capacity. The Applicant asserts that this facility will reduce the need for water hauling trucks to travel around the High Mesa area. The facility will operate 24 hours a day, year-round, although most of the hauling will occur during the daylight hours. Access to the site is proposed to be via CR 304.

An evaporation pit that contains, treats, and evaporates this water is dealt with in Section 908 Centralized E&P Waste Management Facilities of the COGCC rules. The applicant has included their application to the COGCC for a Centralized E&P Waste Management Facility. These rules also require that operators may be subject to local requirements for zoning which meant a Special Use Permit was required for the facility.

The proposed site for the facility is to be located on a mesa sitting above the south side of the Colorado River. The site slopes gently at about a 4% grade, from the east to the west. The site is underlain by Potts loam, an alluvial soil derive from sandstone, shale and basalt. Pete and Bull Creek runs to the northwest, about a ½ mile southwest of the site. Some other unnamed intermittent drainage lies to the north and south, but will have no effect on the site.

The proposed facility is expected to generate an average of 6 water tanker trips per day into and out of the facility, during peak usage times. Most of this truck travel will be coming from and going back to drilling sites on existing and future on-lease roads in the area. The Applicant states that County Road 304 is the primary access to the area, but is currently a non-maintained road by the County. EnCana has stated that they will assume the responsibility of maintenance of the road.

County Road 304 has been the subject of potential litigation from one of the adjoining property owners. They claim that the road is not a County road and that they should be able to gate the access to the area. The applicant's attorneys have had conversations with the County Attorney's office about this issue, but they have not provided any documentation to the County Attorney to assist in determining whether or not this is a County road. It is staff's understanding that the road access is controlled by EnCana per an agreement Tom Brown Oil made with the land owners, to make sure that the vehicles using the road are only oil company vehicles.

Design of the proposed use is organized to minimize impact on and from adjacent uses of land through installation of screen fences or landscape materials on the periphery of the lot and by location of intensively utilized areas, access points, lighting and signs in such a manner as to protect established neighborhood character.

The property is located in a fairly remote private location on a mesa that is visible from the west to people traveling along I-70. Further, the site itself is situated in an area already characterized by intense industrial activity from the natural gas exploration. No screening is necessary. While no lighting is proposed, any future lighting shall be directed inward and downward towards.

The application states that the pond is to be lined with a 60 millimeter, impermeable high-density polyethylene liner placed on top felt skid free pad to prevent the poly liner from moving. The liner and pad will be placed on a prepared dirt pad surface that is tilled and raked to at least an 18 inch rock free surface. The pond berms will be compacted to meet or exceed 95% Proctor Density.

The pumps that will be used to move the water between the ponds will be electric and will produce a low-level noise and minimal amounts of vibration. The applicant has stated that any sound emanating from will comply with CRS 25-12-103, industrial standards. The nearest residential use is approximately $\frac{3}{4}$ mile to the northwest and at a lower elevation than the proposed facility.

The facility sits in an area identified as by the Colorado Division of Wildlife as winter range for mule deer and elk. The applicant acknowledges that that facility is incompatible with continued wildlife access, but the entire facility will only occupy two (2) acres. The entire facility will be fenced to prevent access from deer and elk, and a deterrence system will be installed, if water fowl end up trying to land on the ponds.

The proposed pond is expected to generate an average of 6 water tanker trips per day into and out of the facility. This truck travel will be coming from and going back to drilling sites on the High Mesa area. The Applicant states that the pond will reduce the need for more truck hauling water on CR 304 since the pond will be at the property where the drilling activity occurs rather than hauling the water to other disposal sites in the County. The applicant has stated that they will be responsible for maintenance of the road in the area.

The operations at the facility will not involve any abutting property with residential structures. The nearest residence is located approximately $\frac{3}{4}$ of a mile to the northwest. The house is located at a lower elevation and not visible from the facility.

The application includes a reclamation plan that would govern treatment of the site once the useful life of the facility (20 years) has expired which includes:

- 1) Removal of all surface equipment and liner material;
- 2) Restoration and re-contouring of grade to approximate original conditions;
- 3) Replacement of stockpiled topsoil; and
- 4) Compliance with all prevailing Colorado Oil and Gas Conservation Commission and Garfield County regulations governing final reclamation.

The only permanent noise generated from the facility will emanate from the electric pumping equipment, which will be housed in a building intended to protect the equipment and dampen the noise generated. EnCana has committed to adhere to the noise standards specified by the Colorado Revised Statutes and the Colorado Oil and Gas Conservation Commission rules. More specifically, the Applicant has committed that the noise will not exceed 75 decibel maximum set out in the statutes. The application did not provide any analysis of noise generated from the facility as it relates to the statutes; however, Staff agrees that the pump building facility will dampen the noise generated so that it will not be detected outside of the property.

The proposed equipment buildings will aid in mitigating any minimal vibration, and the vibration, if any, should be localized to a small area immediately surrounding the pumping equipment. If, in the unlikely event, nuisance vibration is detected at any point along the property boundary, additional measures shall be taken to control the vibration. Staff agrees that there will be limited vibration that will most likely not be detected at the boundaries of the property.

The equipment associated with the pond will add no emissions of smoke and particulate matter. The facility shall be required to comply with Federal, State, and County air quality regulations and standards. There will be some glare by the nature of the water surface; however, it will not be able to impact adjacent properties due to the secluded location of the pond being surrounded by canyon-like steep topography.

The size of the entire facility is approximately 2 acres. The Applicant states that there will be no storage of flammable or explosive solids or gases on the property. No increase in the size of the property is associated with the proposed changes. No heavy equipment will be stored on site. Any additional lighting installed at the facility will be installed so that it is pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.

STAFF RECOMMENDATION

Staff recommends that the Board **approve** the Special Use Permit for "Processing, Storage and Material Handling of Natural Resources" on High Mesa for EnCana Oil & Gas, USA with the following conditions:

13. 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 unless explicitly altered by the Board.
14. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
15. That the Applicant shall comply with the fire protection provisions included in the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the National Fire Code as the Code pertains to the operation of this facility.
16. The issuance of the SUP shall be subject to an annual review of the water chemistry contained in the evaporation pit at such time when free standing water is within the pit and water samples collected from

the ground water monitoring well. These analyses shall be submitted to the Building and Planning Department on the first day of July for every year the pit is in operation. The cost of this analysis shall be born entirely by the Applicant. If this water is determined, through these analyses, to be hazardous or toxic based on applicable standards, the Applicant or owner / operator of the facility shall be required to submit an additional SUP to specifically address / mitigate any detected potential hazards.

17. The County reserves the right to retain outside expertise, at the expense of the Applicant / operator of the facility, in order to conduct tests or analyses of the physical nature, water chemistry or groundwater properties on or away from the site.
18. That this facility is for the sole use of the Applicant. If any other entities are to be added as users, then they would be subject to an additional SUP as well as rules and regulations as administered by the COGCC.
19. That all out-of-state vehicles and equipment associated with the operation of the facility be properly licensed within Garfield County.
20. All produced water brought to the facility that is contained in any above ground storage / treatment / separator tanks shall be contained within an adequate secondary containment structures constructed from impermeable materials to prevent any spill from impacting groundwater.
21. The Applicant shall comply with the following requirements in order to mitigate adverse affects of this operation on wildlife:
 - d. The Applicant shall monitor the pond for the presence of oil as a matter of typical operation and maintenance duties and to prevent wildlife from being harmed. If, in the unlikely event, oil reaches the pond water, the Applicant shall take measures to immediately remove it.
 - e. The Applicant shall install a waterfowl deterrence system that consists of the placement of high-tensile wire at regular intervals across the pond. These wires act as a visual deterrent to birds attempting to land on the water, and as a noise deterrent, as the stretched wire creates an ultrasonic (inaudible to humans) sound.
 - f. The Applicant shall immediately report the death of any migratory bird caused by activities or structures at the facility to the Colorado Division of Wildlife and the United States Fish and Wildlife Service in accordance with state and federal regulations.
22. Prior to the issuance of a Special Use Permit, the Applicant shall submit the following items to the Count Vegetation Manager for approval:
 - e. The Applicant shall map and inventory the property for the County Listed Noxious Weeds.
 - f. The Applicant shall provide a Weed Management Plan for the inventoried noxious weeds.
 - g. The Applicant shall augment the site reclamation plan by providing a plant material list and planting schedule for the reclamation.
 - h. The Applicant shall provide a Mosquito Management Plan that will address how the Applicant intends to monitor and manage this site for mosquitoes.

Commissioner Houpt – on the Noise Regulation committee with the COGCC and there's consensus in the agricultural/residential its going to be a residential sound level.

Mark said it will be 50/55.

Commissioner Houpt – it has not been changed but another understanding I have is that existing facilities wouldn't be grandfathered in but will be brought up to the new regulation that's adopted.

David Grisso stated that other compressors they have built inside insulated buildings, one can walk by them and not even know they are running. David assured Chairman Martin that he can meet that requirement.

Jimmy – to answer the question regarding the pipeline associated with the pit, that is a 6 inch line that will be placed on lease that once it is completed that will eliminates the trucking from the pond to the well sites, it's a distribution system and it's below ground to prevent freezing and approximately 2 miles in length.

Commissioner Houpt – just for my education, can you explain the difference between what's referred to commonly as an evaporation pit and a pond that's used for recycling produced water.

David said these are identical. This facility will be an evaporation and recycling facility, it's the same thing. When we're done drilling and completed, it will strictly be an evaporation facility so that's why it's permitted that way.

Commissioner Houpt – what needs to be left in the pond for evaporation and why can't that be recycled? We had talked last year about the notion of moving toward re-injecting water instead of continuing to built evaporation ponds around the County and then we started talking about recycling produced water and the benefits of using that water so that you don't have to use fresh water for drilling, so what's the difference from the water that you would re-inject as the recycling process and the water that you would leave in the pond to evaporate.

David - currently we have one injection well working in the Mamm Creek area. We have a second injection well we've permitted with the State to attempt to inject water into that well bore. We're working on that, we are working up at High Mesa to convert an older well into an injection well. All these processes are tied together. When we're developing the area, drilling and completing, if you inject the water down the injection well, it's gone. And so if you have a need to use water for drilling and completing you either have to have more produced water or you have to use fresh water. So during the process of development our injection will be limited so we don't have to use as much fresh water.

Commissioner Houpt – thank you for that explanation, when do you determine that water can't be used for drilling, why would you still call it an evaporation pit?

David – because it will evaporate water just by the nature of it sitting there. Our goal is to have enough volume in that evaporation pit to use it for recycling until we're done developing that area and then we'll use the injection well through evaporation and injecting you'll get rid of the water. It's a process of eliminating water, the produced water.

Commissioner Houpt – but the goal isn't for it to evaporate, the goal is to reuse it so you don't have to use as much fresh water.

David – that’s exactly right, just like our successes in Mamm Creek.

Commissioner McCown – correct me if I’m wrong, once you’re through developing your field in that area, it would no longer be cost beneficial to recycle that water and haul it over our County roads across the interstate into a field you may have, it just would lose its practicality trucking water that far.

David – it’s better to have it located in the producing areas – a facility to handle the water.

Jimmy – in the past the practice has been to truck that water and that is EnCana’s approach and philosophy over the past 2 -3 years is to eliminate that trucking process. It’s not only economical but it’s also practical to use it at the site and our evaporating. You should not that there’s different types of evaporation – its going to occur just because of the surface water contact to the atmosphere but its not the case on this particular pond but at some point a system could be in place, an aeration system could be in place where its sole purpose is to evaporate naturally or you can induce evaporation.

Commissioner Houpt – why choose evaporation instead of injecting produced water? It would lessen the surface impact.

Jimmy – that’s correct but that would also be determined about the acceptability of the injection well whether it could handle that water or not.

David – the formations in the Williams Fork are not inductive to taking the injecting water or having to do a lot of science to get there, so that’s not a reliable disposal source right now.

Commissioner McCown – this water, Tresi you keep referring to it as recycling, the water that would be re-injected is not recyclable.

Commissioner Houpt – no, I’m talking about two different processes.

Commissioner McCown – during the process of the drilling, they said they’re going to recycling, then once they’re through drilling they really have no use for that production water, they can’t apply it to their process, so then they evaporate it, what can not be evaporated would be injected and probably the more bracus material would be injected and the clear water.

Commissioner Houpt - Jimmy was talking about this process that’s being proposed right now and strictly an evaporation pit and that’s what’s prompted my question of why.

Jimmy – it’s naturally an evaporation pit just by its nature but the intent to use it as an evaporation pond would require additional equipment.

David – part of the aeration device to keep the ponds moving creates evaporation and there’s nothing we can do about that.

Commissioner Houpt – my second point was why, in response to Jimmy’s discussion about the difference between this process and an actual evaporation pit that’s only built for that, why would you do that instead of re-injecting and you’re saying you’re still working on a process that would work in this formation for re-injecting.

David – we’re currently working on a well about half a mile to the south east of this facility to test it for injection right now and have applied for a permit with the State of Colorado, the depth of the well is 8500 feet and would be in Cork and Cossack Formation. It’s the same obstacle in getting the gas out – its very tight non-permeable rock. The one we’re successful on in Mamm Creek we were able to fracture it but the amount of water is dropped in half that it will take now on a daily basis, started at around 3200 barrels and now it’s about 1800. Basically it’s telling us it’s getting full.

Commissioner McCown – is that the same process in reverse to justify the 10-hole downhole spacing to get the gas out?

David – that is correct.

Jimmy – one thing of note, in the application the applicant’s water rights for the fresh water that can be used for make-up for listed for the Losch-Cran Ditch and they do in fact have over 300 shares of water rights at that ditch, but now the plan has changed since the application, the plan is to use Unocal water rights that were transferred to EnCana during the purchase which an application has been filed by EnCana to change the legal diversion form of that water. So the water rights listed in the package will be amended and changed to represent the new diversion of the Unocal Water.

Carolyn – wants to make sure the application gets amended to include that information and pieces of paper to go along with it. What is the expectation for when the Water Court is going to operate and what will you do before you get a Water Court Decree?

David – I believe its either July or August when that will be finished. The application has been made and until then the facility won’t be completed until sometime later this summer, so it should all work together. We won’t even build it until the diversion point has been granted.

Carolyn – the second clarification in the discussion before about the aerations system are you asking the BOCC to permit an aeration system now as well or if you decide to do that in the future that will take a whole new SUP application.

Mark – its part of their application now.

David – we will build the aeration system right now and it serves two purposes – it keeps the ponds rolling for the recycling process besides evaporation; it’s the same piece of equipment.

Commissioner Houpt – it’s not the primary intent of this facility but serves this purpose as well.

Jimmy – it’s all a time and need issue depending upon the development of the operations there, now all the water is needed plus make-up water eventually it could be strictly evaporation.

David – the volumes are so great that’s why the need for the ponds for the recycling effort. At any given time you may need 20 to 30% of the volume of that pit for a completion operation.

Jimmy – EnCana could do it a different way which would involve trucks. An evaporation system will be installed in this pond. One other thing noted for the record, Mr. Bean stated that it was an Ag project therefore for Ag classification, actually they did file for and received a grading permit for this project because our understanding was it was listed ARRD.

Houpt – Mark and Carolyn – opinion in the change of the water in terms of approving – different water right

Commissioner Houpt asked for clarification in the change of the water situation for this in terms of approving – their water application has been submitted, it's a different water right that they're not going to use.
Mark suggested requiring them to provide a copy of the change in use and water degree prior to approval of the SUP.
Carolyn – the same thing on the ownership and asked to have the deeds since the ones in the application don't show the land owned by EnCana.
Exhibit G – the new water permit from West Divide was entered into the record.

CR 304

Carolyn – whether or not there is a written agreement between EnCana and the private landowner. There hasn't been an agreement with the County because we don't have the documents to show it is our road. We have information from a private landowner saying that there is an agreement from the private landowner, there was an agreement with the prior owner, Tom Brown to use the road, so hopefully, Mr. Smith has some information for us.
Jimmy Smith – the only information I have is that Tom Brown prior to the merger with EnCana paid the landowner x number of dollars and I don't know the amount for an access fee to upgrade and use that road. Since then with our application, I approached Mr. Bean that if it is a County Road we will need to get an access permit into this site and it hasn't been determined yet whether that's required.
Chairman Martin – and you have no recorded document showing that there was an exchange of money to the previous landowner.
Jimmy Smith – there is none to my knowledge.
Chairman Martin – and your research showed no recording?
Jimmy Smith – no sir.
Chairman Martin – that's an issue.
Mark – I was made aware of it and talked to Don DeFord about it and what you saw in the staff report was all we could find at this point.
Carolyn – we don't know if the landowner is in the audience or not. Is there actually a written document.

Public Testimony:

Scott Knox - CR 306 Spring Creek Road. I own a 150 acre ranch on the Mesa that they probably saw from up there, I submitted two photos that I took this morning at sunrise
Chairman Martin entered these photographs as Exhibit H and I into the record.
Scott – what I'm trying to show there, we can say there will be 6 water trucks up there or something, but that road is currently carrying probably 200 to 300 vehicles a day and we have such a dust problem in the area already with other well activities going on that Exhibit H is my sunrise about every morning, that whole bowl, the wind doesn't blow the dust out of that bowl and it lays in there all day long. The Exhibit I there shows one truck going to the site that they've already drill, already excavated these – this seems like a medium appeasement – the holes area already done for these three drying ponds so, I just read about one that was north of Parachute where it was all done before we ever got to this point and it looks like it was done again here to the landowners that look at this every morning. I don't understand how if there only waste water ponds servicing the well on that Mesa, I don't perceive a problem if there's something done on the dust control but I think the road going to it at minimum should at least be chip sealed and probably should be paved because of the service traffic up there is just intense and this is just going to add more too that problem. We can see the excavation and we can view, like I say I own a 150 acre ranch and I lease two adjoining parcels to graze on and it's very visible if you drive up Spring Creek – these excavations so we're going to see the dust and everything from it. EnCana's developing a lot on Wallace Creek which is 2-3 miles west and it would only make common sense to me that they're going to use that to truck their waste water from those well site up to there so I don't know their plan on that as far as are they plumbing that waster plumbing into all those well site so that no matter where they go there's not going to be a truck bringing that waste water up there, we see hundreds of trucks a day up there now and they're saying, and I not exenterating when I say hundreds, you can't even get out of the CR 300 from CR 306 without getting run over by a tanker truck right now, so the trucking is our issue and it's creating so much dust on the hill that's our big problem.
Don Throm identified his photo of the site that they're digging on. I guess you start a project and then ask for forgiveness later.
Chairman Martin entered the photo as Exhibit J.
Don said the road is a real issue; when he moved there was no road – Tom Brown built a road.
Don and his brother in law, Larry Klebold, brother in law who owns 300 acres above Don have a real issue with the 6 truck as day, there's no one to monitor traffic and CR 304 is his driveway and access fees paid to us by EnCana, Tom Brown and by Canyon Pipeline and anybody else that wants to go through there. That's a whole different issue which he'll probably be back before the Board on later. I have a real problem with re-injecting and my well water comes from below that, my spring water for my domestic once the run off is done, comes from a pad site right below where they're drilling and right in the area where they want to re-inject. It may not affect my well, but it might be something like Divide Creek which I really don't want to see. It's not that exact of a science. It seems to me that they've already have approval and this is pretty much a dog and pony show.
Cecil Wasberry – 6881 CR 306 – we do look at the site everyday and watch the trucks up and down the hill everyday. We also would like to know if that pond is going to go septic when they do put it in and we'll be picking up odors off of it, also like to know what kind of separators you're talking about using are you dumping straight into the ponds or going with an API separator that will skim? Or are you going to haul that material too. Pipe it off of each pond and run it to your injection well, what will you do with it?
David Grisso – first of all the ponds are lined so these pictures of this dust is coming from the construction of the ponds and they will be totally lined between the ponds and in the ponds and what dust you see from the construction will go away.
Cecil Wasberry sees the dust off the road.

David Grisso – we can enhance our dust abatement, we have put Mag chloride on that CR 304 but we can do it more often. We will be using separators that will skim the hydrocarbons from the water and then those will be sold, that's not a disposal product, that is actually something they make money off of. The hydrocarbon amount is less than 1% in the water produced. The 6 trucks is the overall estimate and we plan on parking trucks at the facility and only going up in a pickup with the drivers to reduce the traffic so we actually went on the high side and we have a 6" line – Scott asked if we're were going to gather liquid from the producing wells and we are putting extra lines in the ground, gathering pipelines to pump water to this facility and that is the plan all along. Right now we can't do that because the facility's not built, pipelines aren't done but we are going down that road with this new field. David said he has to truck the condensate off but that's done whether it's produced in the well or skimmed out of the water. The amount of hydrocarbons produced in that area of the Piceance is a lot lower than typically in the other areas.

Cecil Wasberry – what about the CR 300 that you aren't maintaining now?

David – Tom Brown paved that road in 2004.

Cecil Wasberry – you put a double pipeline right there at the Una Bridge and it's still torn up. You put one on CR 306 and it's still torn up pretty bad.

David – we have an agreement with the County to pave next month at EnCana's cost. They were waiting to make sure all the moisture was out of the ground.

Jimmy Smith – the Wallace Creek and Una Bridge, the reason it is not paved now in our discussions with County Road and Bridge, it was agreed to pave in July following the drilling schedule that is currently taking place up there and it would not do any good to pave it up and then tear it up with rig traffic so the County agreed we should wait till mid-July and then pave that entire road. There's Mag chloride on the roads both by County Road and Bridge and by EnCana. They have a tentative date of July 15th to pave with Frontier Paving, the subcontractor doing the work.

Cecil asked who is doing the Mag chloride on these roads.

David stated they pay a company called Envirotech out of Gypsum.

Cecil suggested David check on him because he's not been up 306 road; we're not getting water on it, and no Mag chloride.

Jimmy Smith - part of the activity up CR 306 is Noble Construction and not sure what they're procedures are.

Don Thom - on County Road 304 in the agreement made with Tom Brown and thus with EnCana, maintenance and dust control are in that included in that agreement and have been for years.

Chairman Martin – we probably will need to see part of that documentation as well as supplying that to EnCana so they can live up to their agreement.

Don Thom – they have lived up their agreement to a point.

Carolyn requested if he had that to go ahead and put it in the record.

Don Thom will get this from his brother in law.

Linda Dixon – representing her mother Laura Dutton at 4852 306 Road, their property adjoins Section 36 and they were notified by EnCana and questions but no criticism of the project because if their minerals are developed they will tie into that somewhere. Confused, is it 3 acres for the evaporation pit or 30.35?

David – the pond cover an area of 3 acres.

Linda – on the visible and to echo what others have said, it is quite visible on CR 306 and it appears already constructing, so a question was formulated to the Commissioners about the process, why are these things being built and then a hearing half way through the construction. What happens to the chemicals in the pond? When you're left with this slug, what happens to that?

David Grisso said it is not a slug, it would be concentrated water, the chlorides would be higher and that's what re-injected. This is natural elements in the produced water, metals and chloride – by-products. And as to her question about leaching into others property, David stated there is a 16 mil impermeable liner in these ponds. When this site is remediating, the liners will be removed. The same dirt that was excavated out will fill in the area. Liquid will be removed and

liners will be removed as well. Everything will be removed from the liners when being re-mediated.

Linda asked on the injection site is that still in Section 36?

David – Section 31, east and south of Section 36. If you go exactly about a ½ mile SE of the facility, that's where Section 31 is and it is BLM property.

Linda said they have been approached by EnCana on an 80 acre strip and she is trying to find out exactly what they want to do. This is good information and also with regard to the paving a question for the BOCC, Spring Creek Road, right now you have ½ of 306 paved, so when we see the paving on the Spring Creek side?

Chairman Martin – because we were negotiating with one of the property owners for more right of way, that seems to have stalled and we had an agreeable seller and now we have a disagreeable seller, so that's what is taking time.

Once that is resolved in Court or whatever, we'll finish that project. At the present time we're waiting; the extra safety width for that road just before you get to the Wasberry's etc.

Linda - Pipeline through the roads, were you waiting for that to take place?

Chairman Martin – that would be nice.

Linda – question on the process.

Chairman Martin – digging, construction, why the project was stated etc. The answer is they applied for an excavation permit and was granted a permit and went to work.

Jimmy – that is correct, we filed for a grading permit since it was ARRD and it was instructed by County Engineer that everything met the criteria and we could proceed with dirt work only, no construction of the facility. That was done after this application was filed and when we found that the grading permit was available to us, we filed for that and went through a very extensive, almost 2 month process from County Engineering Department to obtain the grading permit knowing that work was subject to some risk that the SUP would be approved.

Linda Dixon - we can see from the south are some structures.

David – no facilities tied to the pond there is a well pad just to the south west of that in Section 36 that you might be seeing, the only structure is there are three 500 barrel water tanks they are using to get their compaction. We have not installed any facilities; the liners are still 2-months out.

Linda – something that looks like columns.

David – if you look to the lower right hand corner, there is a 4 well producing pad that they had a drilling rig on this winter. He also offered to take Linda up there if she would like. There are 3 or 4 tanks on that well pad but it's not connected and thinks it's on the map – the drawing.

David – responding to the question on odor. We've learned that if we don't put in large water cans where you're spraying a lot of water up, the odor is not an issue and by installing another device, called a float cell, and it's used off shore and it literally strips the hydro carbons from the water and that's typically where you get the odor. The sour term, he's never heard, but we also treat with a biocide to keep the bacteria down and we do a scale inhibitor and those go a long way in controlling what before was the odors. Keep the hydro carbons out, keeps the bugs out and it controls the odors.

That's typically caused by bacteria – you keep water moving – don't let it get stagnant.

Carolyn Dahlgren - the water fowl, part of the application and reports said they would add a system if need be and then one of the conditions of approval has to do with having a tinsel wire across it and asked if there were two different levels of water foul deterrents. Wanted to make sure EnCana is willing to do that first level right now.

David – yes, just like we did with the first one we built, we will do the 1st level and if there ever becomes an issue then we'll go to a second level and that's what we discussed with the DOW.

Carolyn – all trucks have to be licensed and registered in the County and under state law we have to say Colorado but we can't make you register everything in Garfield County.

David Grisso – all the vehicles or heavy trucks.

Carolyn – yes, everything has to be registered in the State.

David knows all the heavy trucks are.

Carolyn – pickups too.

Mildred –all vehicles for all subcontractors that work on the side or anything else or if your workers come in from out of state they also need to meet the residency requirement where they need to license their vehicle.

Jimmy – the policy we have taken on not only this project but others is to instruct our contractors that they have to meet that requirement and law and we have no authority to police that other than to keep telling them that they need to license so if they are caught by the Sheriff or whoever, then they're subject to.

Chairman Martin – Port of Entry. They would be required to do so and State Patrol would have a discussion with them as well. This is a standard that we always stress.

There is documentation on road ownership that Ms. Dahlgren would like to see.

Carolyn – EnCana was saying that this is a County road, a public road and all the information we had in the County Attorney's office pointed to it being a private road under private agreement and that seems consistent with the testimony you heard today, so there's not an issue there.

Commissioner McCown – they referred to it as CR 304 but they were not alleging county ownership of it.

Carolyn – it was ambivalent, ambiguous.

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 processing, storage and material handling and natural resources with the conditions of staff 1 – 10 and like to add number 11 to read “that a specific water right degree on the point of diversion from the Unocal Water must be in hand prior to the to start up and operation of this particular unit”, adding number 12 “that adequate dust mitigation must be implemented on the road to and from this site so that there will be no visible dust from any of the surrounding area.”

Commissioner Houpt – would you be willing to add another condition that would require an annual inspection to make sure there is compliance there, not that I doubt there will be but there seems to be enough concern with neighboring property owners that I think it would be a good idea since the facility's large.

Commissioner McCown – Condition no. 4 an annual review of the water chemistry, do you need something other than that?

Commissioner Houpt – just of all of the conditions. I mean why wouldn't you just go up there.

Chairman Martin – who would go up there?

Commissioner Houpt – well, who's going up there for

Commissioner McCown – they take a water sample and send it to Building and Planning.

Commissioner Houpt - well we do built in annual inspections sometimes on these projects and so it would be Building & Planning or Doug Dennison who would go up there and I don't think it would be offensive to you, and because of the concern, it just might be a good neighbor condition.

Jimmy Smith – absolutely no problem.

Chairman Martin – I would see it as a joint effort, neither Doug nor Building & Planning but a joint effort.

Commissioner McCown – subject to annual reviews for the first 5 years operation or are you want to keep it for perpetuity?

Commissioner Houpt – if it changes hands, then we won't have these gentlemen here who are promising these wonderful things, so I think in perpetuity.

Commissioner McCown – the condition would still be there.

Commissioner Houpt – that's true.

Chairman Martin – you feel there's no need for the facility?

Commissioner McCown – I'll make that No. 13

Commissioner Houpt – thank you, I'll second your motion.

Mark – there's one more condition or stipulation that needs Carolyn added in terms of deeds need to be submitted reflecting the ownership of EnCana.

Chairman Martin – we've had testimony that has taken place and we'll need to see the documentation.

Commissioner McCown – I will put that it, to me that is completely irrelevant since they have clearly taken ownership and possession of all the land that Tom Brown had and they would not have the authority to be here today submitting this application if they did not have ownership. I will go along with the counselor of that.

In favor: McCown- aye; Martin – aye; Houpt aye

Commissioner Houpt – I do want to see everyone moving toward less surfacing impacting processes and I glad that you're working on figuring out a way to make that happen.

David – this is the whole point of that pond.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR THE STORAGE OF OIL AND GAS DRILLING EQUIPMENT, STORAGE, OR MATERIAL HANDLING OF NATURAL RESOURCES. APPLICANT: MAMM CREEK COMMONS, LLC. LOCATION: APPROXIMATELY 1 MILE SOUTH OF THE GARFIELD COUNTY AIRPORT ON COUNTY ROAD 319 AND GRASS MESA ROAD

Mark Bean, Carolyn Dahlgren, Jimmy Sills, Don Scarrow and Larry Mincer, Attorney for the applicant were present. Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail 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 - Staff Memorandum; Exhibit F – Application from Mamm Creek Commons; Exhibit G - Memo from Matt Sturgeon, Rifle Planning Director, dated 6/14/05; Exhibit H – Memo from Kevin Whelan dated 6/14/05; Exhibit I – Letter from Mike Morgan, Rifle Fire District, dated 5-16-05; Exhibit J – Memo from Road and Bridge dated 6/13/05; Exhibit K – Memo from Steve Anthony dated 6-10-05; Exhibit L – Letter from Chris Hale of Mt. Cross Engineering; Exhibit M – Memo from Dwain Watson, CDPHE, dated 6-15-05.

Chairman Martin entered Exhibits A – M into the record.

The Applicant proposes to build and operate or lease three (3) separate buildings of approximately 9,000 sq. ft. for oil and gas industry companies in and near the Grass Mesa Area on a tract of land that is 47.19 acres in size. The buildings would provide storage of oil and gas drilling equipment; storage or material handling of natural resources. The use would include storage of oil and gas industry related vehicles of various size, a repair shop and maintenance facilities, warehouse, and office facilities on 2 plus acre building envelopes for each building. Hours of operation are proposed to be 24 hours although operations that would generate excessive noise will be limited to 8 am to 6pm Monday through Friday.

Each building will be provided with domestic water and fire protection from a central water system supplying water to two buildings on a piece of property across CR 319. An engineered ISDS system will be designed for each building. Access to two of the buildings will be from a shared driveway off of CR 319 and the third building will have a driveway off of the Grass Mesa Road. Electricity is in place, but there is no natural gas to the site at this time. LP gas will be used for the foreseeable future.

The topography of most of the 47+acre site slopes from the west to the east, toward County Road 319. A significant portion of the property has very steep slopes that have limited development potential. In addition to indigenous grasses, the primary vegetation is sagebrush, pinion and juniper trees.

The land uses to the east, across the County road are medium to heavy intensity industrial uses, tied to the natural gas drilling activity in the area. Other nearby uses includes relatively large properties consisting of grazing and pastureland and BLM land. All of the property surrounding the subject site is privately owned. There are various observed wildlife habitats nearby to the property.

In the applicant's cover letter, they state that the three buildings will be built for "sales, storage and repair of equipment and sales, storage and handling of materials and natural resources." The A/R/RD zone district allows by Special Use permit "storage" and "storage of heavy equipment" and "storage or material handling of natural resources". There are no provisions for "sales" of equipment or natural resources. Any approval given to this project needs to be very clear that sales of equipment or natural resources not extracted on the site, is not a part of the project approved. The storage and delivery of products to the field would be acceptable, but to acknowledge retail sales is not consistent with the allowed uses in the A/R/RD zone district. Special Uses are subject to the standards in Section 5.03 of the Zoning Resolution. In addition, the proposed use, due to its industrial nature, shall also be required to address the industrial performance standards in 5.03.07 and 5.03.098 of the Zoning Resolution. Staff presents these review standards below followed by a response. The Applicant has demonstrated the ability to provide required water rights that would adequately serve the proposed use based on a review by the County's Engineering consultant, Chris Hale, Mountain Cross Engineering. But, Mr. Hale notes that there "no information is provided on the physical system pertaining to supply, demand, storage, capacity, and their respective appurtenances". He further notes that "from information provided by the applicant in other applications, it could only be inferred that the water system was constructed as planned and that it has an adequate physical supply."

The application states that "until the water system is approved by the Colorado Department of Health and Environment as a community water system, there shall be no more than 12 on site employees in all three buildings." This statement is clear in the intent, but it is an unenforceable statement. In the traffic study, consultants use an assumption that there will be 3-4 permanent employees in an office, along with 7-8 delivery employees. It is unclear how the applicant's can assert that there will only be 12 employees on the site, since there have to be some people working the storage areas.

Chris Hale addressed this issue in the following statement: "Based on our interpretation of the "New Water System Capacity Planning Manual" of the Water Quality Control Division of the State of Colorado Department of Public Health and Environment (CDPHE), this is a new water system, constructed after October of 1999, and needs to

submit evidence of technical, managerial, and financial capacity to obtain approval from the State. It could be argued that it is intended to serve greater than 24 employees, evident by the West Divide Contract. Therefore, this water system should already be in compliance with the State, regardless of the current number of employees. It is therefore recommended that this water system have State approvals prior to issuance of the SUP. Section 5.03(1) appears to support this.”

Additionally, in a memo with CDPHE staff, it appears that this system is either a Transient Non-community System or a Non-transient Community System, since it will serve over 25 people, some of which are on site and some are transient. The Transient Non-community System serves more than 25 people, but the 25 people include a number of transient people using the onsite water facilities. No Capacity Development Approval is required, but the State does have to approve the water system and treatment methods, as noted previously by Chris Hale. Since the applicant has not provided any more detail to the system, than that noted previously, staff can only assume that the system meets one of the State classifications and needs to be approved by the State. **Based on the comments from the County’s consultants, the application has not demonstrated an ability to meet the proposed domestic uses needs.**

The Rifle Fire District performed a flow test on the fire hydrants on June 10, 2005 and found less than 2 psi flow. This does not provide adequate flow for fire protection purposes. They noted that this test is worse than the last test, which failed to meet standards. This means that the previously approved SUP for Lazier is in violation of the conditions of approval for that project. **Based on the Fire District’s comments, there is inadequate water for fire protection purposes.**

Sewage is proposed to be an engineered individual sewage disposal system. Any approval of the project should include a condition requiring the submission of an engineering ISDS with any building permit.

Chris Hale stated the following: “The applicant has provided existing traffic counts for County Road #319 West Mamm Creek Road. The traffic counts that were used were from the morning and evening peaks, yet the increased traffic is reported in the conclusions as an Average Day. However these counts do not appear to be congruent with the counts performed by Garfield County Road and Bridge in 2002. Also, since the exact industrial uses are unknown at this time, it is recommended that multiple trip generation studies be used and then these studies averaged to estimate trips. Lastly, the increase in traffic is customarily related to a Level of Service, calculated per the methods of the current edition of the Highway Capacity Manual, to determine if the impacts are significant or not. Section 5.03.07(D) speaks to the increased traffic that is anticipated from the proposed Special Use and it is our opinion that these impacts have not been adequately conveyed.”

Garfield County Road and Bridge has issued a driveway permit for the proposed access to the two buildings on the south side of the property those accesses directly onto CR 319. No additional comments have been received from the Road and Bridge Department.

Staff concurs with Chris Hale that the traffic study dealt with minimal data and did not research other data sources. On the other hand, the area already does have a lot of industrial traffic traveling the road, some of which is from tenants that will be occupying the proposed buildings.

The application includes a landscaping plan consistent with plans accepted by the County for the same types of buildings on the east side of the County road. The landscaping plan not less than 1000 sq. ft. of irrigated green belt area per building, including lawns and shrubs and trees. In addition to the green belt, there will be a minimum of 10 ft. wide area of river rock, trees and shrubs, adjacent to the County road for the length of the property. In addition to the river rock/shrubs, a berm 3 to 4 feet in height, 20-30 ft. in length and irregular shape. The proposed landscaping plan has been completed for the property on the east side of the road and generally been found to be acceptable.

Industrial Operations, including extraction, processing, fabrication, industrial support facilities, mineral waste disposal, storage, sanitary landfill, salvage yard, access routes and utility lines, shall be permitted, provided:

All material extracted from equipment through any washing of equipment will be contained in a seal tight container, such as a sand trap. The material will be removed from the site, when the container is full. No material that is not domestic waste will be allowed to enter any ISDS.

A grading permit application was submitted to the County Engineer’s office for review and sent back for additional information. The application did not have a grading plan, just a landscaping plan, which was unacceptable.

The Applicant has indicated there “shall be no generation of vapor, dust, smoke, glare, vibrations, or other emanations permitted on these lands”. They maintain that these limitations will be imposed as a part of any lease agreement with the future tenants.

The application included a Wildlife Report from Beattie Wildlife Consulting for the Mamm Creek Commons subdivision. All of the evaluation done on the report was based on the impacts of a proposed 24 lot subdivision. As discussed in the conclusions of the study, it is noted that there will still be significant open space, thus wildlife habitat. Additionally, it is noted that the area of the proposed lots (and SUP buildings) “are currently poor wildlife habitat because of heavy grazing, an absence of prior or current irrigation, soils low in nutrients, low forage biomass, poorly developed ground and shrub layers, monotypic woodlands, and low vegetative diversity.” Additionally, the report states the proposed subdivision “will not result in the loss of critical wildlife habitat, nor will it affect wildlife migration routes”. In summary, it appears that the wildlife impact should be minimal, but the study only deals with residential impacts, not light industrial.

The Applicant has provided a traffic impact study for the project based on a one day count, nearly a year ago. Chris Hale has questioned the validity of a one day count, truly representing an “Average Day”. Particularly, when there is other data available to use for comparison with the one day count. The City of Rifle has acknowledged that the location of the proposed buildings for this type of activity is good, but want to have traffic directed the Mamm Creek I-70 exit, rather than the Airport Road and the main Rifle I-70 exit.

The application notes that the proposed uses are in an area that has already started to develop with similar uses. The Grass Mesa development has 68 residential houses that pass through the northern portion of the site and by one of the three buildings. There is the potential for conflicts with truck traffic and local traffic, but the residences are at least ½ mile away from the proposed development.

The Applicant has proposed a list “Supplementary Use Regulations” that are to be attached to each lease, requiring the tenants to comply with the standards. The proposed landscaping plan has been acceptable to the neighbors.

The Applicant has stated that there will not be any noise generated from the site in excess the standards set forth in the Colorado Revised statutes and made that a standard in each lease agreement. There is no analysis of the potential noise in the application.

The Applicant has stated that there will not be any vibration generated from the site and made that a standard in each lease agreement. There is no analysis of the potential vibration in the application.

The Applicant has stated that there will not be any smoke and particulate matter generated from the site and that every use shall comply with all Federal, State and County air quality standards and made that a standard in each lease agreement. There is no analysis of the potential smoke and particulate matter in the application.

The Applicant has stated that there will not be any emission of heat, glare, radiation and fumes which would substantially interfere with the existing use of adjoining property and made that a standard in each lease agreement. There is no analysis of the potential noise in the application.

STAFF RECOMMENDATION

Staff recommends **DENIAL**, for the following reasons:

The application does not provide documentation in compliance with Section 5.03 (1) demonstrating “utilities adequate to provide water service based on accepted engineering standards and approved by the Board of County Commissioners shall either be in place or shall be constructed in conjunction with the proposed use” Plans and specifications of the water system need to be reviewed by the Colorado Department of Public Health and Environment and the Rifle Fire District needs to approve the physical amount of fire protection water.

Chris Hale – Mountain Cross Engineering – Mark did a good job of explaining the issues, the

State of Colorado has requirements now that any new water system whether its community water system or a non-transient, non community water system be approved and there’s certain thresholds as to each of those systems as to when they need approvals by the State. This system is on the cusp of non-transit non-community system, 25 people over 6 months of the year is that threshold, so they proposed to do something underneath. Part of the problem in review of that is 1) it is very difficult to regulate how many people are coming into and out of and if it’s going to be 24 or more but in the State’s guidelines they do have an example that speaks pretty clearly to this that and used the example of a subdivision where its intended to serve 30 lots, doesn’t get to have the first 15 for free if its intended to serve than more than the threshold ultimately it needs to get approvals at the construction. In reviewing this, the legal supply of the West Divide Contract spoke to a system much more than even the 24 employees that they proposed and mentioned in the review letter and discussions with Mark Bean that it seems this community water system are actually non-transit, non-community water system needs to get approvals from the State sooner rather than later.

Commissioner McCown - point of clarity, the fire flow problem was supposed to be cured by the EnCana line that was fire flow purposes only?

Mark - verbal conversation with the applicants and will let them clarify. The domestic use is separate – these are two separate systems.

Applicant:

Larry Mincer - we have reviewed the application and indeed we did put the word sales in and would delete sales from the uses.

Water issue – right now the situation is they are in process of redoing the water system as in fire protection. Mr. Sills has been working on this and we are not presently trying to get the connection with EnCana; new pumping equipment is on order and Jimmy Sills can give the approximate time frame.

Jimmy Sills – on first flow system tested at 20 psi; he understood we need a 100 psi. He feels they can pass the test. There is a 6 inch line for only fire protection. The 2nd line is for domestic water. The storage facilities require 50 gals per day per employee.

Larry Mincer – Storage water available and pumped into a pond – not a system they are requested we provide. Some fire protection.

Domestic water issue – Mr. Sills pointed out the different lines available that would be needed, part of the issues with Mr. Hales’ review was the review of the West Divide that provides more water than is needed. Mamm Creek – sufficient for that portion and under West Divide there is more water than is needed to do this domestic project – part of the issue – do we have to eliminate the excess water – have discussed the limitations that apply. Would be in a position to comply.

Prepared to immediately provide for meeting the transit and in the meantime limit the property to the maximum limit possible and can address those issues in Section 503 – High County Engineering working on septic requirements and area aware. Upon receipt on the staff report, one of the occupancies – 2 office personnel, other had 3 – both entities meet those and proposed to use the standards – those standards would not exceed the 25 community threshold. Still have the transit – imposed on this proposal.

Larry Mincer – as Mr. Bean noted in his presentation, the project is located across County Road 319 from the two existing building which were done under a Lazier permit which are owned by 319 properties, and the requirements that were placed on 319 properties and that application are certainly applicable and including the ones with respect to the landscaping. We have imposed the requirements to noise, dust, and receive no complaints regarding violations of those and those have to comply with requirements of State law. We should review the water issue.

Commissioner McCown – question about the water system – understands the two lines for Fire Protection and one for domestic water. At what point is there looped lines, two separate systems, if not looped will you have problems with your chlorination, what does it look like.

Jimmy Sills – two separate and individual lines because of the 186,000 gallons of storage water requirements for Fire Protection that we did not want to treat that, so we piped the system so we didn’t have to. There will be a potential of a dead-end at the Dalbo property should we not come back across the street and make that a loop on the domestic side.

Commissioner McCown – question about occupants – are they are 2 people in one building and delivery trucks coming and going throughout the day, once a day, once a week, or whatever, are their employees showing up and using the parts that these delivery trucks deliver? What are they delivering if there's no one using the parts?

Jimmy – they pick up, in the Bar Company, their employees come to the shop and load up shakers and digesters and similar, they come to the shop and load up that equipment and take it to the drilling site.

Commissioner McCown – and this is not in the employee count that you used, you used the ones that were in the office, the two people.

Larry Mincer – the number I gave you included the two people and not the people coming to pick up the parts – they're the transit people.

Chris Hale – clarification – State regulations clearly state the intent to exceed the 25 at some time would make this system greater than 25 in the future, now is the time to apply it.

Larry Mincer – there are 5 buildings on this system, no intent to do anymore than two other people.

Commissioner McCown – question with the water; if you have 30 people coming in to get a drink of water – transit system of others – 50 people in his operation – had to live with the transit system and familiar with the State system. It is clearly under the clean drinking water system. Can't control that part of the business.

Larry – how much further go for a SUP for construction and required water system – not object to transit water system.

Commissioner McCown – two scenarios; you could move forward with conditions, not occupied until transit water approved or continue – leave up to them. Under conditions today.

Mark – 3rd options – suggested if he could get documentation on the current engineering and to Chris – could be approved and then a condition based on before building permits.

Commissioner McCown – State will make that determination – they are the licensing authority – CDPHE - Clean Water Act.

Larry – didn't have time to get the info to Chris. Loose ends on the water but will be taken care of – fire will have to approve a system – 2) water system – be in a position to resolve – condition no occupancy until they meet the state requirements. And get the information to Chris.

Mark Bean stated he was not ready today to suggest conditions and could not until July 5th. And hopefully they will have their approvals.

Commissioner McCown – would feel better if the fire system was tested. It would prove up your application and give info to Chris – application to the State and come back on July 5 – show us you've applied.

Commissioner McCown made a motion to continue this until July 5th at 1:15 p.m. Commissioner Houpt seconded. In favor: McCown – aye; Houpt – aye; Martin – aye.

CONSIDER A REFRRAL TO THE PLANNING COMMISSION FOR A SPECIAL USE PERMIT FOR THE LAKE FOX WATER STORAGE POND. APPLICANT: ENCANA OIL AND GAS USA, INC. – FRED JARMAN

Fred Jarman, Jimmy Smith from Wagon Wheel Consulting, and David Grisso from EnCana were present.

Fred stated this subject property is 1.5 miles northwest of CR 319 on Grass Mesa and the parcel if approximately 2 acres of a 40-acre parcel in the ARRD zone district.

The applicant requests approval of a SUP for an already constructed water storage facility to hold treated water delivered from the Hunter Mesa water treatment facility (via pipeline) as well as fresh water from the Colorado River. This water is envisioned, once fully recycled, to be re-used in the drilling process for natural gas wells in the area of Grass Mesa. The size of the pond is approximately 460' x 140' which is equal to an approximate area of 1.47 acres.

In July 2004, the applicant submitted application for the same project. When staff conducted the site visit, the facility and associated pipeline had already been constructed. The applicant also did not include any information regarding the pipeline that was to supply the facility with the water from the Hunter Mesa facility. The applicant withdrew the application in order to amend the request to address the issue of the pipeline.

Fred – wagon Wheel was not representing the former applicant. This has been taken over by Wagon Wheel to resubmit this and submit their application.

In general EnCana proposes to use the facility to store treated/recycled water to be used for continued well drilling and completion work; recycling water used in the drilling process reduces the demand on fresh water supplies. At present, water produced from EnCana's drilling, completion, and production operations of natural gas wells in Garfield County is processed and stored at the Hunter Mesa Facility to provide a supply of treated water that is reused in the drilling process.

The applicant proposes to use this new water storage pond (Lake Fox Water Storage Facility) to augment EnCana's current capacity at EnCana's Hunter Mesa facility located in the Grass Mesa area south of Rifle, Colorado which presently processes and stores water for drilling operations.

The issues are the Grass Mesa HOA – noise from the building housed within a 10 x 10 structure and serves as a dampening. Other issues were water quality in the pond, small 3 to 4 PUC distribution lines to the pond – reducing truck traffic – temporary roads in Grass Mesa. The facility is constructed, the pipeline is in the ground – Governmental unit – wasn't clear as to whether they needed to permit this trough the County. Already constructed and the BOCC has a grasp – they are trucking the water around.

Staff recommendations:

The issues that concern Staff on this application include the fact that staff has received several phone calls and letters from residents in the Grass mesa area concerned with the small distribution lines in the ditches along the roads, tanker t rips in the area, noise from the pump, and water quality concerns regarding the water in the facility.

Additionally, as you are also aware, the facility (water storage pond and pipeline) has already been constructed without the proper SUP from the Board of County Commissioners.

The applicant claims that the facility will reduce the need for water tanker trips in the Grass Mesa area delivering water to the various drilling sites. The facility could also serve as a usable water source for fighting wildfires in the area. Further, the Board has recently reviewed several similar facilities and is familiar with the associated issues without referring them to the Planning Commission.

Based on the above, staff does not find sending this application to the Planning Commission for their review and comment to be a significant benefit to the Board. Staff recommends the Board direct staff to schedule the formal public hearing and review by the Board directly and not refer the application to the Planning Commission.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this to the BOCC and sees no advantage to referring it to the PC.

In favor: Martin – aye; McCown – aye; Houpt - aye

CR 233

Don DeFord asked to continue a discussion that occurred earlier this morning and the Board took public action authorizing the Chair to sign a letter generally granting permission to construct improvements on a right of way that was deeded to the County. This afternoon Don went through Sam Phelps file in some detail and because you took public action this discussion should take place in public rather than in executive session. Don has drafted a letter for the Chair's signature but it's much more qualified than you might have anticipated from the discussion this morning. You'll recall comments from one member of the Board member to the effect that there may not be adequate acceptance of the right of way. Don took a look at that specific issue and indeed the documents that Sam Phelps presented to us in an earlier study do not contain a specific acceptance as Don thought they did. That's an important item. What they do contain are two (2) references to roads in this area in the Minutes of the Board in 1912. One was for a road petition that really has nothing to do with the deed, the 2nd is a very interesting reference, the one that I thought was an acceptance, is in a way, but what it does is it authorizes and directs the County through the Minutes to re-convey part of the property that was conveyed by that deed. Now on one hand if the County accepted right of way, it was losing part of it through that action, and secondly the Minutes do not contain an actual therefore contain an acceptance of the August 1912 deed. Backing up there was a deed no August 12th that was the one that Brandt was relying on, nothing referencing that in the Minutes, there are November Minutes that state that the County is to execute a deed re-conveying property to obtained in the 1912 deed to AOD. It doesn't define the extent of the re-conveyance although it appears to be only a portion of it and because of that confusion of what was accepted, what was supposed to be re-conveyed, Don drafted the letter in a much more qualified manner as to our ownership interest than earlier this morning when discussed with the Board.

Chairman Martin – only identifying that portion of the property that was truly accepted and not relayed to...

Don DeFord – it is simply saying that if in fact we accepted it, we're going to grant you permission, but there is no evidence of that.

Chairman Martin – that will put somebody in limbo.

Commissioner McCown – haven't we in the past denied any possession of that particular road?

Don DeFord – I don't think we have outright a denial.

Commissioner McCown – that may not be the right term, but I think the same circumstances came up the last time we had this conversation regarding the same individual and we could never find where that was our road.

Don DeFord – I think that's right and that's why I went back through it, I've been trying to figure out with Barbara Gold frankly what our position was because the Minutes during 2003 are not crystal clear on what the Board's position was and part of that I believe is because we discussed this and I provided advice to you in executive session, there is not a record of that and that's one reason why I wanted to have this discussion publicly so down the road when this comes up again, we have a record of what we're talking about.

Commissioner McCown – I think any of our roads that have become a part of the County road system as you've counseled us many times have to have some form of acceptance.

Don DeFord and that that's right and that why I went back after that comment was made and took a closer at that issue and there is not in Sam's record a literal acceptance, I will say the deed that the Board said was supposed to be signed doing the re-conveying part of the right of way, that's not in the record either and I think our position with Barbara Gold simply was, we can not go in and prove right of way, we can't prove the old road existence because that goes across private property and would be very difficult to establish – that the tie on the north and we couldn't prove this one because we didn't have a literal acceptance.

Commissioner McCown – and the other one of record that we showed with meandering out across the property didn't make the 90 degree turn.

Don DeFord – the plotting of it by Sam Phelps is showed a great discrepancy in location. So it is possible that in an adversarial litigated position if we delved in the records even more that we would be able to sustain a right of way but based on what is in front of us now it seems our best position is to give qualified permission that is permission to do it but qualifying whether or not it's a road.

Commissioner McCown – and there was nothing in anything you found on how much the County relinquished back to AOD, what portion?

Don DeFord – what the Minutes state, is they relinquish all that part of the road in the SE corner of the NE corner of Section 32; well to find out how much roadway that is you have to find the deed. The deed actually conveyed $\frac{3}{4}$ of a mile starting at the southern boundary of Section 32 running north, so we need to have a surveyor go in there and establish what part was supposed to be relinquished and what part was retained but there are two caveats on that – again we have no literal acceptance even of the original conveyance and we have no deed accomplishing the direction to re-convey it either. It's the usual confusion on a County road and if we had to re-establish that we have to go back, find the records, John's found some of these in the past on maintenance for instance, that type of thing to establish by use and maintenance, that's really the way to do it.

Commissioner McCown – are we creating problem for the applicant this morning by granting them the authority to go forward on the perception that we have some right there?

Don DeFord – that’s why I wanted to come down here and tell you that the letter will state that clearly that we are not warranting that we have any title to that road.

Chairman Martin – right, it makes that applicant who’s requesting that do the research too.

Don DeFord – that’s right and at that point all those records again revealed or researched and nothing will happen until that decision and its brought forward and accepted by the County.

Commissioner McCown – something needs to be sooner than later on the road because it’s impassable.

Commissioner Houpt – I’m sure they’ll end up doing the work on the road.

Chairman Martin – and I think they’d be put into a position where they’re going to take a risk and if there’s legal action it goes to court.

Don DeFord – the parties that Brandt represents also have access through a 30 foot private easement that parallels the Section line, not part of the County Road but their own private easement. So they can establish a road through that easement if they chose, they prefer not to, it’s easier to do it where...

Commissioner McCown – it’s very ambiguous because the entire cross fences on the 10-acre parcels come out to this roadway. I don’t know which side of the road it’s on, and it doesn’t matter but I don’t know if some of the houses would comply with the setback regulations.

Chairman Martin – I don’t think they would lose that much space.

Don DeFord – I just wanted to let you know that the letter will be a more qualified statement on ownership than we discussed this morning.

Commissioner McCown – and this will go back to the attorney or record and then if they feel comfortable moving forward they can.

Don DeFord – and if not they can go forward or do the research to establish the road.

ADJOURNMENT

Attest:

Chairman of the Board

JUNE 21, 2005

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The budget meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, June 21, 2005 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. Others present included most of the Department Heads and Elected Officials.

2006 Garfield County Budget Kick-Off

- Patsy Hernandez reviewed the reports submitted:
- 2005 Budget to Actual and Fund Balance through May 31, 2005
 - Budget Worksheet Report
 - Expenditure Request Worksheets
 - Personnel Costs Worksheet
 - Personnel Adjustment Request Form
 - Revenue Budget Performance Report through May 31, 2005
 - Revenue Budget Worksheet
 - Review Budget Schedule
- Completed Budget Worksheet Report of Operational

Completed Budget Worksheet for Capital Expenditures

Completed Personnel Costs Worksheet

Completed Revenue Budget Worksheet

- Friday, 7-22-2005

- Friday, 7-29-2005

- Friday, 8-5-2005

- Friday, 8-9-2005

Pasty reminded everyone that she will schedule appointments with the budget heads in July to review the first six moths of budget-to-actual data and see if the 2005 budget supplements need to be requested.

Adjourn:

Attest:

Chairman of the Board

JULY 5, 2005

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 5, 2005 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

Special Event Liquor License

Mildred Alsdorf and Christie Castle – Special Event Liquor License – on Friday, August 12, 2005 to co-host a Community BBQ at the Garfield County Regional Airport in Rifle and would like the Board to consider our use for a one-day special use permit to sponsor a Beer Garden sponsored by Creek Bend Restaurant from Noon to 10 pm. Mildred stated she will get all the forms filled out and bring it back to the Commissioners. She was in the office this morning picking up the forms.

Commissioner McCown – the hours the Airport is showing for the Beer Garden is from 3:00 p.m. to 7:00 p.m.

Christie said that will change but she wasn't sure how much.

Dale Hancock – Brian Condie provided Dale with a paper and noted the liquor license thing is not finished just yet.

Bicycle Traffic at Buffalo Restaurant and CR 109

Randy Ross – submitted a request of the BOCC regarding public safety for bicycle traffic starting at the Buffalo Restaurant and CR 109 – riding along side Hwy 82 is the only way for bikes to get from Glenwood to CR 109; he addressed his concern when the Commission gave away the Prehm Ranch right of way. He said if they will sweep the highway once a week to get off all the debris it would greatly help because people are riding on the shoulder with speeding vehicles passing. The shoulder is wide but a lot of debris including dead animals. The second problem is after the turn off of Hwy 82 onto CR 109, the railroad crossing and the paving is terrible. The holes in the pavement could be filled in and made safer. He realizes it is a State Highway but the County created the problem

Chairman Martin – we did contribute quite a bit of money to create a trail between Buffalo Valley and Carbondale across the RFTA Holding Authority's property. That hasn't happened yet, its still under study. Plus also the railroad tracks are going to be torn up and that will be your path. There is a gravel road on the east side of the Highway 82 that you could travel that is real nice and smooth, it's gravel but it is an access road that goes from Buffalo Valley all the way to almost Carbondale. We understand the problem and why we contributed some money to help the trail between Buffalo Valley to be created and Prehm Ranch is out of our hands, its long gone and we'll make a request to the maintenance crew to the Highway Department to see if they can do that but didn't think he would get it weekly. Commissioner Houpt – need to look at the safety issues of concerns right now – RFTA is looking at the trail but that's a long-term fix. We will talk to RFTA and look at the crossing on County Road 109.

COUNTY MANAGER UPDATE – ED GREEN

Ed Green – safety concern – included in the Board's packet a safety concern that Marvin made to the administrative staff on safety improvement at Hunter Mesa with very little cost. They massed resources with Rifle Correctional, materials at the Landfill, etc to solve a potential safety problem for employees and built that stairwell because of the upper level of Hunter Mesa. Ed pointed out the good example of how our Safety Committee is working.

Joint Town/County Meeting

Town of Silt City Council has requested a joint meeting on July 25 in Silt at 6:00 p.m.

Energy Impact Grant/Mountain Family Health Center – Dale Hancock

Dale Hancock submitted the Energy Impact Grant and Mountain Family Health Center for signature between us and the Department of Local Affairs and involves Mountain Family Health Center and this is something that has some prior experience with the Board as far as contracting in effect with a private entity as opposed to the public entity, some prior history between Don DeFord and Carolyn Dahlgren with regard to concerns about the Board contracting with private companies. We did it before with the senior project in Parachute, basically we act as the go-between the public entity and upon execution of this contract the Department of Local Affairs forwards us \$15,000 and then we move forward on buying the hardware to care of the information technology requirements of the Mountain Family business organization.

Carolyn added that this is the same as the senior citizen air condition system.

Commissioner McCown moved to approve the contract and authorized the Chair to sign; Commissioner Houpt seconded; McCown – aye; Martin – aye; Houpt – aye.

a. Garfield County Air Fair – Dale Hancock

Dale stated that the Garfield County Regional Airport would like to sponsor a Fly-In/Air Fair day in conjunction with the Garfield County Fair and the Grand Junction Air Show August 12 and 13, 2005. We will invite Garfield County residents and pilots from around Colorado to join

us. According to the Airport PA zone district regulations any special or conditional use must be authorized by the BOCC.

Dale submitted the events proposed that include:

Friday – August 12 - an Airport BBQ sponsored by DBS Helicopter, Corporate Aircraft Services, AV Tech, Rifle Jet Center, and Precision Aircraft Maintenance
Beer Garden by CreekBend Restaurant
Practice Flour bombing

Saturday – August 13 – Kidspace, Bounce House, Kit Rocket Building, Flour Bombing Competition, Remote Control Aircraft Demonstration

No activities will be scheduled for Garfield County Regional Airport for Sunday; however the Grand Junction Air show will be from 9 a.m. till 4:30 p.m.

Dale stated according to the regulations, it requires action by the Board.

This is a public relations and economic development. Less than \$1,000 –

Carolyn encouraged this brought before the Board – uses by right and only those approved by the Board. None of these documents reference this kind of an event.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the event. Houpt - aye; Martin - aye; McCown - a

b. Joint bridge walkway project with Parachute – CR 300 - Jake Mall

Jake Mall, Marvin Stephens, and Juanita Satterfield were present.

A Power Point was given.

The proposed project is a concrete walkway with a retaining wall from the north end of the bridge over the Colorado River on CR 300. It will be behind the new type 3 guardrail from the existing walkway on the bridge to the intersection of Grand Valley Way. The installation of the new guardrail all but eliminated the existing walkway resulting in a narrow gravel path that was built to replace the old walkway.

The total cost of the joint project is \$35,967.00. By using correctional facility personnel and assisting with the use of a track hoe or backhoe, dump truck, compactor and the funds that the Town of Parachute has allocated, this would still leave the funding for the project \$10,000 short for completion. The Town of Parachute Public Works Superintendent has the experience to supervise the laying of the block retaining wall. Garfield County Road and Bridge would supply operators for our equipment and coordinate the use of the correctional facility personnel.

The request is for \$10,000 to fund the remaining dollar amount needed to complete the project and the use of Garfield County Road and Bridge Department's equipment and personnel to participate in this joint project to provide a safer walk path for both the Town of Parachute and Garfield County.

Jake said this is all owned by the County including the water plant.

Juanita – found out that the water plant was in the County and when they went to get their building permit at that time the annexation of the water plant will be done by the Town of Parachute. The retaining wall with a concrete walkway to the corner of Cardinal Way and you can see they could actually cross Cardinal Way then access and be on sidewalk all along Grand Valley Way. The water plant fence would be at the top of the retaining way which would give them better security for their water plant area as well. They would like to get this done before school starts.

Road cut permit and will be in the County right of way.

Marvin – a shared project and it a safety project.

Primary contractor – Parachute will be in charge of the project and the County will cooperate with the Town.

Don – if someone else is performing work in our right of way – go through the formal right of way use. Short IGA and becomes a joint project for construction. Engineering should look at the plans. Elevation shows a 6 foot wall and gives an indication for potential for failure of the wall. The other question what happens on the other end of the bridge.

Marvin stated there's been space created on County Road 300 and R & B completed a walkway clear out to Battlement Parkway. Marvin said they will proceed with Engineers, obtain their agreement and do an IGA. Define the property boundaries and County Surveyor should define the boundary that Parachute wants to do for annexation purposes. IGA could address that in the agreement and come back to the Board. Budget funds out of Road and Bridge. Construction time – by September 2005. Marvin – 2 – 3 weeks construction time.

This was a specific request coming from the focus groups last year according to Ed.

Don DeFord formulated the motion asking if the Board will direct staff to develop and Intergovernmental Agreement that will require establishment of a location of right of way and provide for construction of the Parachute Bridge walkway project.

So moved by Commissioner Houpt and seconded by Commissioner McCown.

In favor: Houpt – aye; Martin – aye; McCown - aye

c. Ratification of Utility (Sewer) and Road Cut Cost-Sharing Permit CR 117 and 125 – Marvin Stephens

This is a 10:15 p.m. AGENDA ITEM

d. Community Corrections request for position reclassification – Guy Meyer

Guy Meyer submitted the new position description submitted for SSIC Counselor/Program Coordinator for Community Corrections. The position is currently held by John Dent-Romero and is performing the position description and therefore the position needs to be reclassified from a Community Supervision Officer Pay grade 4 to a SSIC Counselor/Program Coordinator, pay grade 5. The current rate of pay is \$15.68 per hour and Guy is recommending \$17.00 an hour.

Chairman Martin said this depends upon the Board and how their view the program. The program has been very successful and it's been growing and Guy went through an entire audit with the State of Colorado and Guy came out with flying colors. He is educating even the State in reference to how to run the program. I was really pleased to see that. Dale is backing him up and added to tie back to what Chairman Martin said about the success levels of the program and the on-going education with our funding sources, in the Division of Criminal Justice and Department of Corrections, we're about 7% above the success rate and we are doing quite well.

Chairman Martin agreed that we are.

Commissioner Houpt – well done.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the request for reclassification. In favor: Houpt - aye; Martin - aye; McCown - aye

e. Update on June 21 meeting with RE-1 regarding library

Ed - The meeting with Re-1 that took place on June 21, 2005 with Re-1 representatives, architect representatives, Commissioner Houpt and Ed Green, two members of the Library Board, and Jaci Spuhler was reported on by Ed Green. The total space requirement is 19,944 with the County portion at 12,377 compared to the current space of 9,567 the approach would be to design and then placement of a construction contract for a dual design – one with school requirements and one design with school and county combined (if we fund). The project would be constructed in 2006.

The cost to the County is estimated at \$1.9 million or approximately \$150 per square foot. The sources of capital would be: \$200,000 from Library capital; \$400,000 from the sale of the facility if the City agrees a DOLA grant and County capital. The next meeting will be held on July 12 to discuss fund raising and an approach to gain support for the concept.

RTA, architect reviewed their design and contract.

The county would have to provide funds for the preliminary design. A concern was RTA's approach describing the facility, two or three floors. Anytime you go multiple floors it cost more.

Design \$130,000 and for the County \$100,000.

Analysis of the capital budget was submitted to the Board.

Commissioner Houpt stated the summary was good of the discussion. This discussion is very important as it is an opportunity to extent library resources and hours of being opened. This is a big sell to the community and we have to readjust the thinking of the public. There are a lot of complex issues but she is a strong supporter of this idea.

Jaci – may have some issues with the other 5 libraries and resources. The Library Board has not had this discussion and will be meeting on Thursday.

Ed said the other concern is if we spend the other \$100,000 on the design, we don't have the money is capital to do anything with it.

Commissioner Houpt – school board is asking for the commitment by the end of August. If we're not committed to paying for the entire project, then the design work would be useless.

Chairman Martin – this is not in our prioritization of projects.

Commissioner McCown – join effort and supports the concept but after looking at this project – it came to us at the 23rd hour and not sure the Library Board wants to encumber funds with this project – badly need to increase the Rifle Library – if we are willing to commit then it sets a very dangerous precedent. This is not the right one for the time.

Commissioner Houpt – it's a fabulous project and ideas are incredible and fit with the future library experience.

Jaci – the project is too fast but it's been a learning process.

Commissioner Houpt – how to draw partnerships in and should be at the on-set of projects.

Ed – briefly discussed the capital budget – this year will be a drain due to the Human Service Facility and spent ½ million to improve the jail for the Sheriff and that combined is around \$3.4 million out of capital for these two projects. Don and Ed met with John Heir and Lee Leavenworth last week to do some preliminary discussions on the joint court/police facility in Rifle. And based upon those discussions it's clear that Ed's blush of a \$1.5 is little light and \$2. million was put in there and that's based on the presumption that we will get maybe \$600,000 from DOLA to supplement that. We are talking about a \$2.5 million share for that facility. One thing that we want to do is to try and combine all of the like interest down in Rifle and that would include moving the Probation into the facility as well. In 2007, 08 and 09 – we're hovering around \$2 million. There's still a lot of work in discussion the dog kennel and that could cost \$1.5 million.

Chairman Martin – that depends upon the design and how many partners we have in that as well.

f. Authorization for signature for CDPH & E Master Contract

Master Contract Program Waiver #154 was submitted for the contract year effective March 15, 2005 and continuing through and including March 14, 2010. Carolyn explained the one contract and then each task orders will have to be approved by the State – it will simply the

A motion was made by Commissioner Houpt and seconded by Commissioner Master to master contract with CDOHE and 05-00137 routing number; agree to do the little contracts under this Master Contract. The scope of work and the money will come in under these task contracts. These will be the new ones.

Don framed the motion saying the Board needs to authorize the Chairman to sign the CEPHE Master Contract.

Commissioner Houpt so moved; Commissioner McCown seconded.

In favor: Houpt - aye; Martin - aye; McCown - aye

COUNTY ATTORNEY UPDATE – DON DEFORD

Consideration of Resolution amending Resolution 05-44 concerned with vacating a portion of public road right-of-way otherwise known as a portion of County Road 352 – Tri-State Generation and Transmission Association, Inc.

The Resolution was submitted for the Board's approval

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution as presented. In favor: Houpt - aye; Martin – aye; McCown – aye

Executive Session: Litigation Update; Legal Advice - Barrett and EnCana and Windsor Energy; Code Enforcement Issue and two Road Items – legal advice; SS Contract

Jan Shute, Carolyn,

Another request for wells and lease agreements from EnCana

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:

Contract – Don requested authority for the Chair to sign a contract with New Hope Treatment Center for Placement purposes.

Commissioner Hought – so moved. Commissioner McCown seconded.

In favor: Hought - aye; Martin – aye; McCown – aye

Travel Expenses

Don stated there was also travel expenses not to exceed \$2000 and Chairman Martin asked if that was accepted in the motion. Commissioner Hought – so moved. Commissioner McCown seconded. In favor: Hought - aye; Martin – aye; McCown – aye

Current Litigation – Barrett Resources Inc.

Don stated this is set for hearing in front of the OGCCG on July 11, 2005 and the County has intervened in that case and have now received reports from COGGC staff and our advisor Dr. Jeffrey Thyne and asked the Board to direct Don in a general sense on how to proceed with intervention.

Commissioner McCown said he would like to see us move forward with the stipulation as proposed incorporating the Barrett drilling plan, the recommendations of the staff COGGC and of our expert witness Dr. Jeffrey Thyne all be incorporated into the stipulations agreement.

Commissioner Hought – seconded. It's important to state that this motion in no way disregards the seriousness of the moratorium area or the hydrological study that is being planned and conducted and actually the plan will enhance the capability if everything is agreed to will enhance the capability of generating information for that study as well and will be monitored very closely.

Chairman Martin – understanding also publicly that the moratorium area was for one drilling operation which was EnCana USA not the others but again they agreed to take in all considerations of new drilling operation and follow everything that the three entities have discussed and agreed upon, so hopefully it will be successful and each well will be monitored individually and reported back to the County.

Commissioner Hought – depending upon the outcome of the hearing.

In favor: Hought - Aye – Martin – aye McCown – aye.

COMMISSIONER REPORT

Commissioner Hought – Roan Plateau – July 13; EAB on Thursday, and Sustainable Conference in Aspen on Friday from 9 – 4; Meeting with Glenwood next Tuesday 7:00 a.m. at City Hall; Roan Plateau on Wednesday – NACO conference in Hawaii and she will be gone from the 14th – 24th.

Commissioner McCown – today from 5 – 8 pm a going away BBQ for Dave Silvius at the White River Forest Service in Rifle; tomorrow meeting at the Henry Building with the representative Jill Davis from Shell who is their public relations person for the Shale Project; and Tuesday, City/County meeting and BLM meeting on Wednesday, and on Thursday, Associated Governments.

Chairman Martin – Correspondence with the Conservation Districts – a letter to look at, also that there's going to be meeting at the New Castle Community Center 6:30 – 8:00 pm on July 26 to discuss the current issues – a lot to do with money. Water Issues in Hinsdale County, Lake City deals with Club 20 and the Water Issues we have down there. Memo from Mayor Hickenlooper to be there Thursday, July 14 at the Greek Theatre; letter MOU re: State of Colorado Division of Works – TRAF; Library Meeting on July 7, at 6:00 p.m. in Silt; Request from EnCana about 14 more wells that they wish to do 680 acres that we need a lease agreement with which we don't do. Proposed locations on some new wells on BLM and they're asking input from the County. Travel to Richfield, Utah representing the County with the BLM on Cooperative Agency Status and trying to encourage all the other Utah Counties to be involved with BLM and not look at them as enemies but as part of another government. Colorado Counties – need answer on how the Counties which to implement an increase in Emergency Fire Funding, shall we do it all in one year or over the course of two years? The amount Garfield County will be assessed at \$13,559 over increase in one year is only \$34,000.

Commissioner McCown favored to budget for next year and pay it all at once.

Commissioner Hought agreed. All agreed.

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 Acknowledgement of Satisfaction of Subdivision Improvements Agreement and Reduction Certificate Number 4 for the Blue Creek Ranch PUD.
- f) Authorize the Chairman to sign the Acknowledgement of Satisfaction of Subdivision Improvements Agreement for Phase I of Filing 4B of Oak Meadows Ranch Subdivision. Applicant: Oak Meadows Development Corporation – Fred Jarman
- g) Authorize the Chairman to sign the Final Plat and Resolution for the Rhoades Exemption. Applicants: Richard and Karen Rhoades – Fred Jarman
- h) Authorize the Chairman to sign the Final Plat and Subdivision Improvements to Agreement for Phase 2 of Filing 4B of Oak Meadows Ranch Subdivision. Applicant: Oak Meadows Development Corporation – Fred Jarman
- i) Authorize the Chairman to sign a Resolution concerned with the Amending The Garfield County Zoning Resolution of 1978 by Zoning District Text Amendment to delete the term "Access Routes" from Sections 3.01.03, 3.10.01, 3.10.02 and 3.10.04 – Mark Bean
- j) Authorize the Chairman to sign a Resolution concerned with Amending the Garfield County Zoning Resolution of 1978 by Amending Zone District Text Amendment to adding Section 9.07, Development Plan Review for Pipelines and Section 2.02.431, Pipeline and adding the term "Pipeline Subject to Review and Approval Per Procedure and Requirements of Section 9.07" to Sections 3.01.01, 3.02.01, 3.37.01, 3.10.01 Uses by right, 3.10.03 Uses by right, 3.10.01 Uses by right and 3.10.01, Uses by right, Deleting the Term "Pipeline" from Section 3.01.03, 3.10.01 Uses, Conditional, 3.10.02 Uses Conditional, 3.10.01 Uses Conditional and 3.10.04 Uses, Special – Mark Bean

Item f will be considered as will item j for discussion, remove b and c.

A motion was made by Commissioner McCown to approve the consent agenda absent items f and j, b and c. Commissioner Houpt seconded. Motion carried.

Item j – Pipeline Regulations – approved in a previous meeting and since that some issues were raised and came out during the meetings that she had with the COGGC on the noise regulation and thinks it is really important to revisit this regulation to make sure that we reinstate our authority to regular compressor stations since that really is the norm; every other county is regulating compressor, atheistic, noise and sees this is a very different issue than pipelines, and when we started this discussion, it was very different than what we ended up – to have compressor stations in this regulations takes away our review. Like to have us take more time as to what we want this regulation to be. We were given the size and length and work with that but not willing to have this impact of compressor stations and asked that we take this back to the table to spend more time on this and talk about whether this is important as to whether we should regulate compressor stations.

Chairman Martin – EAB board supports this, we’ve worked 2 years, and citizens have been involved. It has taken us 2 years of coming together and the issues Tresi is bring up following the rules noise abatement, specific hours, hours of talk and give and take and let it play out.

Commissioner Houpt – a number of compressor stations – determines the size and type – this regulation changed dramatically and I though I had asked the right questions and though we would still be able to regular the compressor stations and we have a responsibility to retain – it’s our responsibility – other counties have maintained and surprised we weren’t and not willing through a pipeline regulations to regular a compressor station.

Commissioner McCown – asked Tresi what she wants to see at the end of the day, are you wanting to change the overall development plan review requirements so its for every pipeline of every size, because clearly the permitting of the compressors under the purview of the overall developmental plan review. Once a pipeline qualifies the compressors are a part of it and the placement and all of that, so you want to change what a pipeline is.

Commissioner Houpt – I’ll like to take compressor stations out of this regulation.

Commissioner McCown – just leave pipelines alone. Your concern isn’t pipelines.

Commissioner Houpt – no, keep pipelines in this regulation.

Commissioner McCown – so everything greater than 12” and longer than 5 miles or anything under size you’re okay with.

Commissioner Houpt – no I’m not but I said I would live with that, let me state once more what I said that I’d be willing to do. I said that that the size is a fairly arbitrary size or it may have a greater impact on this county than we think but I would be willing to live with that, I want Compressor Stations taken out and I want us to regulate them the way every other county does in this State which is through a SUP separately from pipeline regulation.

Commissioner McCown – every County does that?

Commissioner Houpt – all of the Counties that are being impacted by oil and gas.

Commissioner McCown – I don’t think our neighbor to the north, Rio Blanco does, they do theirs by this developmental plan review.

Commissioner Houpt – well I’m just going by what the COGGC told me and what Weld, LaPlata does.

Commissioner McCown – are their compressor stations an administration review?

Commissioner Houpt – no, they’re SUP.

Commissioner McCown – so everyone is held before their BOCC. The Planning Department does not issue those?

Commissioner Houpt- no they do SUP.

Chairman Martin – well I think we do cover the processing.

Commissioner Houpt – what about these two compressor stations that we have on our agenda later today that indicate very clearly in the staff memo that they would not fall into this regulation if adopted because of the size and length of the pipeline so we would have no authority to regulate them, so its not covered.

Carolyn Dahlgren – Ms. Houpt are essentially asking that the compressor stations not to consider appurtenant to the pipelines?

Commissioner Houpt – yes.

Carolyn – that they pulled out and there would be a separate set of regulations?

Commissioner Houpt – yes. Whether that ends up being administrative or through SUP process, that we can discuss later but I don’t think that’s its appropriate to keep it in this regulation that’s supposed to be dealing pipelines. So would you be willing to pull this.

Commissioner McCown – yes, I’d pull it but I think you’re discounting a tremendous amount of work by our Planning and Zoning Commission and a lot of hours of work by staff. I think you’re basically not giving them any credit from having reviewed this and looked into possible situations but we can pull it and send it back to them.

Commissioner Houpt – I’m not convinced this would be.

Commissioner McCown – that’s where this document came from was a culmination of those people at your recommendation to send it to them. So this is another one of those "be careful what you wish for" situations.

Commissioner Houpt – I’m not getting the impression that was –

Don DeFord – let me suggest there are really two actions you’re considering: First, is to take it off the Consent Agenda. That you’ve done. Secondly is there a motion to reconsider the action that was taken, if there is, then it goes back first to the Board of County Commissioners to reconsider what you did that has to be the subject of a publicly noticed hearing if you’re going to take anymore statements or testimony as I assume you would.

Commissioner Houpt made a motion that we reconsider the pipeline regulation.

Commissioner McCown – second.

In favor – Houpt – aye Opposed: Martin – aye; McCown – aye

Don – that effectively means the action will not be reconsidered so the next step is you need to move forward or not with approval of the form of Resolution.

Chairman Martin – and again to qualify my position is that I want to honor all of those that did all of the work for two years of putting that together. I think we need to allow it to work and see if it is going to work and if it isn't then it's the responsibility of this board to come back and make those changes in front of the public but I think we need to put it into play before we change it.

Commissioner Houpt – there were many, actually some very significant last minute changes made to that regulation that I don't think we were adequately educated on.

Commissioner McCown made a motion that we approve the Agenda Item J. Chairman Martin seconded. In favor: McCown – aye; Martin – aye; Opposed: Houpt – aye.

Item h – Oak Meadows

Jan Shute and Diane Delaney were present.

Jan Shute – there are two things we need to focus on: one is Subdivision Improvement Agreement – there were a couple of changes that were made since it was presented to the Board. 1) changes to unify the reference to the subdivision so those changes were made throughout the document so that it says, "Oak Meadows Ranch Filing No. 4 be Phase II as opposed to a subdivision and there were some other things (Jan had copies of the corrected and the original signed by Ms. Delaney); the other amendment we need to do to the packet you received, was a deed that was going from the developer to the Homeowners' Association for the roads – that needs to be taken out of the packet, there reference to make those roads public roads and that's how it needs to stay, if we did the deed to the Homeowners Association essentially that would turn into private roads. Those were not approved at Preliminary Plan so we'll remove that quit claim deed for the roads.

Commissioner McCown made a motion to authorize the Chair to sign the final plat with the changes as stated to the SIA referring to the Subdivision as Phase II and the removal of the quit claim deed transferring the property from the developer to the HOA and still declaring those roads public roads and the quit claim would come out of the packet. Seconded by Commissioner Houpt In favor: Houpt – aye; Martin – aye; McCown – aye.

REGULAR AGENDA

PUBLIC HEARING:

DISCUSSION OF STATUS OF C.R. 304 AND COUNTY ROAD MAPS – DON DEFORD

Don DeFord and John Savage were present.

John Savage stated he was representing Larry Klebold owner of property on County Road 304 (Pete and Bill Creek – Section 35, T, 7S, R. 96W), asked him to represent him regarding correction of Garfield County maps that erroneously depict the extent of CR 304.

Garfield County Map 1, revised 11-04-03 erroneously depicts CR 304 as crossing the Klebold Ranch and continuing to the east and north across Section 36 and into Section 25, Ex. Q, except from Rev. 9: 8-18-2004). This map erroneously depicts a private road, recently constructed by Tom Brown, Inc. pursuant to an agreement with Mr. Klebold as a county road.

County Road 304 has never been anything more than the driveway access to the property now owned by Mr. Klebold. It has never provided any access to any other properties or any public lands.

Exhibit J is the recent survey of the Klebold property showing road locations. Note that the survey reference to "an existing road" refers to the road constructed by Tom Brown, Inc. in the late 90's, not the existing CR 304.

John Savage - Remove the County Road 304 from the County map. Handout: Print out of the first page of the index of the GIS site and a couple of maps from the site.

Discussion:

Don – explained what this map he handed out is. It shows on the caption that this is the weight restriction map however when the BOCC adopted the new road regulations one of the things they did was specify what they would call "County Roads" and that is still not county primary or secondary roads but met the definition of County Roads under that Resolution. In order to do that they actually by Resolution adopted this map even though it says weight restriction, the action of the Board was to adopt this map as the one that specified County Roads and you'll see CR 304 depicted down on the lower left hand site south and west of Parachute and in its fullest extent that Don has seen it and he's seen varying depictions of the road. This map was in front of the Board because this is the map that the Board has adopted as its official map. It was adopted 2002 beginning 2003.

A couple of other maps showing the problems; the adopted in 2002 and it shows CR 304 similar to the one John Savage has handed out in terms of the extent of CR 304. It shows it ending just before the Section line. This is the map Don had in his office as the most current map entitled County Road Map and HUFT map. It shows CR 304 to its fullest extent again. The road inventory with the HUTF map shows CR 304 is an un-maintained public road, and that's consistent with the 1999 road inventory that was also in Don's office that shows it has an unmaintained public road, although be it the distances are different. The un-maintained status of this for the Road Inventory was for the full extent of the road, not just that portion beyond the Section line. And in discussing this with Marvin in his many years with Road and Bridge that this road has never been maintained by the County.

Marvin stated this is correct.

Don wanted the Board to have all the facts and publicly so it will be a base for discussion.

Commissioner Houpt – it's been considered a public road to the full extent that we see in two of these maps, or just to that smaller portion?

Don – the current inventory shows it as a public road to the full extent. The 1998 road inventory shows it for 1.43 miles which is shortly before Bill and Pete Creek.

Commissioner McCown – would this map match that don't show it in their entirety?

John Savage – Yes, approximately, those numbers are real.

Chairman Martin – the reason that came about was when we contracted to have someone with their GIS drive every road until the road ended in 2002 and 2003, if there was not an actual stop of the road he continued to do so and that's what plotted it – it didn't have any recognition of what was the private entrance or include driveway, etc.

John Savage – in many instances this is a viable resource and hate to see the County shut down, get sensitive about the GIS information assessable to the public on the website because we have these little glitches. This is a wonderful resource for the County to have – many instances that you may want to know there is a road there i.e. fire department. Whether it's a private or public road or if you bust a gate to get through it that's another issue and that's what we're wrestling with today. Each of the maps has a big red disclaimer on it says, do not rely on this for but for instance this morning the map on the GIS site that says County Roads, although we've apparently adopted another map that shows this road which is the old configuration. Not debating about vacating the road or anything else and not debating CR 304 which has been nothing more than the access to the Hayward property. CR 304 comes off and climbs up the Mesa here. This is an issue because a couple of years ago, Mr. Klebold made an agreement with Tom Brown to let them use part of that old road and then build a new road across his ranch to give Tom Brown access into Pete and Bill Creek, the south half of Hunter Mesa and the north half of Hunter Mesa rather than and it came up when Tom Brown did that original 10 and 20 acre spacing application for the area around Battlement Mesa. They did this so they could access that whole area without coming through the Battlement Mesa PUD. So they access from the Una Bridge the back way. John pointed out on the map what was in his report.

The current depiction and the request is for some clarification be made to the extent of the public road be made, direction today to the GIS folks to make clear the claimed County Road is the road claimed on old county maps and not the road made by the GIS folks – the originally access given to Tom Brown consisting of 1.43 miles. The road ends on private land until 2002 – 2003. Mr. Klebold

CR 304

Commissioner McCown – no problem with what they are requesting, its not jeopardizing access to any public land and John Savage sat on the Access Committee with me and numerous other entities and this road never came to light in the Access Committee as far as granting access as far as granting access to public property. I think it's kind of a clerical error and clerical repair on our part and asking Rob to make ensure that the remainder of that portion of the road goes away on all the maps so that there's not a presumption that it does exist.

Commissioner Houpt – so it doesn't actually go beyond CR 304.

Don DeFord – Back to the first map handed out to you, the more formal approach would be for a motion authorizing alteration of the weight and bridge restriction map the County adopted as its County Roads.

Commissioner McCown – but we wanted to reflect the length of the road as depicted on the base map.

Commissioner McCown so moved. Commissioner Houpt seconded.

Rob Hykys – GIS - over the years we've approved a whole series of maps, we've got weight limit maps, we've got snowplow routes, not to mention HUTF and every other road map, I think what we need to do and like to propose that we do at our next cycle in January or February when I come back to you with these maps, is we base all maps off one geography and that would be the HUTF map. At that time we should also re-approve each year every other map the weight limits, the snowplow routes as a set driven from that one geography instead of having separate maps, which is part of the problem too, we don't update them every year. It hadn't appeared to be necessary.

Commissioner McCown – I don't have a problem with that Rob as long as we can clearly define, we have County Roads that are clearly County Roads that we don't get HUTF funds, so if all we're showing on our map is our HUTF fund roads, it will not depict all the County Roads.

Don DeFord – which is why I've asked the Board to adopt a primary and secondary map, which is literally what the Statutes require.

Chairman Martin – we're trying to get there but there are so many ins and outs.

Don DeFord – there are but I really think for the vast majority of County Roads its not a difficult task, there will be some that the Board's going to really have to go out on the ground and look at them – the vast majority its not that hard to delineate roads we all know are County Roads for the last 100 years.

Commissioner McCown – I agree. We need to incorporate an official map into one map but I'm not sure HUTF is the map.

Commissioner Houpt – primary and secondary.

Don DeFord - primary and secondary map is what State law requires.

Chairman Martin – there is a motion on the floor. In favor: Houpt – aye; McCown –aye; Martin – aye

Chairman Martin – now Mr. DeFord I think we do need to open up that discussion again and establish the primary and secondary roads as well as the HUTF.

Commissioner McCown – in conjunction with our travel plan that LLC is doing and they've come up with so many onerous roads that they're going to have to go back and start at ground zero coming up with roads on theirs so we're not there yet but maybe we will be.

Don DeFord – I think Rob's timing is well taken, first of the year would be a good time to get some closure on a single County Road map.

AUTHORIZE THE CHAIRMAN TO SIGN THE FINAL PLAT AND SUBDIVISION IMPROVEMENTS AGREEMENT FOR PHASE 1 OF THE SPRINGRIDGE RESERVE PUD AND TO AUTHORIZE THE CHAIRMAN TO SIGN THE ROAD AND BRIDGE DEPARTMENT ROAD CUT PERMIT FOR CR 117 AND CR 125. APPLICANT: DEER PARK, LLC – FRED JARMAN AND CAROLYN DAHLGREN

Fred Jarman, Carolyn Dahlgren, Lee Leavenworth, Kathy Ferman, Pat Fitzgerald and Yancy Nichols were present. Carolyn passed out new information: The SIA has red lines and strike outs for the Board to tell then topics that need to be discussed; the next set is the actual construction permit and the special conditions for County Road 117 and

County Road 125 where there is cost sharing between developer and County; the next set is just County Road 125 for that section that would be handled in the usual fashion of Road and Bridge permits – there's no cost sharing in this next one and last formatted for easy comparison is the alternative paragraph 22 where the developer is asking you to use the letter of credit more like is done under our land use where there's a letter of credit with partial releases, the first document that includes the cost sharing on 117 and 125, she followed your directions and drafted it in accordance with your road regulations which require security to last through the two-year warranty period and there are no partial releases. So this last paragraph would go with both those documents should you decide to approve partial releases.

Lee has a copy of all documents handed out.

Exhibits – A – Letter from Leavenworth & Karp, P.C. dated 5-20-2005 regarding water storage easement; Exhibit B – letter from Leavenworth & Karp, P.C., dated 6-29-2005; regarding Springridge Reserve, Phase; and Exhibit C – letter from David H. McConaughy from Leavenworth & Karp, P.C. regarding Final Plat. Fred added two more not in the staff report, Exhibit D – which is email from Mark Kadnuck to Mark Bean dated July 1, 2005 and a second Email Exhibit E – from Louis Meyer to a variety of folks, Mark Bean included, dated July 1, 2005.

This is a Final Plat Approval for Phase I of Springridge Reserve PUD by Deer Park, LLC represented by Leavenworth & Karp / Patrick Fitzgerald located on the "Greenwald Property" on Dry Park Road (CR 125) approximately 1 mile from the intersection with Four Mile Road (CR 117) in the Dry Park Valley.

As you will recall, the Board of County Commissioners (the Board) approved a rezoning request of the Greenwald Property (the Property) from ARRD to PUD on May 27, 2003 which is memorialized in Resolution 2003-77. This approved a site specific development plan which provided the appropriate zoning on the Property to 1) allow a subdivision of 150 acres more or less into 81 residential lots referred to as a the "Residential Area" and 2) to designate approximately 308 acres more or less of the Property as open space to remain undeveloped and defined on the PUD plan as a "Reserved Area" which has since been placed in a perpetual conservation easement held by Aspen Valley Land Trust. Subsequently, the Board approved a Preliminary Plan for the Property on December 6th, 2004 which is memorialized in Resolution 2005-11. The development was approved with the intention of completing the platting of all lots within 4 phases. The final plat for Phase I is the subject of this memorandum.

The Applicant submitted a Final Plat application for Phase I which includes the platting of 27 residential lots, all of the open space, construction of associated roadways, water system, wastewater system lift station to serve the 27 lots, and the platting and improvement of the emergency access road to Springridge Place.

As a result of the final plat review, Staff finds the application has satisfied the requirements for a final plat review with the exception of the following three areas which need the Board's specific attention: 1) the Springridge Place Augmentation Pond, 2) the Road and Bridge Road Cut Permit, and 3) Condition No. 4 of Resolution 2005-11. These items are briefly discussed below.

1) Springridge Place Water Augmentation Pond

As part of the land use approvals granted by the Board for Springridge Place, the developer was required to provide a Warranty Deed for an easement for an augmentation pond which would serve as a component of the legal water supply. Since the developer was successful in obtaining an approval for a Water Allotment Contract with the West Divide Water Conservancy District, the pond was no longer needed and was to be deeded back to the Greenwald Trust.

Upon the most recent title search conducted by the Applicant, it became apparent the County still retains ownership of the Warranty Deed (attached hereto). Since the Water Allotment Contract with the West Divide Water Conservancy District was approved, there is no need for the pond. As a result, the Applicant requests the Board vacate the easement by deeding back to the Greenwald Trust. The Applicant has provided a letter illustrating the details of the request which is attached to this memorandum. (*Exhibit A*)

2) Road and Bridge Road Cut Permit

As you are aware, the Applicant proposed to place their force main in the County right-of-way from the Property to an existing stub main located in the County Road 117 near Four Mile Ranch Subdivision. In order to do so, the Applicant was required to obtain two road cut permits as the line would travel in the County right-of-way of CR 117 and CR 125. The forms for these two permits will occur in the following manner:

- A) Road Cut Permit for CR 125 and CR 117 to be signed by the Board because it includes a cost sharing component between the Applicant and the County where the County's obligation includes paying for asphalt and striping of CR 117 only.
- B) Road Cut Permit for CR 125 is a standard form only and will be signed by the Road and Bridge Director.

3) Condition No. 4 of Resolution 2005-11

The Applicant has satisfied all of these requirements of the Board except for the following condition of approval of the Preliminary Plan (No. 4) required by the Board in Resolution 2005-11 which is provided here:

- 4. ***The Applicant shall provide the Colorado Department of Public Health & Environment (CDPHE) with a site application and plans and specifications in order to obtain approval for the lift station that will connect to the City of Glenwood Springs wastewater system. Approval of the system by CDPHE shall be provided as part of the final plat documents. The Applicant shall obtain approval from CDPHE for the domestic central water system serving the development. Approvals by CDPHE shall be submitted as part of the first final plat application to the County Building and Planning Department.***

Staff provided a final plat review letter to the Applicant dated May 5th, 2005 which pointed out the fact the final plat application did not include approvals by CDPHE for the lift station or the central water supply (See *Exhibit C*). Further, Resource Engineering provided a letter dated June 14th, 2005 pointing out that these same approvals were also not included in the final plat application. At present, the Applicant has not obtained an approval from CDPHE for the lift station or the central water system on the Property. Therefore, this condition required by the Board has not been met and the application remains technically incomplete. Given this, the Applicant has provided a letter requesting the Board take certain action on the final plat even though this condition has not been met. See the letter attached to this memorandum. (*Exhibit B*)

Knowing they do not have these approvals in hand today, ask you to sign the SIA and Mylar for the final plat and then have the Clerk & Recorder hold those and that gives the assurance that their folks need to begin their project. Fred said that same assurance you would think would come with the road cut permit should the BOCC chose to approve that as well. The other component to this because the County's involved with some financial component to the road, the construction season is a short one and there's a serious interest in getting this going so the school buses would have any conflict with road construction, etc. Those are the specific requests before the Board today.

Applicant:

Lee Leavenworth – there is one slight modification to what Fred said in terms of what we're asking for, we believe we do not need CDPHE approval for the existing water system to serve Phase I and Yancy Nichols will address that. The plat would not be recorded until CDPHE has approved the lift station but not the water system; we would agree not to construct any of those improvements which are secured by the \$4.1 million dollar letter of credit until that approval is forthcoming. But Phase I can be served from the existing permitted system. And at the end we'd also like to talk about the financial security and partial release provisions as Carolyn Dahlgren indicated in the right of way permit special provisions. There are really engineering issues and turned it over to Yancy.

Yancy Nichols, Sopris Engineering – start with the water – basically the state requires a plan approval whenever you add or change a water source to your treatment and add storage. The system permitted by the state was designed to service part of the project but we have to do modifications because of the site plan and the water well tank and treatment wouldn't be needed until future Phases in the subdivision so we feel the existing permit that's approved by the state is adequate for the water system. You can add lines and lots onto a permitted public system.

The sewer system – received Louis email this morning, the system is designed to service the whole area and allow Sunlight I and II to tie onto it. Maps clarify this and we worked with several designs with Glenwood to make sure we serve the needs of the whole area while we got the road under construction. Passed out maps to the BOCC.

Letter to Fred last Friday night stating it meets the Code of water systems.

Glenwood Sewer System ends at Four Mile Ranch at the north end and they are proposing a gravity system up the Four Mile Road all the up to what he called the Bershenyi red barn very close to the right of way and then its force main on up through Four Mile Road to Dry Park Road down into the project where we're building the lift station. My coordination with the City of Glenwood springs, they're trying to look at this whole area on future development if septic systems fail or Sunlight View I or II would need to vacate their sewage treatment plant and want to go to Glenwood and they worked through sizing the 10" Bershenyi barn in our trench which is part of the road cut permit before you today is a 4 " lines down to where Zilm's future lift station would be, tie on and added another 3" force main from that point all the way up to Dry Park Road, that way is some of these septic systems start failing they could tie on without interrupting Spring Ridge.

Lee said in order to be clear, this developer is going to install those additional force mains as part of their public improvement so that while the trench is open the benefit can occur and then if they want to hook on later the pipe would be there to build a lift station and hook onto.

Yancy - They would have to get an agreement with Glenwood Springs and be able to tie on. What we did with the city is we looked at whole area and sized it including the Bershyni Ranch because Elk Meadows is out there and went ahead and added some density that was higher than what Glenwood anticipated in the original planning and that's 575 BQRs in the general area.

Lee – asked if there was any consideration of a gravity line from Spring Ridge to the Bershenyi property?

Yancy – yes, they looked at several alternates trying to eliminate the lift station and gravity all the way to Glenwood and because of right of way, lots, and issues with neighboring properties this didn't pan out. In working with the City, this is the best system that allows everyone to tie on if they want in the future.

Pat Fitzgerald – historical perspective on sewer line, Sunlight View, when we started this process 5 years ago we'd been turned down by the County for a project of higher density operating on 132 lots on septic tanks and realized with that turn down we had to have access to central sewer and at the owner's direction we put everything on hold for a year while Pat had discussions with Dr. and Mrs. Zilm and we couldn't get any concession even if we paid for sewer lines through Sunlight View that they would give us right of way at that time. Finally they had to look at alternate and more expensive ways to do this. The City of Glenwood has the same concerns that Louis Meyer brought up about making sure you are serving the wide area and that's why Yancy has designed this to take in every piece of property down through there whether developed or not so we looked at if somebody had 40 acres that was undeveloped, we said under the comp plan it could become x number of units and sized everything for that. As recently as this spring, Yancy and David McConahey of Lee's office sat down with Sunlight View HOA officers and they asked what we are doing and can they participate and we said yes, we've got this set up for them to hook in and described how it worked and laid it out on the table. They never got back to us again because when Yancy refers to financial aspects, look we had to pay tap fees to the City of Glenwood Springs and assume you would have to pay tap fees to the City as well with a range of \$3000 to \$4000 a house. And the president of the HOA comment was we have people that aren't even paying their sewer bills right now and didn't know how they could ever make that work. This is the overview on the history of Four Mile road and sewer.

Yancy – we'd love to get the Four Mile Road repaved as soon as possible this fall and if we keep losing a week and there, there is a risk we won't make it all.

Exhibit F – the memo

Exhibit G – the map

Pat – the road completion issue, we are inches from having the sewer lift station permit with State of Colorado and asked the BOCC to sign the plat and put on hold with the Clerk & Recorder. Even if you give us the road permit we don't feel comfortable going forward and tearing up Four Mile Road not knowing where we are on the plat and we need to tell the contractor okay to put the sewer on the road. Once you start you've got to do it all, you can't say we'll try 100 feet of this and see what happens with the County. It's a do the road or don't do the road if they want a fall completion.

Lee – in your conversations with CDPHE did he tell you that his boss who's the only person who can sign a lift station approval was on vacation?

Yancy – correct, through McLaughlin correspondence our understanding is that Kurt was done with the review and it was on his boss' desk for signature and he was on vacation; felt that he would sign it sometime this week and it takes to July 15 to get the paperwork back out.

Commissioner Houpt – Fred asked if he would respond on the water system – is it sufficient and no need to wait for the state.

Michael Erion – Resource Engineering – the issue at hand is one that relates to Condition 4 of the Resolution that they would have the approval from the state for the proposed improvements at the first final plat. What they've indicated and what I believe to be true is that the existing approved and permitted system is capable of serving the 28 units in the first final plat, which would be had Condition No. 4 not been in the Resolution we would go to Subdivision Regulations which at final plat require them to show evidence of compliance with all State requirements for the water system. So absent Condition No. 4 they would be able to come here at first final plat and show that they are in compliance with the Subdivision Regulations that there 27 or 28 units can be served with a system that is approved and in compliance with state regulations. The issue we have here is your Condition No. 4 of the Resolution which says "at first final plat" they'll have the approval. And the reason they need approval is they will build everything up front which includes a new water source, an additional well, at requires they expand their treatment and of course they're doing a bigger tank to serve the ultimate build-out so that's where we're at. For the units being served they can show compliance with the Subdivision Regulations which especially that's 5.31. (e) and so it just gets down to Resolution saying one thing differently.

Carolyn – the PUD Resolution require the development of the second well and the second tank shall be tied together to provide backup provisions for both SpringRidge Phase I and Phase II, are you saying they're going to be built but they don't have to be built in order to serve the first Phase?

Michael Erion – correct, yes.

Fred – but to be clear, all of these improvements, the water tank, the treatment, the secondary water source, were always contemplated proposed for Phase I and assured with the SIA and bonded, etc.

Michael Erion – right and they are bonding that and continuing to construct it and the County will have the security for those improvements to be constructed.

Carolyn – then they won't get the State approval of that until the next Phase?

Michael Erion – no, they will build it with this as soon as they get state approval which Yancy anticipates later this summer.

Lee – asked Yancy to describe the domestic water approval process, is it something that can get denied or is it.

Yancy – no, especially with an existing system, I don't believe the state could deny it in any aspect; they may just tweak the type of treatment or design on the system itself.

Lee – David McConahey artfully phrased Condition 4 because we believe it should be read in connection with your subdivision regulations; our intent was to comply with your subdivision regulations and to the extent that Phase I doesn't need CEPHE approval to connect we would like to connect and we would like to be record the plat, we'll go ahead and get the approvals, we have a \$4.1 million letter of credit to secure the construction of it and asked for two changes in the proposed SIA, one is the deletion of the requirement for CDHPE approval of the water system prior to recordation of final plat and instead say, those facilities will not be constructed until that approval has been forthcoming and then obviously we would wait until the site application has been approved before the final plat. The other issue to discuss relates to the road project as Pat Fitzgerald, we need to get going and this is the concern. The last thing to discuss is we have already received approval from WestStar Bank for the \$4.1 million dollar letter of security and it includes the entire road right of way permit. We really don't want to have to go back and get a separate or another letter of credit for the road right of way permits and thus proposed this alternate language. It was also our understanding that you have not in the past enforced the regulation requiring security for two years. To the extent you're going to start doing that to everybody that's fine, we'll live with it, we would like the ability to leave the SIA letter of credit in tact and then when we're done and you're willing to accept it, we'll provide a substitute collateral performance guarantee letter of credit for that two year period at that time. We'd be happy to work with Carolyn to change that but we understand that in the past you haven't been requiring security for the warranty period. Carolyn – we haven't had this kind of combination of use and road regulation issue come up, that alternate paragraph 22 does allows the partial release just like under the SIA and in fact refers to the SIA provisions, but as explained to Leavenworth and Karp, I don't have the authority to vary your road regs.

Lee – willing again to modify that to prefer any release related to the road work, we just need to decide what that number was so that you always had a letter of credit in effect for the full cost of the road.

Carolyn – the Commissioners may just be willing to go with the SIA language and not require security through the warranty period because you have agreed to allow the County to ask for an assignment of the warranties from the contractor.

Lee – pointed out that we have a multi phase project here, the warranty on this road will expire before we're done talking to you and you have a big hammer on us.

Carolyn – one more follow up question on the sewer – we have the email from Mr. Meyer talking about the Zilm property, we have the late afternoon Friday email from the State which seems to say something a bit different from what Yancy heard from the State, Mark is saying he has not approved the site application yet and he's concerned about consolidation, so the question is what happens if the State uses its hammer and says no we don't like the way you've got it designed now, we want it designed some other way, might we end up not needing our County road? Where you end up running your sewer line across private property.

Lee – first the State may not understand what we're offering to do and just so everyone is clear, the existing line ends at Four Mile Ranch Subdivision, we're going to take a 10" gravity land up to approximately the barn and it's all down hill from there and it is sized for this entire area, to use that piece of pipe. We are then going to install a force main up to a lift station to serve our development to allow the other areas to be able to connect a lift station, we are installing at our expense a force main that would allow this side of the road to connect at the logical place or lift station that would serve this area by gravity and we're doing the same thing on the other side to so we're putting that pipe in our trench and it will be ready to be connected. How long are those sections?

Yancy – they all vary but the 4" to serve the Sunlight sewage treatment plant is about 1,000 feet long and the other 3" almost 6,000 feet that would serve everything west of Four Mile Road. Lee – remember, the only gravity location runs through Sunlight View, Sunlight View didn't have, they have an operating system and although they could have granted us easements, they also in addition to paying the tap fees which they didn't have the money to do and particularly with an operating system, they would also screw up their water rights because now they would be discharging to the Colorado River instead of Four Mile Creek and it would be a \$20,000 to

\$40,000 water rights case and a couple of years to switch that all over and augment Four Mile throughout its entire reach. So we're confident to the extent that we need to explain to the State a little better, we can do that and proceed fairly quickly and again we don't have the power of condemnation so we literally can't go this way without a 100% cooperation which to go through Sunlight View would mean they would have to shut down their plant because our lines would basically connect with theirs and come out at the bottom.

Carolyn - Commissioners, from your perspective, the line which I added in the SIA protects you should the state say nix, we want you to do this differently and that's in sub paragraph 3 on page 5 – its 3e and added the sentence that "the provisions of the this paragraph allowing recording of the final plat shall be inapplicable if any significant redesign of either system is necessitated" and Lee has asked you to take out the water system so it would just be the sewer system so I'm hearing you are convinced they you're going to be able to sell this to the State.

Lee – absolutely and fairly quick too. The owner wants to move forward quickly on the road but feels that he needs at least a conditional final plat approval with the plat sitting there waiting to be recorded waiting for the CDPHE approval for him to commit to that kind of money.

Carolyn – so the only change that you'd want in the paragraph e is to take out the domestic central water.

Lee – yes and obviously we can't construct any new water facilities without CDHPE approval.

Louis Meyer, Schmueser Gordon Meyer and Dr. Zilm were present. Louis, an engineer, Dr. Zilm asked that I monitor the site application process for the SpringRidge waste water system about 2 months ago and after some phone calls, talking to Mark and Mark indicated that a site application was submitted and signed off by the County and sent to the State Health Department and called the City of Glenwood who was a signatory of the site application and the City was a bit confused, they didn't understand that when they signed off on the site application for the lift station they were also signing off on the force main. They thought it was just the lift station itself. In fact when you do a site application for a lift station it also includes whether it's the gravity main or the force main, but in any case they are well protected because we have a pre-annexation agreement that required a 10" gravity main and we have the ultimate review of their final construction drawings which we believe should be a 10" gravity main. So it sounded like things were moving in the right direction and continued to monitor it until I got a letter from the City of Glenwood on Thursday which essentially approved SpringRidge putting in a 3" force main. And the issue to me as an engineer is that first of all this area has been included in the City's 201 Plan since 1977 there was a second amendment done to the 201 Plan in 1977 that included everything up to Dry Park Road as part of the City's wastewater service area. In fact the City has sent letters to the State that be done. The City is also undertaking an update to their 201 Plan now where they're looking at moving their waste water plant to where it is now to further in West Glenwood and last time I heard a very high price tag and included the service area to this area. That 3" force main makes it more difficult for people to tie into than a 10" gravity main. And anytime that I've been involved in a district project or a municipal project you're required, particularly for a developer kind of on the fringe of a service area to put in the master plan utility, not just something that will serve that subdivision. In my opinion a 3" force main doesn't make it conducive for those folks up there that have ISDS to tie into that force main. So my request is actually very simple, not to throw a wrench in the SpringRidge plans at the last hour, but the last thing I did was talk to Mark Kadnuck and Mark is the engineer with the State Health Department that took Dwain Watson's place, relatively new in the area and not sure Mark knows the history and geography of Four Mile Road and what's gone on up there, he was very confused with what all the issues are and I would get a slightly different version from Mark, from the City and everyone involved and there was as you can imagine in a process like this where there's a lot of different players, there's different stories from each person. So my request was very simple that you get it a room, Mark Kadnuck who has yet to make a decision on this site application, the City, the County, the applicant, Dr. Zilm, the Sunlight View HOA and just make sure the right decision is being made that everybody's issues are on the table, the right decision is being made, that everyone's voice is being heard. A relatively simple request.

Commissioner McCown – does your firm represent the City of Glenwood Springs on this particular issue.

Louis Meyer – not it does not. Not on the 201 plan either. I authored a master plan for the City done 10 years ago that looked at water and sewer service to the southern service area and in fact there was plans to extent a 10" main up the road and last time I rode my bicycle up Four Mile Road I went uphill and which leads me to believe you put a gravity down that area and make it more conducive for people to tie into over time, so there are some pretty water quality issues that play here as well.

Fred – Louis, the letter that you speak to that you just got from the City of Glenwood Springs, where they approved basically the current set of plans right now for what's being proposed, is that the June 14, 2005 letter?

Yancy also had a copy of the letter and faxed it to Fred.

Louis – it's dated June 14th,

Fred – confirmed he has the same letter. I want to be very clear so I understood it, when you were talking about how this may or may not be consistent with the 201 Plan, I was just reading the last bullet point in the second set of bullets points where it says, "the design also provides the opportunity for servicing existing and future development within the plan service area of the 201 facilities plan the City's preparing." I just wanted to make sure I heard you correctly on that.

So were you saying this was not or is consistent with the 201 plan as it is now?

Louis – to the extent it appears the applicant has designed the capacity of the 3" main to accommodate the service area but I have never seen a force main or a force where you're pumping downhill essentially down to the lower area of the Bershyni dip. The 201 plan identified 30 years ago that this area needed sewer service and we're here 30 years later and we're not much farther and in my opinion, a gravity main is much more conducive to those folks tying in than a force main.

Commissioner McCown – Yancy to clarify, I heard testimony that there's a 10" gravity main coming part of the way, a 4" main going in the same ditch and then a 3" force main, did I miss part of that?

Yancy – no you are correct and would like to respond – I kind of agree with Louis' comments and issues but as we started designing this whole area, I think most of you have driven Four Mile Road, when you come down through the dip you go downhill considerable amount and then you come up hill and if you look at the terrain, cause we start out with a gravity system in here and felt it was really unusable to the general area because Four Mile Road is higher than everything to the west, you slope down to the creek and then go back uphill and most everything to the east, you could serve the lots that's generally right along Four Mile Road but everything beyond that would have to grab a different route and that's what we're worked with the City, we really think long term that if the Zilm sewage plant is eliminated and his gravity system is, that's the gravity system that comes on up and ultimately lets say 50 to 100 years down the road, the Sunlight lift station built now would go away and that would become gravity and everything on the west side would become gravity down the lift station here and the force main we're constructing today for Springridge would be dead. I agree with Louis long term, this whole area would be one lift station and ultimately if you look far enough into the future I could see another gravity system going down Four Mile Creek through here and tying in along the Airport sewer that was sized years ago through Park East and this lift station eliminated, but it takes time, so we've looked at all those options and design and we think all the improvements we're proposing today is in compliance with that and actually helps the Sunlight I and II and everybody in that general area. We're getting gravity sewer almost 6,000 feet closer plus putting some other pipes in the ground that allow people temporary to tie onto the system, not the whole area. You can all imagine the cost of putting a gravity system out through these areas that have septic systems.

Commissioner Houpt – so do you see the same concern as Louis saw in tapping into that force main?

Yancy – absolutely, when you tie into a force main it's more difficult than a gravity system.

Commissioner Houpt – you're saying it's necessary because of the current location of the lift station?

Yancy – the City system we're trying to tie onto in the general area, if this wasn't developed and we were planning this out all together the sewer system I've designed now is not what we'd see. You have a sewer system that went clear out around Four Mile and come up Four Mile Creek and not down the road.

Chairman Martin – down Prehm Ranch, down 163.

Yancy – you'd gravity feed the whole area but because of the right of way location without using a combination of the C word, I don't see any other alternative in the design. Pat's talked to individual property owners trying to exhaust other gravity alignments. He didn't realize Louis was representing Zilm's until this morning when he got the email.

Louis said he did talked to Mark Kadnuck on Friday afternoon and his suggestion was to come up and meeting with the parties and make an informed decision and that's really all we're asking is that everybody sit down and make sure the right decision is made.

Pat – mentioned to the Commissioners as well that that the discussion about the routing of sewer line and whether or not it's necessary to hold the big picture that occurred at three public meetings with the City of Glenwood Springs over the last 3 years so this is not a new item and we have countless hours in the designing, redesigning, reworking this at the City's request and provide for people that are not currently on the system.

Carolyn – the issues in the road permit and two of the Road & Bridge staff were present and suspect we need a decision on land use until the road permits.

Commissioner McCown – if this isn't a public hearing so there's nothing to close but I think I made the motion in this particular land use item and eventually it has to come back to common sense and intent and everybody's referring to paragraph 4 or Condition 4 or whatever and we do the best we can to ensure the County is protected when we approve a land use issue, we want to make sure that its going to be a quality issue and I'm having trouble during this process seeing how the County in any way is going to jeopardized if we move forward today authorizing John to sign the plat and Mildred hold it until all other necessary and required applications are in hand, not sure how we're jeopardizing the County's position in any way. It will give the applicant and the developer a higher level of comfort that the land use has in fact been approved when they meet these conditions, they can move ahead with the road, hopefully meeting a summer construction schedule so we don't go into the winter with no asphalt on CR 117 which is not anyone's wish here at this table. To me I see that what's going to be looking for at the end of day today. Tuning up the SIA, that's a lawyer issue, you and Lee need to work out and I'm very confident that you're going to protect the County in this interest but I feel that as an elected official here today my obligation is to move this off of center by making a motion that the Chair be authorized to sign this final plat, that the conditions as suggested by

Planning Staff and Michael Erion and the attorney be worked out in the legal maneuvering that you've guys do so well but that Mildred hold this plat until all of the conditions are met, that will do several things – that will allow the road work to start, that will allow the applicants the confidence to go back to the City and say we have a plat in place, we have some conditions to meet but we have the plat approved once we meet the conditions and hopefully we can get all of this done before the snow blows and I think its imperative we do; so with that I would make a motion that the Chair be authorized to sign the final plat, it be held by the County Clerk until which time all conditions are met by the SIA, the applications from the CDPHE on the waste water until we've reached an agreement on what permits are required on the water treatment facility itself, if it requires an upgrade all of those things have to be met for a single house or lot can be sold in that development, that plat will not be recorded until those are met.

Pat asked for clarification, I think you said once the staff understands that the water issue is resolved.

Commissioner McCown – that has to be done from the CDPHE.

Pat said they don't think they need a CDPHE.

Commissioner McCown – the staff will need a letter saying they you don't. I'm not in any way discrediting Yancy's opinion of that, but there is an entity that covers the public water drinking system and that's the CDPHE and if they say you don't need it, I'm fine with that.

Commissioner Houpt – and I heard Lee say that you'd be willing to meet with the other stakeholders in Glenwood Springs and working that out with the sewage line. I'll second that motion.

Carolyn – I agree with Mr. McCown as best I can, my major concern is that Mark Kadnuck says no I don't want it this way, State not going to approve it the way it's designed but the developer and all of his representatives is saying they are willing to take that risk.

Commissioner McCown – exactly.

Carolyn – that's not a County risk, it's theirs.

Commissioner McCown – that right and that's what I heard them say today again, they reiterated that.

Carolyn – and as you well know, we don't have the authority to vary a regulation and that's why they have to bring it back to you.

Chairman Martin – you always put us on that spot and thank you for doing that.

Haupt – aye; Martin – aye; McCown – aye

Warranty Deed and Road and Brdige permits

Warranty Deed

Carolyn – this is a Quit Claim, David McConnahey prepared a quit claim. The Warranty Deed into the County from the Greenwald Trust is in the packet; but he did prepare a deed and what they're asking you to do it to deed it back to them to vacate the easement and deed it back. We just need authorization for John to sign an appropriate deed back into the Greenwald Family Trust - a quit claim deed

Commissioner McCown so moved; Commissioner Houpt seconded.

Haupt – aye; Martin – aye; McCown – aye

Road Cut Permit for Road and Bridge on CR 125 and CR 117

Carolyn Dahlgren, Marvin Stephens and Bobby Branham presented.

Carolyn – tweaking and the major issue needed because the drafts that actually say construction permit one of them have to do with the two roads and cost sharing and the other is just CR 125, paragraph 22 in those permits match the Road & Bridge regulations and if instead the Bocc wants to use the letter of credit partial release format, you will take out paragraph 22 in the permits and replace it with the alternative language.

Commissioner McCown – what works best here. We're going to ask that the warranty to be transferred to the County on the road.

Carolyn so that warranty will take care of that 2 year period of time and the partial releases I the SIA, alternate paragraph 22 will work.

Commissioner McCown recommended we incorporate that.

Carolyn – the other issues have to do with filling in the blanks. All along we had expected this to be done by the end of August and Yancy wants to ask for a later start date and a later completion date, he also asked for work hours Monday through Saturday and Road and Bridge would also like to comment on these three issues.

Commissioner McCown wanted to create realistic dates for starting and completing.

Carolyn – money details - Page 7 of the 117/125; didn't have the final dollar amounts but larger than the last time presented in May.

Yancy Nichols – basically from the time we had our preliminary design and coordinate with the gas company, they asked for \$343,000 and with final construction drawings and Jeff Nelson added in a contingency of \$18,200, now the total is \$382,200 and that includes the contingency.

Carolyn does that include the asphalt and the stripping and the contingency?

Yancy – yes.

Commissioner McCown so that would be the amount not to exceed?

Yancy – correct. \$330,000 in asphalt, stripping for \$34,000 and contingency of \$18,200.

Carolyn – since this was more than the BOCC approved back in May, do you have the money and are you going to improve it?

Commissioner McCown – yes we do.

The other fill in the blanks are the work hours and starting and end dates.

Yancy – start date – like to have 21 days and keep in mind, he's contract the contractor later today and give him a notice to proceed, he's got to get manholes ordered and shipped and on site and think we can do it in 14 days but would like to start in 21 days. Cones, traffic control and signage and all that; and completion dates depend on work hours, the contractor is willing to work on Saturdays which helps with the completion date of October 15, 2005.

Commissioner Houpt – school will have started and that will add to the concerns of traffic on CR will you adjust hours to allow for bus travel to get through, the afternoon hours.

Yancy – they are looking at starting the fire station existing sewer line and run up through all the gravity and may expedite and pave and strip that, as you move up valley the traffic is less and less so we impact less and the contractor will hand out flyers to everyone that comes through plus posting so we can maybe do that and the traffic control people can help with bus outing and obviously we're not digging in the street so there may be times when we would be able to help with the bus timing because it's not just the bus but the parents. We've worked out some concepts on how we can better serve the community and if we can serve them better we can serve the contractor better too.

Chairman Martin – understand that we have sensitized people to traffic and construction and the many years that this has been going on, there will be less and less tolerance and better have a pretty tight plan so that everybody is well informed and it's orderly – my phone is going to ring.

Yancy – like to say we'll be done by September 30 but it's too tight and like to ask for October 15 and will keep your staff posted on our schedule and where we're at.

Dale Hancock will be the administrative staff person so we can try to keep information flowing from the development or the contractor to Dale and not Road and Bridge and as much as possible to keep the public informed.

Carolyn – in paragraphs 7 and 8, the developer is committed to keeping both keep roads open to traffic at all times and have been willing to take the delays down to 5 minutes instead of our usual 10 minutes.

Work days – Monday through Saturday through out instead of upon request.

Decisions need to be made in the motion on paragraphs 1, 2, 3, and then paragraph 24 on the dollar amount and paragraph 22 whether they will be partial releases or not.

Yancy said by working Saturdays it should cut off a week off their schedule and it gives the contractor more flexibility to make up a day lost. A lot of the employees are out of area and if he knows he's working Saturdays he can plan better.

Page 5 – blank – vegetation and letter of credit.

Carolyn the letter of credits was reissued and we just need to fill in that drop dead date which lasts an appropriate amount of time on the SIA.

Page 6 number 23 – warranty.

Carolyn provisions of the SIA executed to be effective on July 5th.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Road and Bridge utility sewer and road cut cost sharing permit for the special provisions on CR 117 and 125 as presented.

Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR PURSUING FURTHER ACTION REGARDING ZONING VIOLATION OF A PROPERTY KNOWN AS BAIR RANCH. PROPERTY OWNER IS THE JAMES CRAIG BAIR RANCH FAMILY – STEVE HACKETT AND FRED JARMAN

Fred Jarman, Steve Hackett and Jan Shute were present.

In September 1003 a special use permit request for a Resort was made and Jim Hardcastle, Senior Planner for the County wrote the applicant that the application was deemed technically non-compliant and more information was needed in order to process the application.

Jim listed 8 specific outstanding items for the applicant to address.

The property owners have consistently failed to complete a technically compliant application for a special use permit for their resort in spite of extremely generous extensions of time to comply. The resort continues to operate without a permit and with buildings that were built illegally.

Steve submitted the High Canyon Adventures web page showing the location and all the events that are available. These are non-agricultural/resort cabins. Steve reviewed the packet.

Staff's recommendation – refer to the Garfield County Attorney for legal abatement action.

Basically correspondence with Bairs and Isom and still do not have a technical compliant SUP application.

Fred Jarman – in the letter he crafted and sent to Steve and then cc the Bair family on March 23rd outlined the number of issues that were still outstanding to make this application technically compliant. The main issue and added they have made 80% now in response to this letter however a real concern is number 2 of page 2 and that specifically requires that they be using well water and need to attach a copy of the appropriate well permit and any other legal water supply including the water allotment contract or an approved water augmentation plan to demonstrate and the key language “that you have a legal and adequate water for the proposed use.” In their efforts they have provided us only with a short list of on wells and springs that they named, but not provided us any kind of legal determination as to whether it's a contract, a court decree indicating they have water to do this, not only just from a residential perspective but also from some kind of commercial use which is entirely different. So that is the linchpin here as far as technical planning issue – we don't know where the water can come from, how much they can use, is that okay with the State Division of Water Resources, is it augmented kind of scenario but there's a lot of use.

Commissioner McCown – they may require a permit from the CDPHE and it may have to be treated.

Fred – right, it may be non-transit community systems. We feel it's a fairly significant issue and they haven't met it so that's why the hearing today.

Mark Bean – their position is that it should not be a requirement to be compliant for a condition of approval. They don't want to go to the expense of obtaining legal water rights and they're not even in the process.

Chairman Martin – it goes beyond the recording of the wells and etc, with the new requirement, these wells have been in existence well before it was required to permit them and they have been drawing off and as soon as they do it changes their seniority rights on the wells and they don't want to lose that seniority right.

Mark wasn't sure they have seniority right.

Chairman Martin – well they would if they have springs and wells on their property and that they've been using for the last 100 years. And then you go ahead and register then and then that date of register is when you rights start to use it.

Mark – are they legal to use what they're using now?

Chairman Martin – at the present time, under old law yes.

Mark – that's what we're trying to get too.

Chairman Martin – it determines a water right and right now they hold the senior water right and then they become the junior overnight and that's one of the issues. They become junior because you have to register your water and permit the well, etc. and the date you do that is the date of augmentation or use of right and even though they've been used for 50 – 60 years, that changes and the date recorded is the date you get to start using it and if anybody is senior to that date you become junior. It's a water court issue.

Jan Shute brought up a procedural issue – the packet is marked meeting time as July 5 at 1:15 p.m. – were the Bairs notified of the time.

Steve checked and it was originally scheduled for 1:15 P.M.

This was continued until 1:15 p.m.

At the 1:15 hearing the above issues were reiterated.

The Craig and Doris Bair and Stephen Isom, from Isom and Associates were present.

Steve stated a great deal of time has been extended for compliance of this issue.

Fred reiterated his comments regarding a legal and adequate water source for this Resort.

The remaining issue is the water.

Stephen Isom – first letter was from Steve Hackett dated 9-22-2003 and also from Tamara Pregl and that started the process. Last and final heard from Jim Hardcastle and they met – at that meeting they discussed what had to be done. From the Bair's point of view they wanted to get some kind of hint as to approval by the Board. There is 100 springs on the property and they didn't want to spend a great deal of money adjudicated these wells. They understood this could be a condition of the SUP. They drew the ranch and the county said they needed to locate all the buildings out there and part of the application it included all the buildings. Fred wanted the location of all the springs and they did that – those used for the springs. He finally called Mark Bean and was informed he needed adjudicated wells. It took a long time to get the approval of railroad crossings. Now they have all the wrecked rail cars. If it is going to be approved, the requested approval with a condition of approval prior to getting the adjudicated wells.

Fred stated they are complete except for the adjudicated wells and they just have to demonstrate where their legal and physical water supplies are coming from and however you're going to do this with the State is how that has to get done but it's a key component in any Special Use Permit.

Stephen Isom stated that he had conversations with the State and explained that they hold weddings or such and have over their historical uses of the Ranch with all their different structures even with their cabins. The State informed him that under 30 people it would be okay but 30 people it does take an adjudicated use and storage off of Green Mountain Reservoir or Wolf for release.

Commissioner McCown – you're saying the historical agricultural uses would be viewed the same by the State Water Engineer as a commercial use?

Stephen – no, historically they've used these on the cabins as residential units. Because once you start this process I think and in discussions with Bob Zancanella, who's been hired and has done all the water engineering site, their residences and their lodge facilities would really be grandfathered except once you open the door and start this process that they want you to lump it all – bring in everything you have I guess is what it comes down to. Which I'm against it because we're talking 30 acre feet of water to start covering they whole ranch and then you have to start paying for augmentation on it even though historically those were under consumption over the last 100 years. I lost the argument; I guess we'll have to do it all.

Commissioner McCown – we're entering our 2nd year for sure since this all started in September 2003, you're saying it takes 6 months to get the adjudication process in hand? So you're asking to operate illegally while this is taking place.

Chairman Martin – and non-compliant with zoning.

Commissioner Houpt – it's a very different situation too because they were going for the conservation easement process and had three different planners and there could have been some confusion there but we do hold legal water capability very high in our process. And since I've been on the Board we haven't bent on, so we're trying to bring you into compliance and it's a matter of semantics on what verbiage you use but I think the point is we're doing everything we can at this point now to make sure you're in compliance and you're operating legally.

Commissioner McCown – so we can't go forward and issue a Special Use Permit because we don't have the water information, so we have to grant a continued extension which has been going on since 2003 which will allow a non-conforming use to continue until December.

Chairman Martin - we know that Craig has the water, it's there physically, we just need to make sure it is documented legally and to be used the way it is and if it needs tested also to have that commercial use of water that you're not using it out of priority and taking someone else's agricultural rights and that's all we're asking. We know its there, just do the paperwork and get it back to us.

Commissioner Houpt – I'm inclined to support an extension because of the circumstances with the process you went through with the railroad and the conservation easement and the different planner, but it really needs to be done before we can give you a Special Use Permit.

Commissioner McCown – do we want to continue this until the January 9, 2006. Commissioner Houpt seconded.

If Stephen Isom gets this done soon, let Planning know.

Commissioner McCown – if the information is not complete then there will be a citation and a hearing will happen.

Stephen – but if we submit earlier, that meeting could be sped up.

Carolyn – wanted to make sure the applicant understands that they will have noticing requirements 30-days ahead of time by continuing it to a date certain we haven't deal with the public noticing issues.

Stephen – we were waiting on the location of the springs and just got that in two weeks ago so we may get this sooner.

Haupt – aye; McCown – aye; Martin – aye.

PUBLIC MEETINGS:

CONSIDER A REFERRAL TO THE PLANNING COMMISSION FOR A MIDDLE FORK COMPRESSOR STATION LOCATED AT THE NORTH PARACHUTE RANCH. APPLICANT: ENCANA OIL AND GAS USA, INC. – FRED JARMAN

Fred Jarman and Jimmy Smith from Wagon Wheel Consulting were present.

This is a request to see if the BOCC wanted to move forward with a referral of a Special Use Permit for “Processing and Material Handling of Natural Resource” for a natural gas compressor station

I. BACKGROUND

The Building and Planning Department received a Special Use Permit (SUP) application for “Processing and Material Handling of Natural Resource” for a natural gas compressor station on a 27,000-acre property owned by EnCana Oil & Gas USA, Inc located at the end of County Road 215 north of Parachute and is also formerly known as the old UNOCAL property where oil shale processing occurred. The location of the compressor is just beyond the private gate at the end of County Road 215 adjacent to a recently permitted produced water storage facility.

More specifically, the Applicant, represented by Wagon Wheel Consulting, requests approval from the Board for a natural gas compressor station which is presently under construction. This compressor will serve as a collector point where gathered natural gas is sent for dehydration and compression of gas collected in the North Parachute Ranch. See the attached “Impact Statement” which describes the proposed use, general design of the compressor, hours of operation, trips generated, noise, vibration, and odor impacts, impacts to wildlife, and life of structure.

In order to send gas to and from the compressor, the Applicant intends to construct three segments of pipeline. The first segment consists of a 10” pipeline (having a length of 1.2 miles) and will bring gas from the existing gathering line network on the NPR to the compressor facility. The discharge pipeline consists of two segments (12” in width and having a length of approximately 1 mile); the first segment will leave the compressor and connect to an existing pipeline owned by EnCana purchased from American Soda and then the second segment will run from that line to the Roan Cliff Interconnect which is an existing pipeline connection that delivers natural gas to the Rifle Compressor Station. The total pipeline length of the three segments is approximately 2.2 miles and ranges in width from 10” to 12”.

II. COMPRESSOR / PIPELINE REGULATIONS

This compressor project illustrates two disparate policy issues in the following manner. First, as you will recall, the County did not “regulate” compressors as a stand-alone land use due to a previous determination of the Colorado Oil & Gas Conservation Commission (COGCC). However, more recently, the COGCC officially acknowledged that local governments could regulate compressors through their local zoning frameworks. As a result, EnCana began construction of the subject compressor under the COGCC’s former position which is why Staff discovered the project “under construction” on a site visit for another project. So, technically, EnCana could continue construction without a land use permit since construction had already begun, they wish to obtain the proper Special Use Permit for the facility. It should be noted that proper building permits were sought through Garfield County at the correct time for the project.

Second, under the newly approved pipeline regulations, this compressor station would require County review if the pipelines to which the compressor station is appurtenant to are greater than 12” in diameter and over 2 miles in length or any width of pipeline over 5 miles in length. In this case, there is 1.2 miles of a 10” pipeline and 1 mile of a 12” pipeline. As a result, these pipeline segments and compressor would not require any review by the County. (Photo below shows compressor under construction as of May 10th, 2005.)

III. REFERRAL AUTHORITY

Section 9.03.04 of the Zoning Resolution of 1978, as amended requires that Special Use Permit applications be initially brought to the Board so that the Board may determine if a recommendation from the Planning Commission is necessary.

The OGCCG can indeed regulate compressor stations if they so choose.

The applicant started their application before the ruling from the OGCCG and technically they could go forward. Under the Resolution passed this morning, compressors can be reviewed. Under the Resolution this compressor station would not be an issue before the Board.

The third twist – they applied for a SUP and the Board can regulate this one – an exercise in futility if they so choose.

IV. STAFF RECOMMENDATION

Based on the recently approved pipeline regulation by the Board of County Commissioners, it appears this compressor station, as an appurtenant structure, does not fall within the County’s regulatory purview due to the length and size of pipelines to which it is appurtenant. Therefore, as a result of the newly approved pipeline regulations Staff finds that the County would not regulate such a compressor.

If the compressor was to be regulated as a stand-alone land use, Staff finds that due to 1) the limited nature of potential impacts to surrounding properties, 2) the remote location of the property such that it is situated at the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic, 3) and the fact that the site itself will be situated in an industrial area already characterized by intense industrial activity from the oil shale exploration / processing activities, Staff

recommends the Board direct Staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

Jimmy explained this very well – construction started in January and some work actually started in 2004 and when they found out of the regulations they started this process.

Commissioner Houpt – I think after the conservation this morning Compressors should be regulated separately from pipeline and suggested to move forward and see this as a Board in accordance with a regulation it was submitted.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to hear this as the BOCC.

Houpt - aye; McCown - aye; Martin – aye

A date certain will be worked out with Jimmy Smith.

CONSIDER A REFERRAL TO THE PLANNING COMMISSION FOR A CUTTINGS STORAGE FACILITY LOCATED AT THE NORTH PARACUTE RANCH. APPLICANT: ENCANA OIL AND GAS USA, INC. – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, Mark Bean and Jimmy Smith of Wagon Wheel Consulting were present.

Richard Wheeler – this is a Referral of a Special Use Permit for “Storage, Processing, and Material Handling of Natural Resource” Cuttings storage facility

BACKGROUND

The Building and Planning Department received a Special Use Permit (SUP) application for “Storage, Processing, and Material Handling of Natural Resource” for a **Cuttings Storage Facility** on a 27,000-acre property owned by EnCana Oil & Gas USA, Inc located at the end of County Road 215 north of Parachute and is also formerly known as the old UNICAL property where oil shale processing occurred. The actual location of the proposed storage facility is approximately 2.25 miles northeast of the guard gate.

Wagon Wheel Consulting, representing EnCana Oil & Gas USA has submitted an impact statement which describes the proposed use, general design of the storage facility, and hours of operation, trips generated, noise, vibration, odor impacts, and impacts to wildlife, soils, and life of structure. The mentioned impact statement is enclosed with this memo for further review.

The proposed 1 acre cuttings storage facility is will be on top of a spent shale/retort pile which already contains solid waste materials generated by Unocal from oil shale mining and processing operations.

REQUEST

Section 9.03.04 of the Zoning Resolution of 1978, as amended requires that Special Use Permit applications be initially brought to the Board so that the Board may determine if a recommendation from the Planning Commission is necessary.

STAFF RECOMMENDATION

Due to the limited nature of potential impacts to surrounding properties, the remote location of the property such that it is situated at the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic, the fact that the site itself will be situated in an industrial area already characterized by intense industrial activity from the oil shale exploration / processing activities. Of note is the number of trips generated per day will be minimal, having little impact on the general public located on the privately owned 27,000-acre property, Staff recommends the Board direct Staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

Commissioner Houpt asked Jimmy what are cuttings.

Jimmy –they are the material, the rock material physically drilled out of the hole during the drilling process.

Formerly those cuttings were put in a reserve pit along with the drilling mud and fluids what we’re trying to do now is a closed system where that you don’t have a reserved pit, those cuttings come through a shaker and separated which you still have to deal with that material and this is facility to store those, dry them and then cover them up. There’s no petroleum base or any toxics in the tank and they are not considered a hazardous material – they are formations of rock.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear this application for Special Use Permit for Storage, Processing, Material Handling for cuttings storage facility. In favor: Houpt - aye; Martin - aye; McCown - aye

CONSIDER A REFERRAL TO THE PLANNING COMMISSION FOR A COMPRESSOR STATION LOCATED AT ORCHARD MESA. APPLICANT: ENCANA OIL AND GAS USA, INC. – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, and Jimmy Smith of Wagon Wheel Consulting were present.

Referral of a Special Use Permit (SUP) for “Storage, Processing, and Material Handling of Natural Resource” to allow a **Compressor Station**

BACKGROUND

The Building and Planning Department has received a SUP application for “Storage, Processing, and Material Handling of Natural Resource” to allow a **Compressor Station** on a 6 acre parcel owned Ronald and Marie Tipping, leased by EnCana Oil & Gas USA, Inc. The property is located approximately 200’ south and 1700’ east of the intersection of CR 300 and HWY 6 – Orchard Mesa Area. The Proposed compressor station will connect to a

pipeline that is 12" in diameter and less 1000' in length.

Wagon Wheel Consulting, representing EnCana Oil & Gas USA has submitted an impact statement which describes:

- Proposed use and location
- Distance to residences
- General design of the compressor station
- Hours of operation, and trips generated
- Noise, vibration, and odor
- Life of structure

This impact statement is enclosed for further review.

REQUEST

Section 9.03.04 of the Zoning Resolution of 1978, as amended requires that Special Use Permit applications be initially brought to the Board so that the Board may determine if a recommendation from the Planning Commission is necessary.

STAFF RECOMMENDATION

Based on the recently approved pipeline regulation by the Board of County Commissioners, it appears this compressor station, as an appurtenant structure, does not fall within the County's regulatory purview due to the length and size of pipelines to which it is appurtenant. Therefore, as a result of the newly approved pipeline regulations Staff finds that the County would not regulate such a compressor.

If the compressor was to be regulated as a stand-alone land use, Staff finds that due to 1) the limited nature of potential impacts to surrounding properties, 2) the relative long distance to any residence, 3) and the fact that the site itself will be situated in an industrial area already characterized by gravel operations on an abutting 17.5 acres parcel, Staff recommends the Board direct Staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

Jimmy – a grading permit has been submitted and other than that no other activity has been started.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear this application for a Compressor station. In favor: Houpt - aye; Martin - aye; McCown – a

CONSIDER AN AMENDMENT FROM TO THE FINAL PLAT OF ASPEN EQUESTRIAN ESTATES PD FOR LOT B3 TO ALLOW A LARGER BUILDING ENVELOPE. SUSAN HALEVY IS THE PROPERTY OWNER; RICHARD NEILEY, JR, IS THE REPRESENTATIVE – RICHARD WHEELER

Richard Wheeler and Richard Y. Neiley, Jr. - Neiley & Adler were present.

BACKGROUND AND DESCRIPTION OF THE PROPOSAL

Final Plat of the Aspen Equestrian Estates PUD was recorded on June 6, 2000 having reception number 564578. Richard Neiley Jr., representing Suzan Halevy, is requesting an increase to the overall building envelope on lot B3. The requested modification of the building envelope is approximately 16X20 feet on the southwest corner of the existing envelope. The proposed increase would allow a one-room addition to the residence.

The topographic survey of the proposed amended building envelope will sit a minimum of 70 feet from the nearest edge of the Blue Creek wetlands and a minimum of 130 feet from the closest edge of Blue Creek itself.

A technical evaluation of the floodplain in relationship to the proposal was conducted by Beach Environmental, LLC. This evaluation found the proposed envelope will be 10 feet from and 4 feet above the 100 Year Flood Plain Boundary.

The Aspen Equestrian Estates HOA, through an Architectural Design Review Committee, has approved the proposed enlargement of the building envelope.

The proposed increase in size will satisfy all Garfield County zoning and subdivision requirements specific to the Aspen Equestrian Estates PUD. Additionally, all setback requirements in relation to property lines, open space, floodplains and edge of water will be met.

STAFF RECOMMENDATION

The Applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, Staff recommends 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:

3. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval.
4. The Amended Final Plat shall show the location of the 100 year Flood Plain.
5. All plat notes from the original Final Plat of the Aspen Equestrian Estates shall be shown or referenced on this amended plat.
6. 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.

Rick Neiley – no issue and they are fine with the conditions.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat for the Susan Halvey with the 4 conditions of staff. In favor: Houpt - aye Martin - aye McCown - aye

PUBLIC HEARINGS:

CONSIDER A TEXT AMENDMENT TO THE PHASING PLAN FOR SPRINGRIDGE RESERVE PLANNED UNIT DEVELOPMENT. APPLICANT: DEER PARK RANCH – LCC. – FRED JARMAN

Fred Jarman, Jan Shute, Carolyn Dahlgren and Patrick Fitzgerald were present.

Noticing requirements were reviewed by Jan Shute and she determined that they were complete however it was noticed for 10:15 a.m.

Pat stated that there was some confusion as to whether this was going to be combined this morning.

Board accepted the notification

Chairman Martin swore in the speakers.

No Exhibits

In May 2003, the Board of County Commissioners approved a four-phase site specific development plan called SpringRidge Ii which entailed zoning the property from ARRD to PUD which provided the appropriate zoning on the Property to: 1) allow a subdivision of 150 acres more or less into 81 residential lots which range from 0.7 acres to larger than 4 acres in size referred as a "Residential Area" and 2) designated approximately 308 acres more or less of the property as open space to remain undeveloped and defined on the PUD plan as "Reserved." Staff is reviewing the final plat documents for Phase I.

The property is known as the Greenwald Property on Dry Park Road (CR 125) approximately 1 mile from the intersection with Four Mile Road (CR 117) in the Dry Park Valley containing 484 acres.

The applicant proposes to amend the phasing plan approved as part of the PUD such that the last phase to be constructed consisting of 6 residential lots located directly adjacent to Dry Park Road (CR 125) be rescheduled as Phase II. As a result the amended Phasing Plan would consist of the following timeframes:

Phase I – 7-29 and 44-48 for a total of 28 and would be 12 months after final plat and completed 12 months of commencement;

Phase II – 1 – 6 (total of 6) and would be 12 months after final plat and completed 12 months of commencement;

Phase II – 30 – 43 and 49-61 (total of 27) and would be no later than 36 months after completion of Phase II and completed 12 months of commencement;

Phase IV – 62-81 (total of 20) and would completed be no later than 36 months after completion of Phase III and completed 12 months of commencement.

Planning Commission Recommendation:

On Wednesday, June 8, 2005 the Planning commission recommended the Board approve the text amendment to the PUD with the findings stated below.

Staff recommendations and suggested findings to the Board;

Staff recommends that the Board of County Commissions approve the proposed amendment to the text of the SpringRidge Reserve PUD finding that:

1. That the meeting before the county Planning commission and the public hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard;
2. The proposed modification, removal or release of the provisions of the Plan by the County does not affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity;
3. The PUD text is consistent with the efficient development and preservation of the entire PUD [and the modification] does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD, or the public interest and is not granted solely to confer a special benefit upon any person.
4. That the proposed PUD Amendment has been determined to be in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County.
5. That the application has met the requirements of the Garfield County Zoning Resolution of 1978, as amended, specifically Section 4.12.03.

Pat Fitzgerald –it makes sense to combine these 6 lots and there's a lot of interest from perspective buyers.

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

In favor: Houpt - aye Martin - aye McCown - aye

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended text to the phasing plan for SpringRidge Reserve II PUD.

In favor: Houpt - aye Martin - aye McCown - aye

CONTINUED PUBLIC HEARING TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR THE STORAGE OF OIL AND GAS DRILLING EQUIPMENT, STORAGE, OR MATERIAL HANDLING

OF NATURAL RESOURCES FOR A SITE LOCATED APPROXIMATELY 1 MILE SOUTH OF THE GARFIELD COUNTY AIRPORT ON CR 319 AND GRASS MESA ROAD. APPLICANT: MAMM CREEK COMMONS, LLC. – MARK BEAN

Mark Bean, Jimmy Sills, and Don Scarrow and Larry Mincer were present.

Chairman Martin swore in the speakers.

Mark submitted that the applicant was to have time to provide more information to the County Engineering consultant regarding the domestic water system and to allow the applicant to rebuild the fire protection water system and get the Rifle Fire District to approve it.

The applicant's attorney has indicated verbally that the Rifle Fire District is supposed to be out at the site testing the fire protection system. The applicant's engineer has contacted Chris Hale, Mountain Cross Engineering, and indicated that they have reviewed the existing system and will be submitting plans to the Colorado Department of Public Health and Environment for approval. Mr. Hale has not seen the physical facilities, nor has he had any plans to review. As a result he will not be able to provide the Board with any statement regarding the capability of the applicants to receive approval from the State for the domestic water system.

Staff will not have any opportunity to review any of the new information presented.

Update

Larry Mincer – gave the Board an update and also a draft of some possible conditions for an approval SUP and based on the conditions Larry prepared a response. Regarding the two issues Larry submitted a handout – Exhibit N was submitted into the record. Letter from Mr. Mincer with attachments.

The test was conducted on Friday and the pressure was tested less than what the Fire inspector was requiring. It couldn't meet the 100 pounds per

Raise the elevation of the storage and have instructed their engineer to begin that process on the fire protection issue. This involves the other two buildings in this complex.

The other issue was the domestic water and attached the last exhibit from Jeff Odor. Larry said under the zoning code they have given the information and are prepared to make the conditions of approval for this application.

Commissioner Houpt – is the Rifle Fire Protection writing up a report.

Mark said he did get an email response and hope we can get a written response.

Larry Mincer agrees – they expect they need to get some written reports from them.

Commissioner Houpt – we typically like the staff to have time to review and recommend the materials brought before us and having a difficult time bringing these to the meeting on issues critical to the development.

Larry Mincer – that memo went from Mr. Odor to Mr. Hale dated June 30 but Larry could not say whether or not Chris forwarded this to Mark Bean.

Commissioner Houpt – makes sense to continue this to give time for staff to review and confirm with the Rifle Fire Protection.

Mark – would like to have time for Chris to respond to this. Agree if we have the opportunity to have until next Monday we may be able to respond to these new submittals. Fire protection and domestic water and the main issues to be resolved.

Commissioner Houpt made a motion to continue this until July 11, 2005. Commissioner McCown seconded.

Public testimony – Brad Clauson, a Grass Mesa resident – like to remind the Board that the pump house, the water storage facility and ½ of one of the three buildings got built without a permit until I filed a complaint and one reason we're here; number 2 the 319 Corridor is already turned into an industrial on either side but these buildings are going to be running up a residential road and there's no other industrial properties up there, no buildings etc. plus the access to this property will be off of Grass Mesa Road. We have a school bus turnaround for our kids down at the bottom and it will impact that and I don't think any of these issues have been addressed and that corridor of private property that could be potentially developed is fairly long, probably a ½ mile up Grass Mesa Road; it's already going up 319 and I say keep it there because I don't think the impacts, the residences and the traffic and everything caused by this mostly big truck traffic or course and I don't anybody's addressed that not the access road issue. If it does get built, the access road can easily come off of 319 which would make a huge difference and the impact on our traffic. There are probably 50 – 60 families up there now and you probably know also that the COGGC required EnCana to build their own road farther on down 319 to mitigate that type of traffic. Now although this traffic by this one building doesn't go that far up the road, it doesn't have to, it's not a county road, its a two-lane residential road and if that corridor starts here I can see it continuing on up through however far that private road goes and then we have a problem, it's already down on 319 and I say just keep it over there otherwise you're starting to creep up into all the residential roads and who's next, because they're roads everywhere all the way 319, Dry Hollow, and all kinds of road, just like ours, how far will you allow it to go before you put a stop to it.

Commissioner Houpt – Brad, would it answer your concerns to have the access be off of 319?

Brad – that would make a huge difference because our school bus turnaround is there and although we don't own that property, it's the only place for the school bus to turn around, we have an agreement with the landowner that we could put that there, well if the access is on Grass Mesa Road, where do you think all the trucks that are waiting on unloading are going to park – right in the access road. We have kids, we get our mail there – I can see that being a huge issue.

Commissioner McCown – Brad is this the same party that allows the school bus turnaround?

Brad – same property.

Garland Anderson – reiterated - mentioned the applicant's best interest to consider that at least the access road because of the children that are in that school bus turnaround, it's not just the bus. We're talking about a lot of little kids getting out and if we have kind of commercial traffic going into that lower area right there, now we understand this Mr. Sills property but the school bus turnaround was put in with agreement with Grass Mesa HOA dues to the tune of about \$10,000 so it was a joint thing, he agreed because it would benefit him down the road in their proposed

subdivision they were working on and so since it was a benefit to him he was willing to allow us to put the bus turnaround , but a lot of consideration should be given because of the kids.

Larry Mincer will look into that situation.

Chairman Martin –we need your response back to these folks on Monday.

In favor: Houpt - aye Martin - aye McCown - aye

Ex Session – Barrett Resources

Don DeFord informed the Board of the situation and asked for direction if the County would waive the right to a Public Hearing for well density for a single well pad originally in Divide Creek fields, outside of the moratorium area in which the Board originally directed Don to protest. You directed me to enter an objection to the increase density because of wording they had in their application that would have allowed greater than 40 acre service density on approval of the director. Barrett accepted that objection and altered their application to provide that they could not go to less than 40 acre density without approval of the full Oil and Gas Commissioner which meant they would go to a public hearing and you would have a chance to intervene or object. In that area there is one pad for which they wish to go to less than 40 acre density at the request of the landowner and the staff of the OGCC has no problem obviously if the landowner doesn't because they requested it. They would like to know formally what our position is, that is if we will require the full public hearing on this application or because it's done at the landowners request if we will waive any right to a hearing in this matter. I told Bill Keefe I would bring it to full Board and informally talked to some of you. Doug may have more specific information on the site but do you want more information or if in this instance you'd be willing to go forward without a hearing or do you want the hearing.

Commissioner Houpt – what kind of impact on neighboring lands because part of the whole spacing discussion goes beyond the specific landowner but the culture of the neighbor and the impact on neighboring lands, so without more information I wouldn't be able to support that.

Commissioner McCown – at first blush, I don't have a problem if the landowner doesn't.

Don – told the Board all he knows about it. Does the Board wish to have more information on this before you take a position? They wanted to proceed actually a week ago and Don couldn't get it to you until this week.

Commissioner Houpt – suggested a special meeting.

Chairman Martin would like to have the information, but the timelines.

Commissioner McCown – asked if the Board would be able to have this information by next meeting.

Commissioner McCown spoke to Doug and has information on it and a waiver from the landowner that he is going to fax it to Don. He didn't remember the landowner's name but said that his best recollection was that this was a large landowner and this was in the center of the property and would not affect any other landowner. Doug will attach the location to a map and send it to all of the Commissioners and send it to Don and Commissioner McCown suggested that he poll the 3 Commissioners individually once we get the information and if the majority wants to go forward at the hearing, we go forward, if not we don't.

Don obtained approval of this procedure from the Commissioners and all agreed.

Doug did not find it at all alarming in looking at it initially.

ADJOURNMENT

Attest:

Chairman of the Board

JULY 11, 2005
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 11, 2005 with Chairman John Martin and Commissioners Tresie 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 Social Services Contracts – Lynn Renick and Diane Watkins

1. TANF MOU with the Colorado Department of Human Services for Expenditures in 2005-2006
This was pulled and will be heard at a later date. Lynn stated late Friday through the County Attorney's office a meeting has been set for July 21, 2005 to discuss the management system and concerns regarding who's paying for what and who's responsible for what, Lynn will attend. The County Attorney is referencing a lot of discussion with their office and the MOU would cover about \$2,000,000 and doesn't need to be in until August 15, 2005.

2. MOU between Eagle, Garfield, and Pitkin Counties for Licensing of Day Care Homes
Lynn and Diane presented this MOU and explained that this is the Tri County child care licensing program for July 1, 2005 to June 30, 2006 with Eagle, Garfield and Pitkin Counties for Licensing of Day Care Homes for a total

County/TANF transfer of \$53,769.00. The breakout is: Pitkin - \$2,689 (5%); Eagle - \$16,130 (30%); and Garfield \$34,950 (65%).

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the MOU for the Tri County child care licensing program for July 1, 2005 to June 30, 2006 with Eagle, Garfield and Pitkin Counties for Licensing of Day Care Homes for a total County/TANF transfer of \$53,769.00. The breakout is: Pitkin - \$2,689 (5%); Eagle - \$16,130 (30%); and Garfield \$34,950 (65%) and authorize the Chair to sign; Houpt - aye Martin - aye McCown - aye

3. *Contract with Colorado Mountain College for LINK Program*

This is the purchase of professional services agreement with CMC for the LINK classroom services for a not to exceed \$18,720.00. Lynn submitted the scope of services that outline the program contents. Lynn stated they want to expand this program this year as it has been beneficial to the participants.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the purchase of professional services agreement with CMC for the LINK classroom services and the Garfield County Department of Social Services for a not to exceed \$18,720.00. Lynn submitted the scope of services that outline the program contents Houpt - aye Martin - aye McCown - aye

4. *Contract with Colorado West Regional Mental Health for HCBS-MI Services*

The purchase of services contract with Colorado West Regional Mental Health for \$35,150.00 with fixed monthly payments of \$2,929.16 was submitted. This is directly with the Single Entry and this is the 3rd year to do a contract with Colorado West Regional Mental Health. This amounts to \$950 x's per case; it has been increased this year.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the purchase of services contract with Colorado West Regional Mental Health for \$35,150.00 with fixed monthly payments of \$2,929.16 for the HCBS-MI with HIPPA. Houpt - aye Martin - aye McCown - aye

5. *Core Services Contracts*

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Core Services Contracts with Colorado West Mental Health for mental health services a four regional contract for an amount not to exceed \$92,150; Houpt - aye Martin - aye McCown - aye

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Colorado West for Substance Abuse for \$26,675 Houpt - aye Martin - aye McCown - aye

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the White River Counseling for \$14,550 all not to exceed amounts. Houpt - aye Martin - aye McCown - aye

b. Garfield County Courthouse 2nd Floor Public Restrooms

Ed noted this was originally budgeted in 2004 but held in abeyance until the cost associated with the Courthouse basement for the Sheriff's expansion.

Richard said only Groth bid for the project.

Richard Alary and Tim Arnett presented the recommended award bid to Groth Construction for the remodel of the 2nd floor Courthouse restroom for a not to exceed price of \$39,950.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid to Groth Construction for the remodel of the 2nd floor Courthouse restroom for a not to exceed price of \$39,950.00.

Houpt - aye; Martin - aye; McCown - aye.

c. Procurement of Motor Graders - Marvin Stephens

Tim Arnett and Marvin Stephens presented the recommended award bid to Honnen Equipment company for providing One (1) John Deere 772D All wheel drive motor grader for \$129,899 after trade 1988 140G (District 2) and one (1) John Deere 770D Tandem Drive Motor Grader for \$96,449 after trade 1989 140G (District 2) and one John Deere 770D for \$160,099 after trade 1975 Austin-Western (Landfill) for a total cost of \$386,447. Marvin noted they had budgeted \$440,000 so there is a savings involved.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid with Honen Equipment company for the purchase of 3 motor graders for One (1) John Deere 772D All wheel drive motor grader for \$129,899 after trade 1988 140G (District 2) and one (1) John Deere 770D Tandem Drive Motor Grader for \$96,449 after trade 1989 140G (District 2) and one John Deere 770D for \$160,099 after trade 1975 Austin-Western (Landfill) for a total cost of \$386,447. Houpt - aye; Martin - aye; McCown - aye.

d. Request for additional funds from the fund balance of solid waste for the purchase of a new backhoe - Kraig Kuberry and Marvin Stephens

Tim stated that they had the Backhoe vandalized and it was reported to the insurance company and are requesting funds to purchase a new piece of machinery. They would like to go out to bid.

Kraig would like to put surveillance cameras at the landfill. Tripped by motion was Jesse's suggestion.

Commissioner McCown requested they do go out for bid and bring this back to the Board.

e. Colorado River Water Conservation District Grant for Tamarisk Control - Steve Anthony

Marvin Stephens presented for Steve presented a memo from Marvin Stephens and Steve regarding the news that Garfield County has received a grant of \$4975 from the Colorado River Water Conservation District for tamarisk control on County Airport Property. The Grant Contract CG5032 was requested to be approved for signature of the Chairman. The total original project cost is \$15,050.00 and the Total grant award is \$4,975.00.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the grant of \$4975 from the Colorado River Water Conservation District for tamarisk control on County Airport Property and authorize the Chair to sign; Houpt - aye Martin - aye McCown - aye

f. Garfield County Sheriff's Office Meal Reimbursement Policy - Lou Vallario

9-14-00

Lou Vallario and Bob Prendergast submitted the policy on Meal Reimbursement - the bulk travel training they do prompted the change. The credit card program is more costly than it will be to have the travel meal reimbursement per diem.

This is broken down to a \$38.00 per diem cost.

The purchase cards will be for gas and rental cars, emergency, hotels, etc. The administrative sergeant is handling this process.

Carolyn – financial amendment guide amended in 2002 – and asked if she should prepare a Resolution.

Commissioner McCown – shall we look at this for a policy change for the entire County?

Bob – high volume of invoices for the Sheriff and DSS but otherwise it is under control for the other employees.

Commissioner McCown – doesn't want to go off into 5 County policy changes and without further review from Lynn.

Carolyn – Lynn stated they were just getting used to the other policy and would like to leave the policy as is.

Patsy Hernandez – what makes this work for the Sheriff is that they already have a cash/check book separate from the other and every once in a while they can't wait until the vouchers are paid – they need it now. The Sheriff has their petty cash per diem check book. All other departments to not have these petty cash check books. Since the Sheriff already has it, it will work. That was the reasoning for it. They could visit it once again, but you will lose some control.

The Sheriff has a package in advance and has someone that manages whereas the Social services do not have advance notice. They do have a lot of mean receipts they turn in but they do not have the advance notice.

Commissioner McCown – questioned that meals would be paid without any receipts.

Sheriff Vallario – if they don't it will go to more receipts and more paperwork.

Commissioner Houpt – does not sound like we're ready to move it throughout the County at this time.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Garfield County Sheriff's Office meal reimbursement policy for \$38.00 a day and authority for the County Attorney to draft a Resolution.

In favor: Houpt - aye Martin - aye McCown - aye

Inmate Phone Contract - Evercom

This is a profit making fund and helps buy supplies

Contract was submitted and requested the Board to sign it. .37% fee back for the inmate fund and with the signing of this contract there will be a \$50,000 signing bonus but Lou preferred to call it a grant to go back to the general fund but he asked that this money earmarked to improve our recording system in the Detention Center.

Carolyn – needs to be an agenda item in order to take action on pieces, the grant and the money earmarked for the security system.

This will be on the agenda for August 1, 2005.

COUNTY ATTORNEY UPDATE – DON DEFORD

k. Executive Session: Litigation Update; Legal Advice advise Budgetary authority; Information on the hearing today on the Oil and Gas Meeting – update later 8-14-05

Carolyn - Verizon and law; packet from the neighbors. Morely – Jan provided the information for the hearing. Mr. Morely could be present if extended and possibly get the Certificate of Occupancy prior to the hearing.

A motion as 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.

Oil and Gas Leases

Grass Mesa and Hunter Mesa from EnCana requests to sign oil and gas leases and Chairman Martin gave these to Don DeFord to send back with our standard reply since the policy was adopted.

a. Discussion and Direction to Staff Re: Zoning and Building Code Violation – Randall Morely

Steve Hackett, Andy Swaller, Mark Bean and Randall Morely were present.

This matter was before the Board on January 12, 2004 – minutes of that meeting were submitted. At this date, it was decided by Randy Morely that he could complete the structure within 18 months. This was agreed upon by the Board.

Steve submitted that Randall Morley of 1234 CR 106 in Sutank, Colorado took out a building permit too remodel a house within the last 4 years. The findings at present are: illegal dwelling in shed on property line attached to house; illegal structures (chicken coop) on property line fence – violation of set back requirements; Expired building permit 7721 expiration date of January 22, 2003 and failure to comply with inspection schedule and requested engineering documentation.

Discussion: in Executive Session and a decision was made publicly to schedule a Public Meeting and invite Mr. Morely back to the Board.

If he has his CO then it could be taken off the agenda.

COMMISSIONER REPORT

Commissioner Houpt – 7 a.m. Tuesday morning Joint City County meeting at City Hall; Wednesday – work session – 9 a.m. at Re-2 on Roan Plateau. NACO Conference. – leaving on 14th and returning on 21st – mixture of conference and vacation.

Commissioner McCown – Thursday – Associated Governments in Moffat County plus those Tres mentioned.

Chairman Martin – Traveled to Utah to serve as the example of cooperating agency status with the BLM – that went well. To Denver meeting with State Patrol; a meeting a house subcommittee on oil and gas, interesting that there were about 30 people present and it was split 50 – 50 instead of going for new Legislation, work out other details and let Rules and Regulations be made in the new legislative session and also more subcommittee meetings. This was in reference to Oil and Gas and surface use agreements, water agreements, recycling of water and a few other thing including discussion of the real estate board of the State of Colorado and disclosures on oil and gas etc.; that will be a continuing saga. He will miss the Parade in New Castle – Burning Mountain and will be out of State. Leaving Wednesday – for NACO – leave on Wednesday 13th and home on the 20th.

Larry will be gone 17th – back the 25th.

Ed – meeting on the 14th – gas counties meeting in Delta and ½ dozen will attend that – this is the continuing meeting with all the producers and all the new folks joining and trying to get that inter-county cooperation exchange of ideas and also experiences.

Commissioner McCown received an email from Dan Burden – Glenwood Springs – 3 day conference – County participation Traffic Control – Randy Russell and Jesse Smith.

Ed - 13th meeting with CSU – at Hotel Colorado – Ed will go meeting the new president and issues continuing; Extension Issues – LoVA Trails – 21st – fund raiser – invitations for BOCC board.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Garfield County Titles to Vehicles for Auction – Mildred Alsdorf
- f) Approval of Minutes for 2004 – Mildred Alsdorf

May 11, 2004 - Garfield County BOCC and Pitkin County BOCC; May 17, 2004; June 7, 2004; June 14, 2004 - June 21, 2004; July 6, 2004; July 12, 2004; July 19, 2004; August 2, 2004; August 9, 2004; August 13, 2005 -August 16, 2004; September 7, 2004; September 13, 2004; September 20, 2004; September 27, 2004; October 4, 2004; October 11, 2004; October 18, 2004; November 1, 2004; November 8, 2004; November 15, 2004; December 6, 2004; December 13, 2004; and December 20, 2004

Mildred will email these to the Board and get them approved regularly.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – f absent b and c; Houpt - Martin - McCown -

Steve Hackett - retirement – Ron Van Meter will take Steve Hackett's place when Steve retires. He started on Friday, and is having some on the job training while Steve is still here.

PUBLIC MEETING:

CONSIDER LEGAL ACTION REGARDING ALLEGED ZONING VIOLATION IN THE RIVER RIDGE PUD/RIVER RIDGE PARTNERS – STEVE HACKETT

Karen Stowe – River Ridge Partners represented by Barb Kozelka for a violation of zoning regulations approved by Resolution 93-009, Lot 4 sold illegally, two (2) existing duplexes were not demolished and removed.

Mark Bean for Steve Hackett presented.

This is a situation that is somewhat usual. There are 7 lots and a condition of approval was when one of the other lots were sold these two family dwellings were to be removed. Unfortunately the B & P was not aware of the sales.

Two lots on each side were sold about 5- 6 years ago and there is a violation of the PUD as approved. Found out there was another violation – storage for a business on the property was illegal. Sent letters to the property owner and Barb Kalesika with Petre and Petre representing Karen Stowe.

Recently the correspondence included the July 5th letter from Barb on behalf of the lot owners acknowledging they are aware of the violation. Several residents who needs to seek senior housing and requested 120 days to comply with the applicable restrictions.

Barb stated that Karen acknowledged the violations and stated she had acquired the property in 2001 in a divorce. The letter of July 5, 2005 was admitted as an exhibit.

John Groth – representing the HOA, president – a verbal agreement that once he purchased the lots, wants to sell these lots and with these rentals he cannot. No contract is pending. John agrees with the 120 days extension.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for 120 day extension until November 14, 2005.

Mark – the restriction is for the two rentals but does not require the storage area. The use in the storage building has to go away in the unit but the building can stay. These can be used as a residential storage or a garage.

Carolyn – just a report will do if all is corrected.

In favor: Houpt - aye Martin - aye McCown - aye.

Monument Ridge – Tim Thulson approached the Commissioners for an Extension on the SIA – reduction of credit that falls on July 18, 2005 and would like this extended until August 1, 2005.

Commissioner McCown so moved; Commissioner Houpt seconded; In favor: Houpt – aye; Martin – aye; McCown – aye.

CONSIDER A SPECIAL USE PERMIT FOR A COMMUNICATION FACILITY. APPLICANT: JOHN COLBY – FRED JARMAN – CONTINUED PUBLIC HEARING

Fred Jarman, Brad Johnson and David Kennard S. RF Engineer from Verizon Wireless, Dan McMullen, Sr. Partner, Owner of Atecs, L.L.C. Wireless Telecommunication Consultant, Christine and Don Lynch and daughter, Jamie Lynch Campa, adjacent property owners were presented.

Exhibit G – additional materials from the applicant primarily intended to demonstrate that the proposed direction of the antennas will direct the electromagnetic ration emissions and Exhibit H – packet of information submitted by the Lynches – Mason Morris letter, CRG design for living July 8, 2005; letter from Norma Hughes – Jamie Campa dated July 7, 2005; letter from Chris Lynch –July 8, 2005; letter from Dr. Jayson E. Clicki - Noble Health Care; letter from Abram Ber, M.D., Ltd; letter from Chris Lynch and a letter from Don Lynch dated July 5, 2005.

Fred stated that this is a continued hearing in order to allow the applicant to respond to health and safety concerns related to the electromagnetic radiation emissions that were raised by adjacent neighbors (the Lynches).

New information was provided and submitted as Exhibit G, which is primarily intended to demonstrate that the proposed direction of the antennas will direct the electromagnetic radiation emissions so that they will not adversely affect the adjacent property to the north (the Lynch property). The packet of information specifically includes an analysis of the antennas on the Lynch Property conducted by Atecs which ultimately states that the emissions levels at the residence will be 1/30th of the FCC's General Public MPE limit. In addition, the analysis points out that with the "stealth" screens and proper placement of RF signage as mitigation, the site would be compliant with the FCC Guidelines for human exposure to radio frequency electromagnetic fields.

Staff noted that during the original public hearing held on June 13, 2005, the applicant discussed the possibility of installing "shielding panels" in the screening component so that they would serve as added deflection of any electromagnetic frequency emissions from being directed towards the Lynch property. This was not discussed as mitigation in the new information provided by the Applicant. Staff would urge the Board to inquire about this possibility of shielding panels.

Staff also notes Section 5.03.13 of the Zoning Resolution of 1978 as amended speaks directly to this issue and requires that "all facilities shall comply with the radio frequency emission requirements of the Federal Communications Commission (FCC) and any facility in compliance cannot be denied."

Staff recommendations:

Staff recommends that the Board approve the request with the following conditions:

1. That all representations made by the Applicant in a public hearing before the Board of County Commissioners shall be considered conditions of approval unless otherwise amended or changed by the Board.
2. The Applicant shall obtain the appropriate building permits from the County Building and Planning Department.
3. All facilities shall comply with the radio frequency emission requirements of the Federal Communications Commission (FCC).
4. The applicant shall paint the proposed fiberglass screening surrounding the antennas to match the color of the portion of the building on which they are located. In addition, the Applicant shall install a roof feature at the same color as the screen to cover the antennas that has a roof pitch to match that of the building.
5. The proposed generator to be housed inside the existing building (west end) shall comply with the state statute regarding emission of noise.
6. No antennas of any kind will be directed directly at the neighboring property to the North known as the Lynch property.
7. Because the immediate vicinity of the roof-top antennas will exceed the Occupational and General Population/Uncontrolled limits set by the FCC, the Applicant shall restrict access to the areas immediately surrounding the antennas as well as installing RF caution signs on the screening panels of the antennas to make workers on the roof aware of the antennas.
8. The applicant shall conduct an analysis of the electromagnetic frequency emissions of the actual antennas after they have been constructed and provide the results of this analysis to the County and the Lynch family that shall demonstrate that the emissions comply with the FCC rules and regulations as well as the predicted emissions levels proposed by the Atecs report. This information shall be provided within 60 days of the Board's conditional approval of the Communications Facility.

Fred stated that he would like to ask if they have submittals for health safety and welfare of the electromagnetic fields.

Jan Shute – addressed the question of the Board, can this or can it not be denied. Jan made copies of 47 USDA Section 332, Subsection 7, which talks about that and that was referred to in the Verizon Memo. When talking about health affects, the Statute does limit State and local government from regulating placement, construction, modification of personal wireless service facilities based on environmental affects of radio frequency emissions to the extent that such a facility has complied with the emission regulations concerning such an issuance. We're back to what our zoning code says; Verizon certainly has to show that they have complied with the FCC requirements. This is listed as Exhibit I.

Chairman Martin entered Exhibit I into the record.

Applicant:

Brad Johnson – summarized what was in the packet and pointed out that Verizon always tries to be good neighbors whenever possible and we take safety and health concerns extremely seriously. In this case they did over the last several weeks and retained an outside consultant as well as monitoring of sites related to the compliance of exposure limits – copies of the report were submitted. This site is projected to be 1/30th of what the limits are for exposure and determined through this report that no other screening was needed since the exposure is so low. The roof will not support any kind of shielding and any kind of shield would create damage to the signal. Pointed out that they believe they have met all conditions and

Commission Houpt - talked to better understand Mrs. Lynch health condition and didn't see the connection between the levels of exposure. Question – did you determine it was a low enough level based on discussions with her physician or people that knew –

Brad – this report was generated was in relation to the FCC guidelines – medical records would not even be easy to understand and without understanding how RF energy – it was difficult to – they say the emissions are so low – she's being exposed by a higher rate and have some comparison materials.

Dan McMullen – ATECS LLC. – explained the method to measure the radiation, exposure limits and compared it to a cell phone where someone in line at the checkout would have a cell phone in use a .5 % exposure or a computer monitor next to a bed is a .9% exposure.

Public Input:

Exhibits J and K were admitted into the record – large graph as J and small antenna as K

Timothy Witsitt – adjacent neighbors addressed various issues. Mtn. Valley Developmental – copy of the letter copy of what Bruce Christensen submitted in Exhibit L – and the point of that letter – they have a residential facility

in the neighborhood – Exhibit J – just further to the right – is the Mtn Valley Development and other residences to the North.

He stated he felt the Commissioners should reject – preempt this based on impacts of the property values and general incompatibility with the neighborhood – demonstrates impacts – particularly Lynches and they should be sufficient under the code under the SUP to deny this. This is not the only use on Colorado West – they already have a commercial use and another stream of income – not talking about somebody using their property at all and whether Verizon can use this property or not. Also think the Board should demonstrate a certain need for this – they say they drop a lot of calls – but nothing to indicate a level of extreme other than dropping calls and the high need should be demonstrated. Verizon is not the only service – there are other services for cell phones – no one covers this area – only Verizon having problems – there are alternatives – we’ve gone forward on some other locations – question – is there any other or a better or equally as well location; no presentation on that fact. Compatibility with the neighborhood – important to look at the difference – shows an area of the antennas – doesn’t even show the length of the house and also into the direction the antenna rays are pointed. Exhibit – CRG design and Sue Rosa Bara is here to talk to them – photo section – 2 pages of photos and it’s important to realize the relationship – the back of the building is only 15 feet high off the ground. Photo shows the shows back wall – full grown man can see over the top of the roof. This is only 5 feet away from the Lynches property. Currently they rent the upper floor – impact the rental property and real estate value – emissions from these antennas that and have to put fencing to keep people outside – warning signs – put on the screening – about 20 feet from the front door – red triangle signs – showing for rental or sale – they will lose a lot of potential purchasers or renters – testimony and other property will be serious impacted by these antennas – will be a considerable visual impact. Colorado Upholstery could put up a two story building and block the view completely but that is not before you and quite frankly that might even be more acceptable than have an array of antennas with warning signs, hazardous signs but those signs, and fences and antennas are directly in the view plain, the Sopris view of the Lynches house. There’s no impact that this impacts the property values and the values of the neighborhood and seriously impacts this entire neighborhood and he asked the Board to deny and refuse this to be allowed based on neighborhood considerations.

Commissioner McCown – asked Mr. Witsitt is he was saying that this is multi-family residence.

Tim Witsitt said it is and right now it has an apartment downstairs and it is rented.

Commissioner McCown – so it is clearly a multi-family residence. I’m not sure that’s an approved use for that area is where I’m going but I’m sure your research would have found that. The second thing is, is commercial property less value than residential property.

Tim Witsitt – I’m not going to make a statement that commercial property is less valuable than residential.

Commissioner McCown – you’re familiar that this is a commercial general zone district.

Tim – yes.

Commissioner McCown – and your research I’m sure has shown you the uses allowed in a commercial general zone district all of the various uses that could occur.

Tim – and the antenna is a special review.

Commissioner McCown – by right.

Mildred Alsdorf clarified the exhibits that we would have the large drawing as J; the small drawing is Exhibit K; and Mr. Christenson’s letter is L.

Sue Rosa Bara – provided the Board with Exhibit H. She presented that the Lynches asked them to put some information together on experience with radio emissions as to health affects and also on the Lynch health concerns regarding the effects of emissions. The packet included several letters from doctors; this condition may not be common to hear about. She gave specifics

Sharon Stevens – manages the Lynch property – Exhibit H – reiterated about the stigma to rent the Lynch property saying they have the best view in town of the Mt. Sopris and expounded on the open ceiling, the rental on the upstairs unit with a one bedroom walk out for \$950. If indeed this is build any future renters will see warning hazardous signs and she would be more inclined to give it back to the Lynches and not manage the property.

Gretchen Heights – southern most property, purchased property 10 years ago; three children ages 10 – 12 and 14. She has a cell phone doesn’t feel there is any break up in service; she doesn’t understand the need for this set of towers where people will be directly affected by the rays. This is a huge expense of so many for the benefit of one.

Commissioner Houpt – verified that Gretchen has Verizon service and asked as she drives up and down valley she is saying she doesn’t have dropped calls.

Gretchen – feels they are trying to save money by going to a less expensive site.

Commissioner McCown – asked if there was a location on her property to have a tower and would she consider that possibility since she mentioned putting a tower on a hill.

Elizabeth Fry – David Hicks asked her to relay his concerns, he has a current construction site with 4 commercial residence warehouse space; he is concerned about rental capabilities of his new buildings being in path of these rays; the aesthetics will impact the value of his property.

Thomas Devito lives at the top of the hill above the Lynches. He wasn’t notified of this or David Hicks either. A few points – this is a commercial neighborhood made up of 10 houses plus Hicks. Colorado West Upholstery runs a business out of his building and he understands the needs of Verizon. He supports the Lynches statements of a potential decrease in property values and he is also concerned over the huge impact with Hicks new construction. The entire hillside is impacted – should have some consideration for other places – basically flush their property values; health issues and the percentage of exposures.

James Brown – residence on the hill – opposed to the proposal and the disconcerting language. He voiced concern that other antennas could be placed on this same site. He asked denial based on the great dangers of safety, beauty and conditions of the entire area.

Norma Hughes – owns the brown house; she submitted a letter; rents the house and if this goes through it will greatly impair her rental value; she asked to deny.

Don Lynch – the BOCC knows how they feel and he knows that there will be more antennas on this roof and if other companies want to they will have to go higher and avoid interference with this proposed antenna. Staff said they can go up another 15 feet above Verizon Wireless. They depend on the rental of their property for a large part of their income. The view of Mt. Sopris is a big drawing card for the rental. What kind of renter will they have with screens with danger signs posted if this is allowed. They would not be 100 yards but a few feet above and over us. Both of us at an age and we will have to choose a Nursing Home or move into our home where Jamie can help. They want to live in their house but if this is approved the wife can't live there with the magnetic radiation. Verizon can find another location; please put yourself in our shoes when voting today. Please do not let these antennas be installed at this location.

Christine Lynch – the information has been submitted showing how it affects her; letters from doctors. According to the doctors they should not live there if this is approved and she would not even be able to visit her daughter as it's not safe for her. Verizon is saying they think it would be safe; she could not live or visit at this location. Research is still going on as to the exposure damage to the health of individuals. Would you want to rent or buy their home? Would you really want this in your neighborhood with signs posted about radiation warnings? The potential for their home is that they could extend out and put another bedroom if she could live there. Verizon does need a place but they can find a place away from a residential; they may have to build a building. Please don't let them take our neighborhood and make us pay for service. Citizen – put trust in you for best – hope this Board will not allow it.

Jamie Campa – “read her letter into the record” and it was submitted as an Exhibit in the packet the Lynches provided previously. She asked to deny this request.

Brad Johnson – rebuttal and responded to neighbors. He maintained that no study has been done that concludes that a cell site on a commercial building would be a determinant to an untrained eye – it wouldn't be visible. Verizon has created a strong letter of need and testimony. They have a site on hill overlooking Glenwood and one further South but they need one in-between, otherwise customers cannot be guaranteed service.

The Commissioners posed various questions to Verizon representative Brad Johnson – the low roof on the back of the building, the potential exposure to children if they did climb on the roof, it is dangerous enough to post signs and this is a critical point.

Brad – stated that he did notice the concern; Verizon takes safety very seriously and they go above and beyond the requirements for safety.

Don McMullen – they follow the FCC guidelines and he explained reason for the screening and collaboration of him and the engineers; it requires signage of the radiation factor; the signage is a yellow caution sign and it states that beyond this point, radon exposure may exceed limits for human exposure. Verizon could cap the top so it won't exceed.

Brad – one of the recommendations was to cap it and they agreed to do that.

Dan McMullen – he spent time clarifying certain aspects of the neighbors concerns. Second of all no plans to raise the height of 5 feet and would agree to that. He is sympathetic to Ms. Lynch and problems and does not claim to be an expert but reiterated that this is an extremely low radon level and they have done everything they can to mitigate the effects. There are a lot of sources of RF that could impact her that you have no control over that to be honest if she is in this environment that her house is located in she is going to be exposed to whether it be cordless phones from her neighbors, wireless internet, unlicensed devices; there's a number of items and you can go down the list and if she really truly has this problem and it sounds like she does and I'm sincere about this, I would advise her not to put herself in that situation because you guys aren't going to be able to protect her from that. We want her to know that we're not trying to doubt her and there's only so much we can do and we can't put a bubble around some people that may have a problem and we're sorry for that.

Fred – for clarification, the 2.8% that you measured was at the property line?

Dan – they did a complete evaluation and referred to page 8, report from ATECS and that map outlines the predicted levels and in the rectangle of the neighboring house, within that area depicted 1 foot by 1 foot in size and we looked at the minimum/maximum levels in the area of concern and go to page 9 there is 3 legions and the 3rd legion is basically the result of taking that statistical summary of that rectangle approximating the home and this is where you can see one 1 foot by 1 foot bend and that level is 2.8%.

Commissioner Houpt – if you were in the position of needing to find another location – how thoroughly was your research.

Brad – 2.5 years they've looked at numerous options and there are very few sites along Hwy 82 and given there are a fair number of residential – getting a tower on residential property, they researched 5 sites. They initially were in lease negotiations, but could not come to terms on one building that the City of Glenwood Springs approved for a location. The zoning was approved but the land on the other public hearing – zoning approval, landlord backed off – numbered properties – this one meets enough of the objective and meets the criteria of Verizon and meets the zoning approvals.

Commissioner Houpt – as far as the Lynches and the neighbors, it's evident that you haven't worked with the neighbors and this is very revealing. The building you want to place this tower on sits exceptional low to the ground and when you were here before, you didn't show the back hill. As a parent I am considerably concerned; the facility to have caution signs on and kids could climb onto the building. She pointed out that perhaps you gave up too soon in finding a good location – this certainly is not the best location. I'm not talking about the views, but talking about practically of putting this on such a low roof line.

Dan McMullen – early in the design they noticed the low roof and designed the screen for safety purposes. As far as the screens are concerned as long as anyone stays outside the screen it is safe.

Commissioner McCown – follow up with the same line of thinking, if structures are enclosed and locked then he perceives more danger of a kid falling off the roof on the other side than any danger from this structure.

Dan McMullen – yes, I agree.

Commissioner McCown – reiterated that as long as they can't get inside, it is safe.

Commissioner Houpt – asked the applicants if after hearing all the testimony today do you think it would be advantage to continue this for additional discussions with the neighbors?

Brad – no, it is very critical to provide service and we have done everything we can to mitigate the impact.

Commissioner Houpt restated after listening to the concerns that you as a company will be looking for additional sites, do you think we should continue this to meet with neighbors to find a another solution.

Bard – Given these circumstances – this site is the best fit and no other site that would work without a new building or residential units or a new tower going up; they are in dire need and this is the best site and the request is based on dire need.

McCown – analysis's – the better the business – do you ever stop looking for sites

Sue Rosa Bara – few things to address and clarify; she understands Verizon pays an independent to test on-going radiation.

Brad – yes, we retained an outside consultant to monitor and will do this after it's installed and on-going. He agreed the reports could be submitted and made available to neighbors.

Sue Rosa Bara - the FCC has noted that according to the test there is no personal injury but the monitoring company was hired by Verizon to do the testing this is misleading. Also responded to a comment regarding property values saying that unfortunately some studies reported in Real Estate Reporting have stated that the affects of radio frequencies on property values is a factor.

Chairman Martin – This will be going on for many years – it might even be job security for those who do research. If you'd go ahead and wrap up – this is way over schedule and we have one more speaker.

Bill Moffat arrived to speak.

Chairman Martin swore him in as he was late coming in.

William Moffatt – the property owner at 3501 South Grand Avenue. I was watching this on TV and I didn't want to come down here because I thought it would be a conflict of interest. I have been negotiating with Verizon Wireless for 2.5 years to the tune of almost \$5,000 out of my pocket and for them to say they don't have another site it's simply not true. They have my site and they basically spent 2.5 years of my time with engineering and I spent 2.5 years of their time and their engineering, going from one possibility to the next possibility; they've been approved by City of Glenwood Springs, Planning & Zoning Department of Glenwood Springs wanted to put their facilities inside my building which I thought was taking up most of my building and they simply didn't want to pay what I thought was a fair price.

Chairman Martin – so it's a business transaction between you two.

William Moffatt – yes and I thought it would be conflict of interest to come down here except in watching it on TV and I couldn't take it anymore.

Chairman Martin – you mean you really do watch it on TV.

William Moffatt – I do watch it on TV.

Chairman Martin – No, I thought you were just selling other things. All right, let's go ahead and wrap it up – counselor, anything else to consider.

Jan Shute – no.

Chairman Martin – Fred?

Fred Jarman – no sir.

Chairman Martin – back to the applicant, anything in closing? Questions from the Board then.

Commissioner Houpt – well there are obviously other options and I'm disappointed, we weren't told otherwise.

Chairman Martin – okay – do we have a motion to close the public hearing?

Commissioner Houpt – do you want to close or continue?

Chairman Martin – that's up to the Board.

Commissioner Houpt – I'd like to see these folks look at the other options that are available before moving ahead with this one site that I think has many problems. I mean we've had other towers come in front of us with neighbors' concerns and we've continued those meetings because the applicant's have said we would like to work with our neighbors and try to work this out and see what we can arrange, I know we haven't heard that today, but it's been the practice of this Board to encourage applicant's to work things out with the concern of a neighborhood and an area and find other options that are available and viable. And I don't why we wouldn't encourage that this time around as well since we've done it in the past.

Commissioner McCown – well, I think we have encouraged that and I think we continued it this time on the basis of the health reasons which we come to find out we can't deny it for anyway. So

Commissioner Houpt – yeah but we have new information today too.

Commissioner McCown – no, I don't think so.

Commissioner Houpt – we have pictures, we have illustrations...

Commissioner McCown - no I don't think so, Tresi, I think the you and apparently didn't hear the same testimony today, because the pictures truly depict the height of the building on the back. To me, after the discussion, that is irrelevant. If you can boost a kid upon there we had the discussion, the biggest danger is falling off the front side that is more than six foot.

Commissioner Houpt – that's your perception.

Commissioner McCown – they still can't get access to the antenna. Anything outside of the enclosure that the applicant is proposing around the antenna is a safe zone. No hazardous emissions come from outside of that area. That is what has to be complied with and monitored on the FCC rules, now I take objection to the fact that there was insinuations made that a professional engineer is going to jeopardize their license and career and falsify statements on behalf of a client.

Commissioner Houpt – and who's insinuating that.

Commissioner McCown – the lady in the back said she did not think it was the best practice to hire a professional consultant to do a review by Verizon and Verizon pay for it.

Commissioner Houpt – she was talking about on-going

Chairman Martin – okay, slow down

Mildred Alsdorf – only one talk at a time please

Motion to close the Public Hearing:

Commissioner McCown – so I think we can close the public hearing, if you want to vote against this, that is your objective, it is mine to vote against it if I see fit, I don't see a need to continue this – the client has

Chairman Martin – he has a right to know

Commissioner McCown – the client has pursued locations for 2.5 years, Mr. Dalby just came in and said he had been involved in negotiations for 2.5 years so we know its been going on. Just because they could not reach an agreement do we punish an applicant for not agreeing to an individual's price – I think we're getting into an area that far exceeds the government's authority.

Commissioner Houpt – Larry, I think we heard a great deal more information today than we heard at our last meeting and I think we heard some concerns that haven't been discussed beyond what the Lynches had presented to us in the last meeting and when this has happened in the past we have always to see some type of agreement or meeting of the minds before it comes back to us and I think it would be unfortunate for this to be accepted without the opportunity for those people who came forward to have an honest discussion with Verizon and for Verizon to have an honest discussion with them about what other options may be available. And I haven't heard from Verizon that has happened.

Chairman Martin – Okay.

Commissioner McCown – have you heard from any of the applicants that they've been denied the possibility of that discussion? Any of the people that spoke here today, has Verizon refused to talk with them?

Commissioner Houpt – I think that's irrelevant to what I suggesting Larry. Because what I'm suggesting is that this has opened up the opportunity to make that happen as it has on numerous occasions. So,

Chairman Martin – it looks like we're going to continue debating, so the Chair will go ahead and entertain a motion to go ahead and actually make the motion to close the public hearing.

Commissioner McCown – I will second your motion.

Chairman Martin – discussion

Commissioner Houpt – I think it's a huge mistake to close this discussion, we've been in here for 3 hours discussing some real issues and concerns that people have about this project and I'm not convinced that the applicant has met with the folks who took their whole afternoon off to come in and talk to us and I'm not convinced that this is the only location that's available for this project, so I'm extremely disappointed that my colleagues decided to close this public session.

Chairman Martin – oh yea of little faith, call for the question.

In favor: Martin – aye; McCown – aye; Opposed – Houpt – aye.

Chairman Martin – the Chair makes a motion to deny on the case that it has not been met for the best location and also leased to expanded use and that the case for need has not also been met, so therefore I make that motion.

Commissioner Houpt – I'll second that motion.

Chairman Martin – we have a motion and a second. Discussion.

Commissioner Houpt – well I would agree with you, I think it's unfortunate that we couldn't continue it to give them the opportunity to work it out, but I agree that those items have been met.

Chairman Martin – and I want to make sure that the change is the one that creates fear and we do have fear on both sides of the issue today, I don't think we deny anyone anything at this time other than this location has not been proved to be the most optimal and the only location that Verizon can operate on. It does not fuel the fire that it is such a health issue that we can't rule on it because we can't, there is no way that we can go ahead and override FCC regulations, not trying to do that, its just that the case has not been that there are other locations that could be better. Call for the question.

In favor: Houpt – aye; Martin – aye; Opposed – McCown – aye.

Chairman Martin – thank you, it is denied.

Brad Johnson – thank you for your time.

Chairman Martin – thank you very much and I appreciate your hard work and your honesty with it and the engineering is very good, thank you very much.

Public Meeting:

CONSIDER LEGAL ACTION REGARDING ALLEGED ZONING VIOLATION AT 0164 RANCH CREEK LANE/PAT COLE – STEVE HACKETT

Mark Bean for Steve Hackett submitted the alleged violation and investigation information. The permit 8302 included inspections only through framing and plumbing at 0164 Ranch Creek Lane, Ranch at Roaring Fork for E. P. Cole, owner – for a garage and additional habitable space addition to the home.

Correction notices were submitted and to date this has not been accomplished. The request is to give this to the County Attorney's office to proceed with the legal action.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this to the County Attorney's office for a letter or whatever they feel is necessary.

In favor Houpt - aye; Martin - aye McCown - aye

CONSIDER LEGAL ACTION REGARDING ALLEGED ZONING VIOLATION AT 210 COTTONHOLLOW LAND/PRISCILLA M. DATEL – STEVE HACKETT

Jerome and Donna Whitmore and Fred Jarman for Steve Hackett were present.

Fred Jarman for Steve Hackett submitted the alleged violation and investigation information regard the construction of an accessory dwelling unit without a building permit or a special use permit. The failure to comply has been ongoing since September 23, 2004.

Jerome Whitmore stated the request change for the building and named it as a residential area for a guest house and then once they figured it would cost prohibited was to keep it as storage. They used it for 6 weeks while house sitting and a neighbor reported it as a guest house. It is completely empty and ready for inspections.

Andy Swaller and Jerome can continue the conservation and will work on this.

This will come back to the Board for informational purposes only as it will fall under the Building and Planning permitting.

In favor: Houpt - aye Martin - aye McCown - aye

PUBLIC HEARINGS:

CONTINUED HEARING TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR THE STORAGE OF OIL AND GAS DRILLING EQUIPMENT, STORAGE, OR MATERIAL HANDLING OF NATURAL RESOURCES FOR ASITE LOCATED APPROXIMATELY 1 MILE SOUTH OF THE GARFIELD COUNTY AIRPORT ON CR 319 AND GRASS MESA ROAD – APPLICANT: MAMM CREEK COMMONS, LLC – MARK BEAN

Mark Bean, Larry Mincer, Don Scarrow and Jimmy Sills were present.

Chairman Martin swore in the speakers.

Mark entered Exhibit O – a letter from Chris Hale that noted there is adequate storage and does recommend that no building permits be issued until the water is approved by the State. In terms of the fire district, Mark had a memo dated 7-9-05 regarding fire protection. Mark made numerous phone calls; they performed test and system does not meet the perimeters for the fire district and this is a technical issue to be cleared before formerly approving a SUP.

Mr. Hale has indicated that he has some concern about the possibility of water storage available in time of power failure – may cause the system to lose pressure.

Fire Chief wasn't available but he requests that the fire protection water be there before construction takes place.

Larry Mincer – fire protection issue – Mark Bean's statements are accurate. Contracted Jeff Odor and he has reviewed and made an effort to contract the fire protection district and looked and recommend to retain the services of Tom Zancanella – and Mr. Zancanella will meet with the fire protection – substantial system in place and water available – connected to Dalbo and water available and flow through hasn't met with the standards of testing. Spending money with engineers to get those corrections.

Commissioner Houpt – noted that there is a question that came up to move the driveway so trucks would access of Grass Mesa.

Larry Miner – we did look into that and the County R & B strongly opposed to putting in another driveway between the north of that Grass Mesa Road because that roadway has a 60 foot right of way, is sufficient for traffic and is already in there.

Larry – regarding the bus turnaround – we haven't asked them to take it down – they use the turn around area when they bring the kids down and park vehicles there to wait on the kids.

Commissioner Houpt – it was an important issue – how are we going to handle this if approved – traffic intermingling with the children have some substantial concerns of the neighbors.

Larry – no problem dealing with the people; we have tried to discuss this earlier. The issue was just raised a week ago and we've discussed this with some people. Garland Anderson is here and Larry said we have tossed out some alternatives saying they've had this bus turnaround for one year with permission to their clients but we still need to work out some issues to use the road to construct what they are proposing.

Garland Anderson - not on the HOA Board but he represents a lot of homeowners. When he found out last week he talked to the homeowners and the only concern is the safety of the children. They discussed some options and he offered some ideas to be considered. There was a letter written to Mr. Lazier in 2003 from the Board that there had been some discussions with the School Board, County, regarding the safety of the children on 319 Road and worked something out to wait on the bus. Some discussions were held but not much of a paper trail. Other emails were exchanged and they expended \$10,000 in dues to make a parking lot and wouldn't have done that without an agreement. This has been there and no formal complaints now all of sudden it is looked as an issue, the school bus deems it is necessary to stop and pick them up; many car pool to the top of the hill. Option was mentioned to Larry and they may need approval of the school board. Another option – unofficially is to move the bus location further back on the far end and entirely away from all traffic. Gets them off 319 – another option – good idea – to put a small fence to prevent a child from accidentally stepping into the roadway and will give them some safety. Not opposed to the development of the property and no problem with the access.

Commissioner McCown – noted that for normal safety the school buses do not like to pull off on private property.

Larry will address these concerns with the homeowners.

Chairman Martin – you're suggesting to get a building permit, take the risk getting approval of the water service, etc. and if you don't you've got nobody to go into those buildings simply because you can't put them in there and then you have an empty shell to pay tax on as a commercial operation.

Larry – we've already been told that taxes are going up.

Chairman Martin – figured that you would and then improvements go up with the buildings on site if you put them up.

Commissioner McCown – don't think, and number one I don't feel comfortable moving forward with this Special Use Permit today. If we can authorize staff to issue a building permit that they can precede on a building permit, can that be done without the approval of the Special use Permit?

Carolyn – and you've already got a current violation.

Larry – couldn't you approve the Special Use Permit for the one building and hold off on the other?

Chairman Martin – the application if for 3.

Commissioner McCown – you may want to confer with your clients, I don't know if they would want to come back for a Special Use Permit for the other building and then come back for the second and third building.

Jimmy Sills – I do wish to address first the issue of the two buildings that are in violation, they are owned by 319 Properties which is a different entity than the Mamm Creek Commons property and although we understand that issue, the Fire Department is still telling me that I have to have this 150 pounds of pressure with 1500 TPM's. I went down the day we tested the fire hydrant, we went to a fire hydrant below our location and its static pressure was 100 PSI so I think we really and truly have a good fire system but we do need the engineers to come to an agreement with the Fire Department that we do.

A motion was made by Commissioner McCown to continue this hearing until August 1, 2005. Commissioner Houpt seconded.

Commissioner Houpt – wanted to remind the applicants to work with neighbors on school bus and traffic flow.

In favor Houpt -aye McCown - aye Opposed - Martin - aye

Public Meeting:

CONSIDER THE REFERRAL OF A SPECIAL USE PERMIT FOR EXTENSION, PROCESSING, AND MATERIAL HANDLING OF NATURAL RESOURCES INTENDED FOR THE EXPANSION OF THE CHAMBERS (SAND AND GRAVEL) PIT – APPLICANT: RIVERS EDGE, LCC – FRED JARMAN

Fred Jarman, Jan Shute and Brad Curry were present.

This is a special use application for the intent to expand the existing chambers Gravel Pit in the A/I Zone district. This pit is located on a property north of the Colorado River and I-70 at the State Highway 13 Interchange just east of Rifle, CO and owned by Rivers Edge, LLC (formerly owned by Donald Scott) but operated by United Companies of Mesa County. The size of the property permitted for the pit contains 119.8 acres. The expansion would add 52.6 acres for a total of 172.4 acres involved in the pit operations specifically to the mining of sand and gravel to be primarily used for road base, asphalt and concrete.

The pit is currently active and permitted by the State of Colorado Division of Minerals and Geology as well as under a SUP from Garfield County. Several expansions have occurred to the pit over the last several years. In the present request, the owner wishes to expand the pit southward across the Colorado River to the land directly west of Lafarge's Mamm Creek Pit. The plan includes transporting material mined in the expansion area across the Colorado River by way of a conveyor facility. The primary processing and sales of the material will occur in the same location as presently permitted north of the Colorado River. Mining will include extraction of resources below the water table and therefore the use of existing water will continue to be an issue.

Staff recommendation:

Due to the significant size of the expansion (increase of current operations by 44%), complexity of infrastructure involving crossing the Colorado River with a conveyor system, significant visual impacts within the County's view shed, impacts to the City of Rifle Watershed District and planning areas and added access issues, staff recommends the Board direct staff to schedule a public hearing for the Planning Commission in order to obtain a recommendation to the BOCC.

Brad – thought it would be good to run this through the Planning Commission and discuss who they are and what they are about.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to refer this to the Planning Commission for a recommendation. In favor: Houpt - aye Martin – aye McCown - aye

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED ON PROPERTY OFF OF ROSE LANE, EAST OF CARBONDALE. APPLICANT: MARIAN NILSEN – MARK BEAN

Mark Bean, Carolyn Dahlgren, and Lathrop Strang were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D –Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; and Exhibit F – Nilsen SUP application.

Chairman Martin entered Exhibits A – F into the record.

Mark stated that the Applicant requests the Board grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) for a property located just east of Carbondale. The property contains approximately 11.7 acres. The property has a primary residence of approximately 2500 s.f. and an illegally constructed ADU of approximately 1070 s.f. Presently, the ADU is used as a guest house, but may be rented out in the future.

The proposed ADU is a two-story structure with a bedroom and bath on the lower floor, along with the entrance to the structure, an equestrian storage area and two stalls. There is a second floor of approximately 700 s.f. in floor area with a living/kitchen area and an additional bedroom and bath. A new ISDS will be built to serve the proposed ADU and possible expansion of the primary residence and a future barn. Water for the house and ADU comes from an existing domestic well, that has been augmented with Basalt Water Conservancy District water.

I. RECOMMENDATION

Staff recommends **APPROVAL**, with the following condition:

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 unless otherwise modified by the Board.
2. The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.

3. A set of building plans, signed by a licensed architect or engineer shall be submitted to the Building Department and approved prior to approval of the Special Use Permit. The appropriate fees for an after the fact building permit will be paid.
4. Only leasehold interests in the Accessory Dwelling Units are allowed.

The applicant purchased the property not knowing the dwelling on it was an illegal structure. The applicant has addressed all the issues. Referred to Jack Sharps Tract but it is not in a subdivision. There is no HOA. There is no actual subdivision.

Lathrop Strang did not have any further testimony.

Commissioner McCown – the barn can be built but this will take place in the existing unit.

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

Houpt - aye Martin - aye McCown - aye

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the ADU with the 4 conditions of staff.

In favor: Houpt - aye Martin - aye McCown - aye

Report of Tanker Turnover on Dry Hollow – the MAC team was there; the tanker turned over carrying water.

ADJOURNMENT

Attest:

Chairman of the Board

JULY 26, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF EQUALIZATION
GARFIELD COUNTY, COLORADO

The regular meeting of the Garfield County Board of Equalization began at 1:00 P.M. on Monday, July 26, 2005 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Assessor Shannon Hurst and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:00 P.M.

Chairman Martin stated that the taxpayer goes first, and then the Assessor, then the taxpayer has time for rebuttal. The taxpayer needs to state a value they feel their property should be valued and then the Assessor testifies. The Assessor must support their position and state comparables. The taxpayers are supposed to declare a value in their written protest, but they can state it before the Board today.

Assessor Shannon Hurst and Deputy Assessor Lisa Gunderfelder were present.

Shannon submitted her report stated that the Assessor's Office received a total of 1183 protests during May 2005. Of that, 586 parcels were adjusted; 580 were denied; 9 were satisfied and 18 were void. The net reduction of actual valuation of taxable property in Garfield County during the protest period amounts to \$83,990.952. The actual valuation of all taxable property in Garfield County amounts to \$7,192,000,244,787. She attached the property evaluations showing 30,000 parcels.

The complete report sorted by protest number was submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the Assessor's report. Motion carried.

STAN AND CAROLE RACHESKY

CASE NO. CBOE 05-03

SCHEDULE NO. RO20064

APPRAISER – ROBIN DALESSANDRI and PAUL SCHOEPPNER

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C – Assessor's Packet

Exhibit 1, 2, and 3 – Petitioner's exhibit

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Chairman Martin reviewed the procedure with all the petitioners.

Stan Rachesky stated he was going to protest the fact that there were so many staff members from the Assessors and no other protesting tax payers.

Stan submitted his comparables and felt his valuation of \$430,530 was not justified. He based his determination on listed properties for sale in the newspapers.

Stan quoted the results of the Hyman Fire of the woman convinced; and two boys and a girl started the fire due to fireworks and will probably be convicted but nobody was tired and convinced of Glenwood Springs who burned his home. Stated that the County put them out of business for a Bed and Breakfast made him reapply for a permit and

now the County is trying to tax him to death – 8 staff people – what’s the next thing you are going to be doing to my wife and me. He wants fairness.

Robin Dalessandri –Submitted Exhibit D and explained the comparables she used to assess the property. This property has privacy and exclusion in Glenwood Springs is a desired qualities. Robin described the home. She lowered the valuation to \$418,450 and used both residential and vacant land and sales to support the value.

Commissioner McCown – nothing in the appraiser to indicate a Bed and Breakfast but rather evaluated as a home.

Commissioner Houpt – clarified that the home was residential and there is no difference with Bed and Breakfast. Value \$418,000 and Stan is requesting \$262,000 to \$279,229.

RANDALL V. AND ARDITH KIMBALL

CASE NO. CBOE 05-08

SCHEDULE NO. R017083

APPRAISER – GREG WETZEL

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C - packet

Exhibit D – Assessor’s packet

Petitioner’s Exhibit 1 – Value Sheet

Chairman Martin reviewed the procedure with all the petitioners.

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Petitioner’s Exhibits – 1 and 2 were entered into the record.

Randall Kimball submitted the Assessor’s valuation of \$88,000; \$50,000 for Lot 11 and \$38,000 for lot 10 – South 1/2 and submitted his comparables.

The Petitioners Value - \$15,000

Greg Wetzel submitted the appraisal of the land. He stated that the appraised value of \$88,000 is fair and conservative. The two lots are attached and shouldn’t have to search for comparables.

RANDAL V. and ARDITH KIMBALL

CASE NO. CBOE 05-09

SCHEDULE NO. M000767

APPRAISER – GREG WETZEL

Exhibit A – Proof of Publication

Exhibit B – Notice of Determination

Exhibit C – Assessor’s Packet

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Chairman Martin reviewed the procedure with all the petitioners.

Randall – Mobile home Petitioners Value - \$25,355 at 124 Apple Drive

Greg Wetzel – Exhibit D – comparables and Assessor’s valuation is \$70,190. He asked to uphold the value.

ALFRED MICHAEL AND NANY MARIE SWENSON

CASE NO. CBOE 0E5-329

SCHEDULE NO. R490256

APPRAISERR – SHANNON HURST

Exhibit A – Proof of Publication

Exhibit B – Notice of Determination

Exhibit C – Packet

Exhibit D – Assessor’s

Petitioners – 1, 2, 3, 4, 5, 6, 7, and 8

Chairman Martin entered the Exhibits into the record.

Chairman Martin swore in the speakers.

Chairman Martin reviewed the procedure with all the petitioners.

Mr. Swenson noted that Shannon stated the superior workmanship of the structure, the average to good construction is the basis for change in the evaluation. Several houses he indicated in the documentation were built with same contractor and are listed as average built and his letter to his denial he realizes his home is superior workmanship; materials the same and built by same subcontractors – others had evaluations go down.

Declared - \$280,000’s compared to \$290,000.

The Assessor’s valuation is \$297,130. All his comparables built by the same contractor, commonly in construction and in workmanship but not in design. His house does have excellent curve appeal but workmanship and materials they are the same.

Shannon showed the 2006 values of the other homes in that area will be raised next year.

MARION WELLS

CASE NO. CBOE 05-332

SCHEDULE NO. R270070

APPRAISER – JACK REFOIR

Exhibit A – Proof of Publication

Exhibit B – Notice of Determination

Exhibit C – Packet

Petitioners Exhibit 1

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Chairman Martin reviewed the procedure with all the petitioners.

The valuation is her personal residence at Rulison and the Assessor has valued it at \$345,630.

She submitted her comparables and explained her position.

Jack Refoir – submitted the Assessor’s packet and Exhibit D was entered in the record. Value should be \$347,030 to reflect the corrections of the bathrooms. The dispute was over how the Assessor measures the square footage of a residential structure – they always measure the outside.

Marion Wells thinks the square footage should be measured inside as her walls as extra thick and distorts the square footage of livable space.

DECISIONS

RACHESKY

CASE NO. CBOE 05-03

SCHEDULE NO. RO20064

APPRAISER – ROBIN DALESSANDRI

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny and to authorize the Chair to sign the Resolution.

In favor of denial: Houpt – aye; McCown – aye; Martin – aye.

KIMBALL

CASE NO. CBOE 05-08

SCHEDULE NO. R017083

APPRAISER – GREG WETZEL

Kimball stated is should only be \$15,500

water and sewer was discussed, but other lots comparables do have water and sewer.

Lowered already – no problem with the \$55,000 lot.

A was made by Commissioner Houpt and seconded by Commissioner McCown to accept the Assessor’s value on the second approach and deny the request and to authorize the Chair to sign the Resolution..

In favor of denial: Houpt – aye; Martin – aye; McCown – aye.

KIMBALL

CASE NO. CBOE 05-09

SCHEDULE NO. M767

APPRAISER – GREG WETZEL

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to reduce to \$71,090 to \$65,000 and to authorize the Chair to sign the Resolution.

Houpt – aye; Martin – aye; McCown – aye.

SWENSON

CASE NO. CBOE 0E5-329

SCHEDULE NO. R490256

APPRAISER – SHANNON HURST

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny and to authorize the Chair to sign the Resolution.

Houpt – aye; McCown – aye; Martin – aye.

WELLS

CASE NO. CBOE 05-332

SCHEDULE NO. R270070

APPRAISER – JACK REFOIR

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny and to authorize the Chair to sign the Resolution.

Houpt – aye; McCown – aye; Martin – aye.

AUGUST 3, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF EQUALIZATION
GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Garfield County Board of Equalization began at 8:30 A.M. on Wednesday, August 3, 2005 with Chairman John Martin and Commissioners Tresi Houpt and Larry McCown present. Also present were County Attorney Don DeFord and Mildred Alsdorf Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:30 a.m.

SADDLEBACK VILLAGE LLC

CASE NO. CBOE 05-010-277

SCHEDULE NOS. VARIOUS

APPRAISER – SHANNON HURST

Shannon Hurst, Sean McCourt, Barry Goldstein of Sterling Equities and _____ were present.

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C – Assessor's Packet

Exhibit D – Assessor's Exhibits

Exhibit – 1 – Petitioner Packet

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Barry Goldstein represented the applicant and submitted Petitioner's Exhibit 1 and explained the justification to lower the 2005 value of the parcels as set forth in his Exhibit 1.

Shannon Hurst presented her information and the approach she used to determine the value. She submitted a packet of information containing comparables.

Barry asked the Board to use his valuation as presented.

CERISE RANCH

CASE NO. CBOE 05-285-321

SCHEDULE NOS. VARIOUS

APPRAISER - SEAN MCCOURT

Shannon Hurst, Sean McCourt, Barry Goldstein of Sterling Equities and Jeff _____ were present.

Chairman Martin swore in the speakers.

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C – Assessor's Packet

Exhibit D – Assessor's

Exhibit 1 – Petitioners Exhibit

Sean submitted the Assessor's exhibits

Exhibit 2 – some changes the County made prior to today –

Chairman Martin entered the Exhibits into the record.

Barry Goldstein - The issue is what is the proper sell out period for the lots to be sold. The assessor used 5 years; and 2) what should be the retail value for some of the lots. The Assessor has used 5 years for the sell out period and they content it should be 7 years. The Assessor relied on the sales for the base period to determine the sell out period. This distorts the value of the true sell out of the property.

Jeff explained why the concessions and when they started.

Sean stated that the Assessor's office has applied present worth valuation to all vacant lots in Cerise Ranch. The Petitioner has accepted the Assessor's valuations except for lots valued at \$200,000 and up. Petitioner does not accept the sell-out period of 4 years for the remaining lots. The Assessor's market value is \$6,289,000.

Sean submitted the comparables and justification of the value on these vacant lots.

He asked the Board to uphold the 5 year period. Page 21 of the Assessor's packet supports the values.

WEINGARTEN MILLER GLENWOOD LLC.

CASE NO. CBOE 05-278-284

SCHEDULE NOS. VARIOUS

APPRAISER - JOHN ZIMMERMAN

And

GLENWOOD MEADOWS LLC

CASE NO. CBOE 05-322-327

SCHEDULE NOS. VARIOUS

APPRAISER – JOHN ZIMMERMAN

Barry Goldstein requested the Board hear all these schedules at one time as the information is the same for both petitioner and the Assessor.

Shannon Hurst, Lisa Gunderfelder, Barry Goldstein of Sterling Equities and John Zimmerman were present.

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C – Packet

Exhibit D1 – Assessor’s Weingarten Miller

Exhibit D 2 – Glenwood Meadows

Petitioner 1a and 2a- Weingarten

Petitioner 1b and 2 b – Glenwood Meadows

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Weingarten Miller

Barry Goldstein submitted the petitioner’s exhibits and stated his case for a different valuation of property referencing dates the property was sold. The property was 470 acres originally and the bulk was dedicated to the City of Glenwood as open space, here the balance of the property and argued the sq. foot price of \$1.25 per sq. ft. He referred to two sales in the exhibits – 1st – parcel of 13 acres in Riverside Park in New Castle in 2003 – valued \$1.75 sq ft. 2nd sale –Bair Chase - 281 acre parcel \$1.57 sq ft. –

Mike Mapol – the Glenwood Manager of Glenwood Meadows noted this matter was complicated but explained the transactions.

Glenwood Meadows

Lisa Gunderfelder submitted the Assessor’s packet of information and explained her comparables and valuation method. She requested the Board uphold the valuation at \$2.64 per Sq Ft.

Exhibit D2 Glenwood Meadows – they stipulated to \$55,000 per acre. Lisa requested the Board uphold the Assessor’s valuation on both properties.

VILLAGE HOMES OF COLORADO

CASE NO. CBOE 05-352

SCHEDULE NO. 5005572

APPRAISER – ROBIN DALESSANDRI

Shannon Hurst and Robin Dalessandri were present.

Chairman Martin swore in the speakers.

Exhibit A – Proof of Publication

Exhibit B –Packet

Exhibit D – Assessor’s Packet

Chairman Martin entered the Exhibits into the record.

The petitioner was present.

Robin Dalessandri presented her case showing the comparables used to determine the value of \$1,962,000 for the Cardiff Glen PUD.

Cardiff Glen PUD – Todd Stevens of Stevens Homes was present.

Todd submitted the request for a value of \$80,000.

Robin submitted the Assessor’s Packet and her research supports the value of \$1,962,000 and asked the Board to uphold the valuation.

STEVEN AND PATRICIA KAY THOMPSON

CASE NO. CBOE 05-328

SCHEDULE NO. R230904

APPRAISER – PAUL SCHOEPPNER

Shannon Hurst, Paul Schoeppner and Steven Thompson were present.

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C – Returned from Petitioner

Exhibit D - Assessor’s Packet

Exhibit 1 – Petitioners Packet

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Steven Thompson stated his justification for the property tax appeal stating that this is based on the West Divide Seep area; that this seep has devalued his property and had contacted the bank during the course of this appeal and the bank would not complete an equity loan because they couldn’t get an appraisal. He requested a 22% reduction and that these discount reductions should remain until a statement is made by the COCCG that this is a clean place to live and no contamination exists. His request for a valuation of \$172,380 and freeze it until the land is clean.

Paul Schoeppner stated the Assessor’s valuation and submitted his justification for the property to remain at his valuation noting that the property does suffer from some economic obsolescence but the 22% the petitioner is requesting has noting to do with the taxes. He requested the Board uphold his valuation of \$202,610.

LYNN KATT

CASE NO. CBOE 05-333

SCHEDULE NO. R200111

APPRAISER – PAUL SCHOEPPNER

Chairman Martin swore in the speakers.

Exhibit A – Proof of Publication

Exhibit B – Advisement of Right

Exhibit C – Packet

Exhibit D – Assessor's Packet

Petitioners Exhibit 1 –

Chairman Martin entered the Exhibits into the record.

Lynn Katt stated that this property should be classified as ranching as it has been ever since he bought it; he financed his land through the Farm Credit and they only loan on agricultural real estate. He supported his request using other properties of similar classifications.

Paul Schoeppner stated that he has only known this property to be classified as residential and the Assessor's office unfortunately requires certain things before he can get an agriculture classification. Prepared to change it to agricultural and all we need are copies of specific documents and we will change it back. Lynn needs to submit the paperwork. Required by the State to do so. The property valued as residential is \$265,390.

Mr. Katt requested the Board change this property to ag land not residential.

Into the Board of County Commissioners

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

Don referenced he needed an Executive Session to discuss Litigation stemming from the BOCC meeting hold on Monday, August 1, 2005.

Commissioner McCown moved to go into an Executive Session; Commissioner Houpt seconded, carried.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to come out of the Executive Session and back into the Board of Equalization; motion carried.

H. THOMAS & MARIANNE STROOP

CASE NO. CBOE 05-350

SCHEDULE NO. R490342

APPRAISER – SHANNON HURST

Exhibit A – Proof of Publication

Exhibit B – Advisement of Rights

Exhibit C – Petitioner form returned

Exhibit D – Assessor's packet

Exhibit 1 – photos

Chairman Martin swore in the speakers.

Chairman Martin entered the Exhibits into the record.

Mr. Stoop presented and thanked Mary Lynn Stevens for arranging the schedule to accommodate his needed hearing date.

Mr. Stoop articulated his concern explaining the situation with the trees that blocked his view and consequently he felt affected his resale value. He showed photos to support his position and submitted his personal comparables. He requested that the Board lower the tax valuation

Assessor – Shannon Hurst – presented her case of the property located at 129 Battlement Creek in Battlement Creek Village Subdivision stating that this particular property borders the golf course and thereby increases the desirability of this property.

The Assessor's office lowered the applicant's property by \$9,290. A strong case was made to the Board to keep the valuation as \$333,080.

Shannon stated that she evaluated the properties 3 times and feels this valuation is correct and asked the Board to uphold the value as stated.

DECISIONS

SADDLEBACK VILLAGE LLC

CASE NO. CBOE 05-010-277

SCHEDULE NOS. VARIOUS

APPRAISER – SHANNON HURST

Commissioner McCown made a motion to uphold the appraiser's valuation for these various improved parcels, vacant land parcels and mobile homes based on the Assessor's process and that she cannot look at the income approach and thereby to deny the request of the petitioner and to authorize the Chair to sign the Resolution..

Chairman Martin – noted that in the testimony the representative stated that the rent hadn't gone down.

Commissioner Houpt – seconded.

Houpt – aye; McCown – aye; Martin – aye.

CERISE RANCH

**CAST NO. CBOE 05-285-321
SCHEDULE NOS. VARIOUS
APPRAISER - SEAN MCCOURT**

Commissioner McCown made a motion to deny and support Assessor's finding and deny the appeal; Commissioner Houpt seconded and stated that perhaps they need to look at how they list their lots. Chairman Martin noted they are still giving concessions.

Houpt – aye; McCown – aye; Martin – aye.

**WEINGARTEN MILLER GLENWOOD LLC.
CASE NO. CBOE 05-278-284
SCHEDULE NOS. VARIOUS
APPRAISER - JOHN Z.**

Commissioner McCown made a motion to deny the appeal and to include all of these Schedules to the Board of Equalization into one resolution and authorize the Chair to sign the Resolution.

Commissioner Houpt – seconded for discussion.

Houpt – aye; McCown – aye; Martin – aye.

**GLENWOOD MEADOWS LLC
CASE NO. CBOE 05-322-327
SCHEDULE NOS. VARIOUS
APPRAISER – JOHN Z.**

Commissioner McCown made a motion to deny the appeal and to include all of these Schedules to the Board of Equalization into one resolution and authorize the Chair to sign the Resolution.

Commissioner Houpt – seconded for discussion. The dates of the transactions were different – there were dates that followed the time we could use for assessment on the approval of the plat and whether that was planned or not, it's the reality of where the property was and having a hard time agreeing with their arguments.

Commissioner McCown – the fact that the final plat was signed on August 4, 2004 and they signed the Target contract on 8-5-04. You don't draft a plat in one day.

Houpt – aye; McCown – aye; Martin – aye.

**VILLAGE HOMES OF COLORADO
CASE NO. CBOE 05-352
SCHEDULE NO. 5005572
APPRAISER – ROBIN DALESSANDRI**

A was made by Commissioner McCown to deny the request to lower the value of this property to \$80,000 and to authorize the Chair to sign the Resolution.

Houpt – aye; McCown – aye; Martin – aye.

**THOMPSON
CASE NO. CBOE 05-328
SCHEDULE NO. R230904
APPRAISER – PAUL SCHOEPPNER**

Commissioner McCown made a motion to deny the petitioner's request and uphold the Assessor's valuation and authorize the Chair to sign the Resolution.

Houpt – aye; McCown – aye; Martin – aye.

**KATT
CASE NO. CBOE 05-333
SCHEDULE NO. R200111
APPRAISER – PAUL SCHOEPPNER**

Paul Schoeppner stated that the proper forms have been submitted to the Assessor to change the status from residential to agricultural.

Commissioner McCown moved to change the status of the property from residential to agricultural and to authorize the Chair to sign the Resolution.

Commissioner Houpt seconded. Houpt – aye; Martin – aye; McCown - aye

**STROOP
CASE NO. CBOE 05-350
SCHEDULE NO. R490342
APPRAISER – SHANNON HURST**

Commissioner McCown made a motion stating that the Assessor's documents support the research that she did and he knows this entire area was done 3 times. Shannon did her homework and gave the \$9290 reduction and therefore he cannot support the applicant but moved to deny the applicant's request and support the Assessor in her findings and to authorize the Chairman to sign the Resolution. Commissioner Houpt – seconded. Think that this is also subjective and the next person would love this.

In favor: Houpt – aye; McCown- aye. Opposed: Martin – aye.

A motion was made to adjourn the Board of Equalization for 2005 by Commissioner McCown and seconded by Commissioner Houpt. Motion carried.

ADJOURNMENT

Attest:

Chairman of the Board

**AUGUST 1, 2005
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, 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

Garfield County wishes to congratulate Ed Green on his 7th year with the County.

COUNTY MANAGER UPDATE – ED GREEN

a. Consideration for renewal of inmate telephone contract – Lou Vallario

Lou Vallario submitted the concept and contract for the Board's signature. It is a service to provide phone service and it pays for itself. Evercom has been good to the Sheriff and they would like to renew the contract.

Don DeFord – it is renewal under a one-year term and since we are receiving funds, there is no problem.

Contract and two addenda.

A motion was made by Commissioner McCown to approve the inmate telephone contract with Evercom and the Chair authorized to sign. Commissioner Houpt – seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

b. Consideration for purchase of a security x-ray machine for the Courthouse – Lou Vallario

Lou presented a memo to the Board and stated the Board authorized \$20,000 to purchase security equipment for the project. At the meeting we had the X-ray machine was not decided because of the possibility of obtaining the Pitkin County Airport machine. However, in inspecting the machine, consider the possible cost associated to make it usable, shipping and obsolete technology; the machine will not meet our needs.

Control Screening, LLC – Lou submitted a product and pricing information regarding the Rental Return Model Auto Clear Walk through Metal Detector. These have been placed in Sears Tower, the Empire State Building etc. They are very savvy security systems. The cost of the demo model would be sold to us for \$26,338.

The request is to have approval of an additional expenditure of \$20,000 to purchase the demo unit or the smaller unit for \$18,000, \$400 for installation and training and \$1600 for shipping.

Ed – we have \$153,000 that came back from the COPS construction fund that's available for this as well.

Lou stated that this is a plan and somewhat controversial between freedom versus security but again acting on what the tenants in the building had asked and what we've discussed previously - there are possibilities in the future of a Phase II if this isn't going to work we have to readjust this, found a door that we need to secure that we weren't sure of, so there are possible things in the future – some of that being security related isn't really appropriate to discuss in a public meeting..

A motion was made by Commissioner Houpt to approve the purchase of the Auto Clerk Walk demo unit in an amount not to exceed \$20,000. Commissioner McCown seconded.

Chairman Martin – originally voted against this originally but since it was approved anyway we need to have the best equipment possible.

In favor: Houpt – aye; Martin – aye; McCown – aye

Fire Protection District – Fire Bans

Commissioner Houpt – confusion on the fire ban and she requested Lou to have something in the press.

Lou – this was explained to the media. Don and Lou have discussed certain areas and he wants to get with the other fire districts – what Glenwood has on paper is good.

Don – no misunderstanding – open burning permit under the Sheriff.

Commissioner Houpt – what's in place?

Lou a permanent permitting process to burn either from the Sheriff of the individual Fire Districts. During the high fire season there is no burning.

c. Replacement of Carpet and Tile in the Garfield County Courthouse and the Henry Building – Richard Alary

Richard Alary and Tim Arnett presented the replacement of carpet and tile and recommended the award bid to Abbey Carpet for a not to exceed \$25,392.79.

The original budget reflected the painting and carpet replacement of the Probation Department on the fourth floor of the Courthouse. The probation Department has decided they need a remodel of their area to better accommodate their needs. We will not paint or carpet their area this year and the \$264,600 has been requested in the 2006 budget to accomplish their remodel request.

A motion was made by Commissioner McCown \$25,392.79 to Abby Carpet for the replacement of the Probation Department on the fourth floor of the Courthouse and the Henry Building.

Commissioner Houpt seconded.

In favor: Houpt - aye Martin - aye McCown - aye

d. Replacement of Interior Locksets in the Garfield County Courthouse – Richard Alary

Richard Alary and Tim Arnett explained that the RFP was for replacing existing locksets on all four floors of the Courthouse that match color of existing locks, meet American with Disabilities Act specifications and be of a type where parts and service are readily available through local area lock-smiths.

Gene's Lock and Key Company in Glenwood bid \$67,877.12 – the budget amount was for \$70,000.

A motion was made by Commissioner McCown to award the bid to Gene's Lock and Key Company in Glenwood for \$67,877.12 for replacing existing locksets on all four floors of the Courthouse. Commissioner Houpt seconded.

In favor: Houpt - aye Martin - aye McCown - aye

e. Painting various Garfield County buildings – Richard Alary

This original budget amount of \$66,843.00 was for painting and carpet replacement for the Probation Department on the 4th floor of the Courthouse.

Michael B. Weldon Companies LLC. Basalt bid \$29,975.00.

A motion was made by Commissioner Houpt to approve the award to Michael B. Weldon Companies LLC. Basalt for \$29,975.00 for painting and carpet replacement for the Probation Department on the 4th floor of the Courthouse. Commissioner McCown seconded.

In favor: Houpt - aye Martin - aye McCown - aye

f. Certificate of designation for Anvil Points spent Shale Repository – Doug Dennison

Information concerning the CD for the Landfill was submitted and explained. This is on BLM land.

BLM may have to apply for this directly. This is through the CDPHE.

Don – we have the statutory ability to comment on the area for a landfill and the State is looking for comments on how this fits into the Comprehensive Plan. The Board's position considered by the State. This just comes to the Board as a matter of course.

Mark – the Board is required to issue the Certificate of Designation and we rely upon the State for the technical issues. It is on Federal land.

Doug has only heard from the State that BLM hasn't taken an official stance yet and he anticipated that they might if you chose to go this route.

Chairman Martin – this is not something new, we have discussed this with BLM on numerous options to this relocation and it also means a clean up of the oil shale and means something else to Garfield County in the future which happens to be oil trust fund and also the transfer of federal mineral leasing act, etc that holding up on the bottom of the Roan Plateau and all the wells and everything else. We went through every step with the BLM – we know that they also consulted with the health department numerous times and we were at that table and they chose to do the best they could do on site as close to their oil shale pile as possible and we agreed with that. The transportation costs and also the cost if we put it in the County landfill and we tried to make it a berm, cover it up with soils or mats or whatever and there was an agreement that BLM would go forward with their depository right there on site and we agreed to that, so I don't see why we need this extra step.

Commissioner McCown – did we issue one of these on the Estes Gulch facility.

Mark Bean – yes we did because that was private land ground.

Commissioner McCown – no Estes Gulch is public land and you can hike on it today. This is the depository up Hwy 13 and it's on BLM property. We did issue a certificate of designation.

Mark Bean – remembers the discussion with BLM on this particular agenda item and part of the discussion was that they were going to put this material on our site then we would have had to modify our certificate.

Commissioner McCown – the way I'm understanding it here the BLM has to apply to the CDPHE to allow them to bury this material and it is very clear, anyone operating a facility for solid waste disposal etc. has to apply. If they apply to us, we don't have a choice. If they apply directly to CDPHE we don't need a seat at the table as long as there's an application and eventually CDPHE is going to be the entity with the overview and the enforcement authority as long as they're involved, I don't care how it happens but if they apply to us – we don't have a choice.

Chairman Martin – and through that meeting, the health department has commented numerous times of the different designs, different liners, the different types of soil that can be covered, etc. and they've already had this discussion with BLM and it was brought back to us.

Commissioner Houpt – I'm happy that we continue to have an open dialogue with BLM and I agree a lot has been accomplished in those meetings but I think this also secures our opportunity to comment if plans start to change in a direction that may not be advantageous for the County and not sure why anyone would be opposed to go this route. It really doesn't do anything unless we want to make a statement about land use.

Commissioner McCown – we could be placing an insignificant level of bureaucracy of another governmental entity that has already going through this process anyway and couldn't lengthen the time it takes to get the application through the process thus lengthening the reclamation.

Mark – if we go through a certificate process it requires a public hearing, and at that hearing you will review the documents put together in meeting the CDPHE requirements as well as multiple land use requirements, review and make recommendations to the CEPHE at the same time provided everything's acceptable to all the Board and you would approve this certificate of designation.

Don – Commissioner McCown addressed in his comments, the document itself says that they are required to apply to the County if the State's going to enforce it, it's not optional. Then for the County we have to consider it.

Commissioner Houpt – that was my point, how is this going to add an extra layer if they're coming to us anyway.

Commissioner McCown – if the Federal government has the authority to go directly to the CDPHE which still remains to be seen or if they even have to, even if they fit the perimeters they may be exempt.

Commissioner Houpt – this would secure us the opportunity to weigh in on land use issues and would support obtaining a certificate of designation on this issue and that's a motion – on this landfill. My motion is what Doug brought to us – do we want to apply for a Certificate of Designation?

Doug Dennison – or do we want to request that they apply – BLM would be the one applying.

Commissioner Houpt – okay I would like to make a motion that we request BLM apply for it so that we can weigh in on land use issues as it relates to this cleanup – this disposal.

Commissioner McCown – seconded for discussion.

Commissioner McCown – I'm inclined to agree with you I think that we in fact were involved within their was all being assessed by the engineering company and it was not only with our recommendation but with our blessings that they decided to put their site on their own property and not encroach on anyone else and the type of site they're going to build was discussed so if they have to they have to apply to the State I don't have a problem with the process but if it does in anyway an undue encumbrance I won't support it.

Commissioner Houpt – well I not hearing this morning that it really does create than undo encumbrance and I think it's just a paper trail and an opportunity for us to make sure that we're on the same page with BLM.

Chairman Martin – its been since the mid 80's since we shut down oil shale etc and the time has been out there – we finally get motion simply because we've brought the issue forward that we really need to do something, the Department of health has contacted BLM in reference to the potential of surface water contamination, they've worked with the BLM and told them what they need to do already, they've had engineers and designers working on with the State for the last year and one half to get this done – to slow the process down when they're ready to go ahead and get things going and have a public hearing just to satisfy us, a certification of designation for the County's land use and there is no land use that we would review, there's no transportation corridor that affects private land or even county roads – its all on federal land – again it's bureaucracy at it's greatest since we've already discussed every little minute detail from the fly ash of the shale to the shale itself to the types of liners, to the one, two and three layer lines, Department of health has been at the table, again are we just dragging this system out to satisfy bureaucracy and I say yes.

Commissioner Houpt – you know I think if this County were better at sharing information and documentation we wouldn't be having this kind of discussion but this information has never been put in front of me and for that reason I support having them come in front of us because I haven't seen what's on paper, what's been finalized, and I don't know whether it impacts what we would permit or would not permit. So in the future if we change that process.

Commissioner McCown – a key point that you may be missing in the conversation is we only had the authority to comment – we can't approve or disapprove.

Commissioner Houpt – I'm not missing that.

In favor to request BLM to apply for a CD: Houpt – aye Opposed: Martin - aye McCown - aye

Chairman Martin would like to make sure that BLM knows that if they are required to do so we will hold a public hearing etc.

g. Contract with Saccomanno Research Institute for Health Risk Assessment – Doug Dennison

Doug submitted the sole source justification and a memorandum to provide for the “Community Health Risk Analysis of Oil and Gas Industry Public Health Concerns for Garfield County. This is part of St. Mary's and will be conducted by Dr. Russell Walker of Mesa State college and Brenda Sizemore.

Five community focus groups will be held to solicit information on public perception of priority health concerns with impacted communities. The total cost of the study will be \$64,999.

This is one of the projects to be imposed by the EnCana fine.

This is a sole source justification and they are uniquely qualified and very cost competitive. They are a non-profit organization. They are the people who proposed the project to the Commissioners in the beginning.

Don DeFord stated this is conditional on a final IGA with the COGCC. This is a 2-year process but we can only expend the first year. Renewal is subject to appropriation and approval by the Board in 2006.

Doug said the cost this year is for \$35,000 and \$30,000 for next year.

A motion was made by Commissioner McCown to approve the contract with Saccomanno Research Industries for the Health Risk Assessment with the expenditure of an amount not to exceed \$35,000 this year and contingent on the Intergovernmental Agreement with the Colorado Oil and Gas Conservation and the sole source justification.

Commissioner Houpt seconded.

In favor: Houpt - aye Martin – aye McCown – aye

h. Social Services Request for a position reclassification – Lynn Renick

Michelle McMullen's for a DSS Manager IV – Finance and Business Administrator. The new salary would be pay grade 8 beginning August 1, 2005 for \$4521.75 per month – 85% of market.

Judy Osman, Patsy Hernandez and Lynn Renick were present. This is in preparation of moving to the new Human Services Building.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to reclassify the position of Finance and Business Administrator and with that approval allowing for the expenditure of \$3,962.45 in additional salary for the remainder of the year 2005.

In favor: Houpt - aye Martin - aye McCown - aye

i. Modify Agreement with White River National Forest – Marvin Stephens

Cooperative Road Agreement No. CA-15-00-96-005, Modification @2 for New Castle Buford Road and Clinetop road between White River National Forest and Garfield County ending December 31, 2005 for a spending limit for FY 05 for \$8,600.00

A motion was made by Commissioner McCown authorize signature of the Commission on the amendment modification contract to the Cooperative Road Agreement for the Buford/ New Castle Road for an amount not to exceed \$8600.00; Commissioner Houpt seconded.

In favor: Houpt – aye Martin - aye McCown - aye

Divide Creek Road – Chairman Martin had several calls and an encounter in reference to Divide Creek Road.

306 Road – the County is paying for part of the gravel for this road.

Dry Park Road Commissioner Houpt is getting calls on Dry Park Road and we had talked about including that road for upgrading for the area that was not passable and went over it this weekend and it is really rough and torn up. She thought money was put in the budget for this project.

Marvin said it was put in, but got cut out and it's been put back in again and we do have some gravel money that he can go in there and fix a few spots.

Commissioner McCown – there were some right of way concerns on that road.

Don said in the past when he's looked at this road, the right of way appears to be prescriptive use but it's a long enough period of time that it does appear that what you see plus the maintenance area, drainage areas are County right of way. Chairman Martin – it is to a certain point and then goes to private land. Marvin has hauled a pit run in there to try and stabilize portions of the road and he can go in there and make it a little more passable. This is above SpringRidge II and up to Sue Roger's pasture. This needs to be addressed per Chairman Martin.

j. Update on Relay for Life – Mike Vander Pol

Ed said each year the Board sponsors a team, and pays the entrance fee and laps.

Mike said this happened 2 weeks ago and made it all through the night from 1 am – 6 am and they did 260 laps last year and this year they did 265. Mike requested the Board agree to give to the American Cancer Association another \$265 for each lap walked and the Relay for Life raised a little over \$61,000. Their goal was \$40,000. It was a great event.

Houpt – so moved; McCown – seconded. In favor: Houpt - aye Martin - aye McCown - aye

Request: August 16, 2005 Pitkin County

The Pitkin County Commissioners will be driving tour on the Roan with BLM going up the JQS road on August 16, 2005.

Commissioner Houpt referenced the Roan Plateau meeting was scheduled this same day.

No Commissioners would be available to take the tour.

Annual Request – State Fair donation for \$100.00 for livestock purchases at the State Fair.

Ed stated former County Commissioners have donated the \$100.00 for this purpose and asked if they wanted to continue this donation. This is purchased under the auspices of CCI.

Commissioner McCown so moved; Commissioner Houpt seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice – One item for BOE, Three items for current litigation or to be in front of the COGCC; Two land use matters for advice and provide legal advice on budgetary authority.

Patsy, Doug, Mark and Jan Shute were asked to attend certain portions of 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.

BOE Matters

Action taken:

Don DeFord stated that Richard Daly submitted a request acting on behalf of Valley Properties Partnership and Marlin of Colorado Limited to consider untimely filings of BOE Petitions for the record – Schedule No. R111888 for Valley Investments and Schedules R008098 and R008100. Those items, Mr. Neiley on their behalf had filed petitions to the Board of Equalization and directed them to the wrong address. The proper address for filing is clearly set forth on the face of the petition form, he resubmitted those, neither by receipt or date of mailing where they were within the statutorily required time frame, we informed Mr. Neiley that we would not set those for hearing absent direction from the Board to do so. A copy of the letter that MaryLynn Stevens filed from Don's office was provided. Don asked for direction on those three schedules.

Direction:

Commissioner McCown – in lieu of the correct address being on the letter that was sent out, it looks clearly like an error on behalf of the attorney representing the two clients and I would suggest they pursue their appeal process to next highest level and we don't hear it; therefore a motion was made to decline.

Commissioner Houpt – seconded. It's quite a process to set these hearings and your office spends numerous hours accomplishing that so I agree with Larry that the information was at hand.

Chairman Martin this does not deny the petitioner his rights, it just takes it up to a different hearing level.

In favor: Houpt – aye; McCown – aye; Martin - aye

Pending Well Permits by Windsor Energy to Drill wells inside the Divide Creek Moratorium area

Don stated they have not filed a separate application, simply the request for APD; under the rules of the Oil and Gas Commission, the local designee is entitled to request a hearing on some or all of those requests and Doug is looking for direction from the Board.

Doug Dennison reported that due to the delay in getting the APD's from Windsor Energy, they didn't sent them to me when they initially filed with the State which they are required to do under the COGCC's process and he

anticipates getting those today or tomorrow so the 10-day clock that he has to initially review those starts now and likely request the additional 20-days so that will give us until the 1st of September to decide where to go with this. More information will be provided at the Board's next meeting.

Don requested his matter be set over for further discussion on August 8, 2005.

Commissioner Houpt so moved; Commissioner McCown seconded;

In favor: Houpt – aye; McCown – aye; Martin – aye

Litigation – Meeney

Don stated we are currently in litigation to enforce the land use code with the Meeney's and we have a request for an additional two weeks extension of time.

Jan Shute stated she spoke with Andy Swaller, Building and Planning and he has been past there in the last two weeks and he has seen progress in that there are pieces of the trailer that have been dismantled, they were still present on the property when he went by. In speaking with Mr. Meeney this morning he told Jan that the entire trailer was dismantled and it was just going to take some time for them and asked for two more weekends to get the trailer off the property.

Commissioner McCown made a motion that we authorize the County Attorney to petition the court for a two week extension as proposed. Commissioner Houpt – seconded and stated that as long as there is continued progress she is fine with this two-week extension but hate to see this continue and hope they will be able to complete this with this extension.

In favor: Houpt – aye; Martin – aye; McCown – aye.

Item 4f on the Consent Agenda Request to approve an Irrevocable Standby Letter of Credit for the Subdivision Improvements Agreement for Monument Ridge Subdivision. Applicant: Monument Ridge, LLC – Fred Jarman

Don asked that this be removed from the Consent Agenda for further discussion

Item 2b on the Agenda - BOE Resolutions

Don requested authority for the Chair to sign Resolutions that confirm the Board of Equalization action from last week on the following: BOE 501 – Stanley and Carol Rachesky – denial;

BOE 502 – Randall and Ardith Kimball – denial; BOE 503 – Alfred Michael and Nancy Marie Swenson – denial;

BOE 504 – Marion Wells – denial; and BOE 505 – Randall and Ardith Kimball - denial in part and granting in part.

Commissioner McCown made a motion the Chair be authorized to sign the previously read Resolutions BOE 501, 502, 503, 504, and 505; Commissioner Houpt seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

COMMISSIONER REPORT

Commissioner Houpt – Blue Ribbon Housing Panel meeting in Denver on Tuesday, Wednesday is BOE; Picnic Thursday, CCI RS2477 meeting with Allard staff and his bill; 9 am at the Rifle Town Hall on Friday, John Salazar will be in town from 9 – 10:30 am. CCI Committees on Friday.

Commissioner McCown – BOE hearing on Wednesday, Thursday is our County Picnic; Friday starting at noon is the Quarter horse show, Saturday is a continuation of the show, after the Silt Heydays Parade, Sunday is the Jim Canna for the Fair and will be spending a considerable amount of time the next two weeks at the County Fair.

Chairman Martin – last Monday we met with the Town of Silt discussing priorities, the studies and trying to set up a dialogue with each municipality; attended the RC& D meeting in reference to soil conservation, in-kind, cost share in New Castle on Tuesday; and that's another request coming from Dennis Davidson, to continue our share cost and weed mitigation; Wed met with the Grouse working group, a new Division of Wildlife group for this area which will continue for the next 14 months; met same evening with the Rifle City Council at 7 pm and it was a very productive meeting, we got a lot accomplished there, hopefully that will be flagship that we can meet with every municipality and have that good working relationship and good exchange of dialogues, agree or disagree but at least we get that information out. A very good staff meeting at Rifle Mountain Park, Mr. Green did a good job on team building, etc. and impressed that he was able to do so. Mr. Smith was there and is working wonders – a few challenges with staff and individuals but hopefully that will work out; Friday – met at Battlement Mesa on the Roan Plateau in a very interesting proposition came out of that – actually everyone thought it was new but it wasn't in reference to making the top a Federal Unit, Larry had suggested that almost a year ago and came back and it is promising that we can do so in the future. Child Advocacy Workshop group at 8 am at 301 and try to work out some details with that project; elected officials meeting same day at 10 a.m.; BOE on Wednesday; the Wolf workshop meeting in Glenwood Springs on August 4, 2005 – at 1:00 p.m. and will meet for 2-days in Glenwood Springs and we will host that; will be leaving on August 5th for the public lands meetings on Denver and working on RS2477 with Mr. Allard and his staff to see if it goes further than Mr. Udall's bill; and Silt Heydays and starting at 6 am on Saturday he'll be cooking for Kiwanis Pancake Breakfast at 9th and Grand – open to the public.

Jim Bradford has agreed to spell Chairman Martin at the picnic and the MC Awards.

Clarification – Public Lands WIR and NACO in reference to cost returned back to the County. Chairman Martin said that he thinks there is so much confusion about this particular issue that I need to bring it up right at the moment and that is, Garfield County belongs to CCI and because we're part of CCI we have the ability to join the National Association of Counties, also within that is the Western Interstate Region which takes in the Western United States of Public Land issues.

Now CCI has 8 steering committees and the oldest one and the most involved one is public lands. Not all Counties in Colorado have public lands, all Counties that do have public lands receive formula from BLM and from the Forest Service depending on how much acreage they have. There is a reporting process and it's a direct lobbying with the National Association as well as the Department of Agriculture and also the Department of Interior – that takes a little

more money and the public lands when they were created set up a trust fund. Those Counties that have public lands in them do pay more than those Counties that do not have public lands in them. Also the people that serve on public lands in the NACO are elected by the entire public land contingency. 8 people in the State are allowed to go ahead and do so. Garfield County has had the first person, that is myself, to serve under public lands in the last 25 years. However, I've also been elected by those 8 people to serve as part of the Western Interstate Region and approved by the National Association of Counties to serve there too. Some of the monies that are paid in dues come back as a cost reimbursement back to the County that allows travel and it is not that they are assessed more just because we're on the public lands committee and travel, its because of the formulas in place and the dues and that we have public lands and those dues would remain exactly the same if I was on there or not as they have been for the previous 23 years. So folks it's not because I'm there that I get to travel free, simply because we pay more – it is the formula because we have public lands and we pay more for lobbying groups that are direct with PILT, Department of Agriculture and Department of Interior. Which brings up one more little item that I wish to clarify, and that happens to be the trip to Hawaii. Two things I'd like to do and I want to remain very respectful and very professional and that is this Board was not consulted, was not presented two Resolutions that were taken to NACO by Ms. Houpt. We did not have one discussion about those; we didn't know what was in those until we read them on the plane to Hawaii. The Fracing Resolution was presented to the Energy Environment and Land Use Committee – it was denied in that public venue. I did not have one thing to do with that defeat. I didn't have any testimony; I talked to no one about it. It stood totally on its own and it was defeated in that Committee on the First Reading. The second one – it was implied that I did have something to do with its demise. Again I flatly reject – I had nothing to do with it with no discussion. The second Resolution that was presented was a late Resolution and it had merit and I wish we could have discussed it in this Board – we did not. We did not take a position. It was highly contested; the vote after a wordsmithing session was 25 to 19. A lot of producing states criticized it. They felt they were already doing what was there and being asked. After it was not passed by the Energy and Environment and Land Use, I also talked to our lobbyist and asked the possibility of me offering an amendment or a change of that policy, I wrote it myself, I had no consultation, the only conservation Tresis and I had was that Mr. Beatto the lobbyist told her that I had a redraft. She asked if she could read it and I said sure. My question to her and our full conservation was is there anything in there that you can't live with or needs to be changed. The answer was no. She submitted her Resolution to the Public Lands then I offered my Amendment, the vote was the wordsmithing on the original Resolution was denied; the Amendment I presented was passed unanimously, went to the Board of Directors and passed unanimously in the General Assembly passed unanimously. I do take authorship of that and there was no one else that I could rely on at that time to make those changes. I incorporated everything I could closely to the policy that was presented, I did change it and what was accepted was my change. Other than that I have no more qualifications or discussion. I'll let it stand on its own.

Commissioner Houpt – well I obviously want to respond to what was just said. When my fellow Commissioners made the decision that they were not going to support having the County pay my way to the NACO Conference it was very clearly stated that the reason they didn't want to was because I didn't their position on oil and gas. The NACO guidelines state that any individual Commissioner can bring Resolutions forward because I was already informed by my Commissioners that they didn't support my position, I brought it forward to the County contingent so John did have a copy of the Resolutions well in advance of the actual conference and then to my NACO contingent. The Resolution on hydrologic fracing did go into discussion in the Environment Energy and Land Use Committee; it wasn't voted on, we made a determination to put a committee together to decide how best to work with this Resolution and decided to roll it into our platform statement to allow the support of local governments to participate in environmental and land use issues as it relates to energy development. I thought that was a fine solution to a discussion that was controversial and most people were concerned about the Resolution because they hadn't studied the issue. It was never voted down, it was withdrawn with the understanding that the language for the platform statement would come forward. My other Resolution did pass 25 to 14 after the EEOU subcommittee put language in there on geological Estrada. There were a couple of words that John did put into the language of the Resolution that I agreed to, I thought it was an opportunity actually for us to work together but it bit me later on. It didn't change the intent, it didn't change the message and I appreciated the opportunity for him to have that role. I think its really unfortunate that some negative stuff came out of this in relation to the work that was accomplished at NACO – people really responded well to Resolutions that were brought forward and there's always a great discussion that goes around those discussions whether Resolutions are adopted or not – it's clearly important to bring those issues forward and I don't have to get back into the travel discussion. But I think its really important that people recognize that we're all elected officials – we're all here representing our constituents in the County and we all should be given that opportunity to do so.

Chairman Martin – I must agree; we need to share information and it's not being done and we need to stop doing that and to take on personal agendas which I have not done, tried to keep it up to the entire County, not just to a small minority local group and I think that's what's leading you is the small group and I think you need to expand your horizons and listen to all people as we should all do so.

I think you should go onto the Sopris website today and look at their poll, actually last week's poll on energy development and see that an overwhelming of the respondents believe that we need to work on protecting our environment and health as we move forward with development.

Chairman Martin – I agree and what that amounts to also, that was done nationally and that's why Senator Jeffrey's brought forward that information, the EPA and all environmental groups could find no example of what you offered in your Resolution as a contaminant and the question put to you was if those items were in the ground originally, extracted, what is the pollution if they are returned was not answered. And so we need more science and more information before we put forward a national policy platform statement and so it needs to be discussed, I agree and there may be things that we're overlooking. EPA has done countless studies on this issue, yet they have been flatly rejected by a small group saying that this is still a pollution problem – it may be, but let's put everybody at the table and solve the problem, lets not just try and change national policy but a non-science and non-examples of sites.

Commissioner Houpt – well most things can be debated on both sides and I think there are many who believe there is science behind that.

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 Acknowledgement of Partial Satisfaction Subdivision Improvements Agreement for Phase B of Valley View Village. Applicant – Darter LLC – Fred Jarman
- f) Request to approve an Irrevocable Standby Letter of Credit for the Subdivision Improvements Agreement for Monument Ridge Subdivision. Applicant: Monument Ridge, LLC – Fred Jarman
- g) Authorize the Chairman to sign a Resolution concerned with the approval of a Special Use Permit for EnCana High Mesa “Storage, Processing and Material Handling of Natural Resources” for a Produced Water Treatment and Storage Pond Facility – Mark Bean
- h) Authorize the Chairman to sign a Resolution with the Approval of a Conditional Use Permit application for Turnberry Ranch, LLC – Mark Bean
- i) Authorize the Chairman to sign a Resolution concerned with the approval of a text amendment to the Springridge II Planned Unit Development – Fred Jarman
- j) Authorize the Chairman to sign the Second Amended Final Plat of Lot 62 Antlers Orchard Development. Applicants: Douglas and Kimberly Stewart – Mark Bean

Commissioner McCown – seems like an inordinate amount of changes on the warrant list and asked what was driving that request to modify the warrant list, there was more than normal.

Pasty Hernandez explained that what drives those changes are request that come to the Accounting Department from other departments being such as a manual check that cannot wait for the next routine AP process, a check that’s been voided, a check that’s been misplaced, and during this cycle there’s been a higher number of requests from departments and offices outside of the Accounting Department asking for us to accommodate this special need.

Commissioner McCown - the Urman Company and noticed we are making special concessions to get them their checks on time, aren’t we on a regular billing schedule with them?

Patsy – we have a deadline as when we must get that check into Urman.

Commissioner McCown - why the modification to get our insurance carrier paid.

Pasty – the Human Resource Department and the Accounting Department communicate closely in that area; we receive a bill from the Urman Company and that bill has to be closely reviewed because there’s always a number of changes – employees leaving, employees coming on, employees making any kind of a change and those changes take time for Human Resources to get all the data input into the system and then the Accounting Department has to take that information and reconcile to the actual bill we get from the Urman Company and that takes time and we have to have this to them by the 10th. In order for us to send a correct payment we have to have a lot of changes that usually runs us right up to that deadline.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – j absent and items b and f;

In favor: Houpt – aye; Martin – aye; McCown – aye.

Item 4f Request to approve the Irrevocable Standby Letter of Credit for the Subdivision Improvements Agreement for Monument Ridge Subdivision. Applicant: Monument Ridge, LLC – Fred Jarman

Tim Thulson and Carolyn Dahlgren presented.

Carolyn asked for the item to be removed because it is not a standard letter of credit the County has been using in the most recent number of years, it does not include any partial releases although it is for a relatively low amount of money and the developers have put in a number of improvements; secondarily it add some steps to what the County has to do which is present to the bank the original letter of credit and an affidavit signed by the Chairman stating the applicant developer is in default under the terms of our SIA. This form of the document requires you to appear with the document that says, not only is the developer in default but you have met certain terms of the underlying SIA. Carolyn believes this to be a non-documentary condition of the letter of credit that’s not needed and according to the UCC has to be ignored. Also, requests that you produce something called a site draft which the bank has told me literally means that you must show up in person and that this is not a separate piece of paper but she cannot tell from the face of the document that this is not the case. Mr. Thulson is here to convince you that you should use this form of the letter of credit because it is a standard form of the bank even though not what you would consider a standard form.

Tim Thulson - This is the Bank of the Western Slope and Mr. Armbruster is the person who signed this and we’re not talking about the Western Slope of Tahiti but it is a local bank. With regard to the to partial releases, my client didn’t want partial releases because the partial releases benefit him solely and it allows him to reduce the letter of credit plus carrying charges but given the amount and duration when he thinks improvements will be done, he thinks he’s more out of pocket having the engineers and attorney’s do the partial releases as opposed to doing it just once so that’s purposeful on his part. And Tim doesn’t see any determinate to the County not allowing partial releases. We have to get it all done and we have a year to do that even though we’re supposed to have everything done in the 180 days under the SIA. With regard to the additional steps, this is not really an additional step, the SIA states that if they have a deficiency with what they’ve constructed that the County gives them a notice of deficiency and then the County affords them an opportunity to cure that deficiency under the SIA. I look at this as just incorporating that provision of the SIA. With regard to the site draft, we called Dave Armbruster Friday and he told Tim this is the form they have used on other projects in the County including the Rapids and he named another project that neither Carolyn or Tim can recall and his understanding of the site draft is that you guys show up in person at his bank

making the demand. And for those reasons he asked the Board to approve the form of letter of credit and believe it is as safe a bet as it comes.

Commissioner McCown made a motion for a one-time approval of this time of an irrevocable standby letter of credit even though it does not fit the criteria that we normally move forward with under the circumstances and the small amount of funds still remaining I would make a motion that we approve this letter under this one circumstance.

Commissioner Houpt seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye

Chairman Martin – this is a one-time issue.

Tim stated he will talk to Mr. Armbruster about his form. Related to this, the consent agenda item was two things, also approving a letter of reduction to the amount of the letter of credit in that, is that also included.

Chairman Martin – it is also in that motion.

Tim – one other administrative fact – our *Preliminary Plan of approval* expires today and in talking to Mildred, it would be more convenient to extend it one more day so they can file and could meet with Mildred rather than in a hurry this afternoon due to the long agenda today.

Commissioner McCown made a motion to extend it one more day until the close of business hours on the 2nd of August, 2005. Commissioner Houpt seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye

PUBLIC HEARINGS:

DISCUSSION OF THE 3RD SUPPLEMENT TO THE 2005 APPROVED BUDGET AND THE 3RD AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Patsy Hernandez submitted the documentation needed for the Board to review the requested supplement and the list of budget contingency items taken from the PAR forms – Exhibit A; Exhibit B – requested changes to the 2005 approved budget and Exhibit C – District Attorney's supplement for salaries \$409,841.00.

3rd Supplemental Discussion – DA – Phone Conference

Teleconference with Colleen Truden, District Attorney – Budget Supplement

Don stated this is a noticed public hearing and has been given proof of publication through the actual publication on July 28, 2005. Don advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Patsy Hernandez submitted the following 3rd Supplemental in three parts: Exhibit A – is the portion of the supplemental that I prepare, the reports she uses to prepare this report are the personnel action report forms (PAR) that she receives throughout the course of doing her job. This is where we have recent turnover with people leaving and we had their compensation packages estimated from the day they leave to the end of the year. We put that back into the contingency and when we have employees that are hired we estimate from the date of hire to the last day of the year what their compensation package will be and we take from the contingency and put it into the applicable line item. I have broken that down by the different departments and offices for you and I've provided for you the amount that will be coming either to or from the various contingency funds on a fund by fund basis. The second Exhibit B – these are the requests where various budget heads have come to me with requests for additional budget, I've provided for you the amount that has been requested on a fund by fund basis, the applicable general ledger expense account numbers that those budgets would hit and a very brief explanation regarding why those additional funds are being requested this morning. Exhibit C is the supplement whereby the office of the District Attorney has requested that the budget that is currently sitting in the office of the District Attorney contingency line item be transferred to the office of District Attorney expense line item and each one of these has got the supporting documents with them, so my request this morning is that you consider the budget transfers.

Colleen Truden – one question if I understand Patsy's testimony and what it is in the presentation as far as the DA's budget, she has reflected that the replacement for, and put in for the difference in salaries there and just show Jessica Smith filling a date as a legal assistant. In the document that you at least presented to me on the District Attorney's contingency request calculation, the bottom where you show the employees replaced Carol Koris rather than just a legal assistant position is that correct.

Patsy – correct. That's the one where we had communicated via email that the legal assistant position that had been vacated on January 10, had originally been filed by Ms. Koris and then Ms. Koris left and then that particular position was filled by Jessica Smith.

Colleen Truden – yes, we have hired Jessica Smith to replace a legal assistance position correct.

Chairman Martin – so all of the paperwork is straight. Ms. Smith is now employed as a 6-1-2005 according to this as a legal assistant.

Colleen Truden – confirmed this was satisfactory.

Discussion

Commissioner Houpt – as we look at the consideration of approving the transfer of the contingency funds, a question with respect to the rest of the year. We have some numbers in front of us and recognizing that this contingency fund is certainly a part of the budget that was established for your office for this fiscal year and I see no reason why I wouldn't support transferring these funds for you today so you'll have the full amount of your budget, but I'm also seeing that as of June, the end of June the amount of money that's being expended from your budget far surpasses what you have left – the amount was \$689,000 and the amount you'll have for the duration of the year is \$456,000 and wondering if you have been able to put a plan together for the duration of the year; the reason I ask is because we as the Board of County Commissioners are responsible for the public funds that we budget to the various departments. Colleen Truden – yes I have. Obviously the money if to pay for personnel expenses and prosecutors in the office prosecuting criminals and these funds have been expended and as vacancies are filled we now have those

funds to pay for those individuals. She added that she feels absolutely confident that line items money available for personnel will carry us through the end of the year.

Commissioner Houpt – for your entire budget, not just for personnel?

Colleen Truden – I'm not here asking for additional funds but the personnel to take care of personnel matters today.

Commissioner Houpt – well, we recognize that a portion of this money has already allocated, will be allocated for previous expenses, or previous personnel expenses and so this money will cover all other expenses in your budget as well, so it's not only just specifically for personnel from this day forward, it's to cover the rest of your budget and I'm not trying to pound anything to the ground, I just want to make sure you feel comfortable with the amount of money you have left in your budget for the DA's office for the duration of this fiscal year.

Colleen Truden – I can tell you that my office has been invoiced by Garfield County for rent that was never put into the budget for \$73,920 so that is an issue that is going to have to be addressed because that was somehow inadvertently omitted in the final budget that you approved however you have invoiced and we have paid that and that it part of why the line items are so high is because that money is not reflected in the budget but we have been paying it because you have been invoicing it and we do have to get that matter straightened out as well.

Commissioner Houpt – the question was never answered so we'll just carry on from there.

Chairman Martin – question to the County Attorney in reference to line item control, do we have line item control on any other elected official?

Don DeFord – yes you do on other elected officials.

Chairman Martin – do we have it so on the District Attorney?

Don DeFord – no, because of the way you adopted your budget this year in careful review of the budget adopted in 2004 for 2005 the County Commissioners did not set aside by line item the base budget for the District Attorney.

You did set aside a contingency that you're addressing today for a specific purpose but there were no other funds earmarked or line item for specific purposes.

Chairman Martin – and for clarification Garfield County is part of the 9th Judicial District which includes Rio Blanco and Pitkin County, did those two other counties set aside a contingency or have they approached their budget in a different way.

Don DeFord – Pasty Hernandez could perhaps address this more directly than I as she had direct discussions with their finance officers on this issue and I believe the answer is yes they followed a different process and no they did not establish a separate contingency so they have been paying amounts currently to date for all salaries without regard to whether the positions had been filled or vacated or whatever.

Chairman Martin – is that consistent Pasty?

Pasty Hernandez – yes.

Don DeFord – Mr. Chairman, one quick comment and its in regard to what the District Attorney just stated about the rent, again if there's an error in the originally adopted budget that has to be corrected by a supplement so that request has to be made from her office to correct that financing line item.

Chairman Martin – they would also have to establish also the documentation showing that, are you understanding that Ms. Truden?

Colleen Truden – yes, Commissioner I am. I will need to file a supplement to correct an error that got omitted by the budget that I had no control over.

Chairman Martin – all right.

Commissioner Houpt – sounds like we have a lot of work to do.

Chairman Martin – and the concerns were, do you have enough money to make it through the end of the year and the request of the supplement that's in this 3rd Supplemental request budget, and you feel confident that you can make it through the end of the year?

Colleen Truden – things like this rent issue that we will need to clear up so that money is available that we've been spending.

Chairman Martin – all right.

Colleen Truden – I appreciate your time.

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

A motion was made by Commissioner McCown that we approve the Resolution concerned with the 3rd Amendment to the 2005 budget and the three exhibits as presented and the 3rd Amended appropriation of funds.

Commissioner Houpt – second. I would like to say that I think it's very important that every effort is made to be able to work within the budget that has accepted for this year for the duration of the year, it's going to be quite a debate on whether or not there is more money that should be allotted to this budget. So we have a ways to go if there needs to be additional requests.

Chairman Martin – I happen to agree with you and that's every department and every elected official needs to stay within their budget and what has been allowed and if we have line item control, any change of that must come before this Board.

Houpt – aye; McCown – aye; Martin – aye.

PUBLIC MEETINGS

PERMISSION TO PROCEED WITH NOTICE OF AWARD FOR THE HOUSING STUDY RFP.

RRC/MCCORMICK ASSOCIATES – RANDY RUSSELL

Randy and Genevieve Powell were present.

Randy submitted the background information and stated that the RFP generated only one response – the same firm the County is working on with the formation of the Roaring Fork Community Housing Fund. The proposed budget and contract amount is a not to exceed \$20,000 and will be valid for 6 months beginning July 7, 2005.

RRC completed the traffic pattern study; they know us and who to talk to. Randy polled everyone on the team informing them of the one response.

Genevieve commented that her Board in reviewing the memo sent to the Commissioners had a concern about paragraphs 3 and 4 on page one. It simply goes back to the roles that the Housing Authority has played in conjunction with Affordable Housing (AH), we currently has an IGA to administer AH and is a position they appreciate being in that we would like to continue in and hope that the Board is happy and satisfied with the work we've done in that area. Randy and I have discussed the reasons why cash in lieu of and land making was not considered when the AH guidelines first started and we're not sure since Randy and Genevieve came on board at the same time and at the very beginning of the implication of the guidelines. We are just trying to follow all those guidelines. One thing was considered was because the HA was not going to do the development and we probably will not be the developer but we do partner with a lot of developers. We're partnering with the Glenwood Meadows, Phase I to bring 120 tax credit units to Glenwood Springs and general partner in the same type of situation with Eagle's Nest in Rifle and not really legal partner on paper with Jonathan Reeds White Water in Rifle but are working to bring a \$98,000 grant to that development and taking application so we feel like we've worked with him on that. The reason to be here today is to say she is happy about the study, and excited about it, there is a great need for this study and appreciate the Commissioner to endorse this study and Randy and the work of the planners that they've done to bring the study. Roles and duplicating services among the Roaring Fork Housing Trust Fund and the Housing Authority and the also the Mountain Regional Housing Corporation who's not represented today.

Commissioner Houpt – when we support Housing Fund and Genevieve is on the Board as well, the purpose was to fill in the gaps that weren't being covered in that arena and not to compete with the Housing Authority and would it be good for you and other parties, maybe the Housing Fund Board to meet with the consultants and identify the roles of these organizations. We, meaning you guys and then with your recommendations to us drive that and it shouldn't be the consultant who drives that decision it should be the organizations that are in place and The fund was never created to interfere with the Housing Authority. Get this down on paper.

Genevieve – agrees and her reason for being here, not sure of the wording of it when it said we were to formulate the conditions for expanding these options and that because of the Trust Fund we can now do these things that could have been done with the HA also. We do need to go back and sit down with the three entities and draw the lines but would appreciate any input from the Commissioners if there is a preconceived ideal of where the lines are drawn yourselves.

Commissioner McCown – I do have a preconceived notion of where the lines are drawn and I've voiced it to you personally and I see that the Garfield County Housing Authority is the entity that has the authority to go throughout all of Garfield County and manage that housing and that's where I see it. The Roaring Fork Community Housing Fund was presented to us and I bought off on it simply as a tool to garner funds they had and it was proposed to use as having other methods of funding to enhance your ability to manage Affordable Housing and the only reason I even bought into it and thinks everyone on this Board was under that same impression, I think they were given a year's trial and were going to show us some results in a year through our funding and contribution to them and so the meter's running and we will hopefully see some position results and if not at that time we're reevaluate our position with the Roaring Fork Community Housing Fund but clearly as this portion of the Garfield County Commissioners is concerned, you are the entity that I would look to manage the Affordable Housing fund.

Chairman Martin – that would be the same with me.

Commissioner Houpt – do you see the Community Housing Board as seeing that differently?

Genevieve didn't know for sure.

Chairman Martin – at least you know where this board is.

Genevieve will try to get the Board to meet on this.

Randy – the Planning Department's dog is not in this fight; our concern is if we expand our ability to do things like payments in lieu of or land in lieu of that we don't have a good sense from our side of things in terms of writing the code as to what the fee structure is and management structure that's attached to that. Randy wants to hear from these consultants is if you do that, here is some of the things you need to be aware, some of the hidden costs and not so hidden costs and whichever authority is designated and approved to manage things like money and land and Randy needs to know how to attach those addendum to it. They will certainly facilitate an on-going conversation to clarify between everybody to clarify what their roles and responsibilities are.

Commissioner Houpt – got the sense and it wasn't an overwhelming concern but the sense from the folks at RRC/McCormick that they thought that the \$20,000 was a low number for accomplishing what we wanted to have accomplished.

Randy said he is comfortable that given the very reasonable scope and some clarification on what it is we really expect from them that they will end up being comfortable with that as a cap.

Commissioner Houpt made a motion to proceed with the contract with RRC/McCormick to undertake an analysis study as presented in an amount not to exceed \$20,000. Commissioner McCown – seconded.

In favor: Houpt – aye Martin – aye McCown - aye

LIQUOR LICENSE FOR GRAND VALLEY BOWL, INC. DBA RIFLE FIRESIDE LANES

Commissioner McCown noted for the record that he no longer has an interesting the application for Rifle Fireside Lanes having sold that entity on the 1st of June, and the name was sold with the business, so I can clearly sit on this for a change.

Mildred explained the noticing was in the Glenwood Post; we tried to get it in the Citizens Telegram since it is in the Rifle area but it did not work.

Jack and Ava Bowles were present.

Chairman Martin swore in the speakers.

Mildred stated that she has an Application for the Grand Valley Bowl, Inc. and will do business as Rifle Fireside Lanes. Their application was submitted long before the 30-day hearing time but due to the County Commissioners not meeting last month, this hearing had to be set for today. Mildred checked the application completely and also ran individual history and a diagram of the where they will have the alcohol in the building. She ran the candidates through CBI, the Fingerprint cards to the FBI and she found no negative things; the sign was posted and she has not inspected the premises because they're doing some remodeling but will go and take photographs before the license is

presented to them. The law enforcement will be assisting Mildred. The State doesn't come out and do seminars for responsible serving of alcohol but the City does have it and the Bowles will go to this on the August 25 in Glenwood to attend the training. They will manage the facility themselves.

Ava – if Garfield County passes all the remodeling they hope to be open the first week in September. They have moved the bar so that the children don't need to walk through the bar to get into the where the kids have their area; the bar has been moved to the back. They will have the snack bar but it's been moved back to there the old restaurant area used to be when it was the old Fireside Inn and it will be burgers and fries and anything that the bowlers like to have. The bar is there to accommodate the bowlers and when the bowling is over the bar will be closed.

Commissioner Houpt moved to close the public hearing; Commissioner McCown seconded.
In favor: Houpt - aye Martin - aye McCown – aye

Commissioner Houpt made a motion that we approve the liquor license for Grand Valley Bowl, Inc. dba Rifle Fireside Lanes. Commissioner McCown seconded.
In favor: Houpt - aye Martin - aye McCown – aye

AND

BPOE RIFLE ELKS LODGE 2195 SPECIAL EVENTS TO BE HELD AT THE AIRPORT – MILDRED ALSDORF

Mildred Alsdorf, Brian Condie and Christie Castle were present.

Mildred stated it was noticed but no legal notice – it was noticed by the sign posted and the agenda item was posted for today's hearing.

Christie has been doing all this for the BPOE Rifle Elks and now she is doing this for the Airfare on August 12, 2005 from 3 pm – 7 pm and they will have boundaries and controls; this will be within the hangar.

Chairman Martin swore in the speakers

Brian Condie – this will be set up in Hangar No. 2050 and it will be roped off with one entrance and one exists and they will be carding. This is part of the County Fair.

An entity is only allowed 10 events in one year and the Elks are within their limit.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the Public Hearing.
In favor: Houpt - aye Martin - aye McCown – aye

Commissioner McCown moved to approve the Special Events Liquor License for BPOE Elk Lodge 2195 Special events activity and to be held at the Airport on August 12, 2005. Commissioner Houpt seconded.

In favor: Houpt - aye Martin - aye McCown – aye

ABATEMENTS: BEHRENDT FAMILY LLC AND JONATHAN REED AND ASSOCIATES, INC. – SHANNON HURST

Greg Wetzel and Shannon Hurst presented.

Behrendt Family LLC; Schedule No.R380806 – this is Burning Mountain PUD, consists of two apartment buildings and one is also known as Building No. 4 was platted as condos in 2004. New Account numbers and values were created for the condominiums however the value was not changed in the schedule number thereby creating a double assessment. Therefore taxes need to be abated on Schedule No. R4380806 for \$4,658.08.

A motion was made by Commissioner McCown to approve the abatement and refund for the Behrendt Family LLC; Schedule No.R4380806 in the amount of \$4,658.08. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Shannon Hurst presented Jonathan Reed and Associates, Inc. Schedule No. R007353 – what happened is this parcel was subdivided into the White River Subdivision and we valued the two new parcels but we didn't get rid of this one, so it's a double assessment. We need to refund \$2,694.52

Commissioner McCown made a motion to approve the abatement in the amount of \$2,694.52 on Schedule R007353. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC COMMENTS BEFORE THE BOARD BY CITIZENS NOT ON THE AGENDA

Request for Information on Variance - Rippy

Becky Rippy Fleming – on behalf of my mother who lives at 103 Rippy Lane, New Castle, a Peach Valley location. John knows about my problem, brief history, my parents bought this property in 1964, 28 acres, put a home on the river front edge of this property in 1972, my father passed away in 1995 and the property was then sold and its gone in-between 2 – 3 hands now. The property is back up for sale again at this moment, the problem was about 6 years ago the property was owned and still is by Roaring Fork Aggregate, they were selling the property to Burning Mountain Truck Center and they have gone out of business just recently. When they took the property they put in 6 mobile home trailer spaces bordering my mother's property. We were not apprised of a variance meeting or anything, it was just all of a sudden, they were there, and they were occupied. And John told us to speak with Steve Hackett, which we attempted to do over the last 5 years at which we've gotten nowhere. I know that Steve Hackett has left his position now so now I'm here talking to this Board in hopes that something can be done. The property is now for sale, its \$950,000 with 6 mobile home sites right next to my mother's property line, some photographs were issued. We don't know why we were never apprised of a variance meeting, none of the neighbors were notified and they are all upset by it and yet nothings been done. We're hoping that you call can help us.

Chairman Martin stated the Board needs to make their inquiries and also look at the photographs there.

Becky explained the photographs.

Commissioner McCown – have you talked to the Planning Department, was their a land use action that occurred?

Becky – we were not told of anything, we asked Steve, he wouldn't return our calls, when we finally nailed him down 5 years later he said there's nothing you can do about it, I think its legal, I'm not sure, I can't help you. That's it. So that's where we're at.

Chairman Martin – we will look into this and get in touch with you Kathy.

Kathy gave the telephone number of her mother.

Occidental Oil

Jimmy Smith, Wagon Wheel Consulting

History was given of why we're here. Jimmy said he's representing Occidental Oil and Gas Corporation. They have a project that's located approximately 14 miles north of the Town of DeBeque up Concrete, giving some facts about the project, construction of the facility began in February of 2005 which was prior to the County's determination that SUP's were going to be required for a Compressor Station and conditioning facilities, in fact it began construction under the contention that it wasn't required at that time and since that particular time it has become a requirement and therefore they have filed an SUP. During that time frame building permits were applied for by Oxy for this project and the permits have been denied from the Planning Department contingent upon receiving approval of the SUP. Oxy retained my services at that time on June 24th to submit for them the packet for the Special Use Permit and that permit application was filed on July 1st of this year and is currently under review by the Planning Department. All the State permits have been obtained; no grading permit was required since the designation of the land was agricultural. And we see no reason due to the remoteness of the location and the minimal impact to the surrounding area that the SUP won't be approved but that is at your discretion. The impact of not being able to do the buildings themselves at this point until after approval of the SUP is two fold: one is the project timing which potentially adds approximately 16 weeks plus or minus to the project by the time we go through the SUP process and that of course has a financial and production impact – the labor impact of people that were employed to construct it and are being retained there to do other work until the SUP is approved has a cost to Oxy between three quarters and one point two five million dollars. (\$750,000 to \$1,250,000) for that time frame. The gas sales from gas available for delivery and gas that will become available for delivery under their current drilling schedule will literally be in the millions of dollars, \$5 million plus estimated. What we're here for today and the comment section of your agenda is to request your consideration of potentially a temporary of the regulation which requires that the SUP be approved prior to the approval of the building permits for this particular project.

Commissioner McCown – other way around.

Jimmy Smith – well we would like for your consideration and allowing the building permits to be approved prior to the SUP, did I state that backwards. And that is based on these factors of cost and Oxy I can assure you is wanting to comply with the regulations and retained our company to make sure that the SUP was in fact turned in and all the dots dotted and t's crossed, because they want to commit to honoring those regulations and the contingent that they started the project prior asking for a SUP was based on the fact that I gave you before that was started back before they understood that it was required. Since they found that out we have since filed the SUP.

Commissioner Houpt – but the building permits you're talking about wanting are the building permits to build the Compressor Station?

Jimmy Smith – actually they're associated buildings – one building that will be submitted has not been submitted as the actual building over the compressor. That particular building would be beneficial to have built now but is not critical. The critical part is the communications building, the master control center, the generator building, things like that they have exposed wire and conduit that are not just going to deteriorate if they cover it with a building. And then once the SUP is approved and they start back to work on the facility, if it, just due to the timing of the year, building those buildings in late October/November, is going to be not only costly but could actually have damaged equipment associated with it.

Commissioner Houpt – Jimmy, do you see this as unusual situation or a request that you'll be coming back on for all compressor stations?

Jimmy Smith – this is unusual and its part of what the industry has been trying to get a handle on, what is required and what is not and I think we have that information now and that's why we're here today. Oxy has been more than willing to comply with all the regulations but they're asking an exception in this case to go ahead and finish the buildings and get those permits reviewed and approved.

Commissioner McCown – I guess I'm hearing you're not only asking for a building permit to be issued you are asking for a pre-approval on the SUP so the operations could start.

Jimmy Smith – no.

Commissioner McCown – okay, you just want the building up, no operations to happen in the building until the SUP is approved.

Jimmy – correct and in fact we have had several subsequent meetings with the two gentlemen with me today and they know the risks in buildings contingent upon the SUP but the dollars involved and the fact that the precedent has been set with other compressor stations on other projects and we feel with the remoteness they own the land, the adjacent landowners are in agreement with it, we see no reason we'll receive a denial but we're not asking for that decision at this time.

Commissioner Houpt – so it's strictly to protect other equipment that's out and it's not to go out into operation.

Jimmy – absolutely.

Commissioner McCown – I think we can take it under advisement and discuss this with our legal department and get back to Jimmy.

Number of Dogs in a Subdivision

Kimberly Welch - live out in Cerise Ranch and here today to ask for consideration of my HOA president and people on the Board. The ruling in the Covenants is one dog per family and sees the homeowners struggling and taking advantage with a number of people abusing the rule and others using that to not keep the other rules in place and they are at wits end. They are asking if they could have a two-dog rule and keep dogs under control.

Commissioner Houpt – that’s a discussion that the Board has wanted to have anyway; does the question if the one-dog rule makes sense.

Chairman Martin - County doesn’t enforce the covenants.

Mark stated this is in the Garfield County Subdivision Regulations under supplementary regulations. For you to acknowledge the two dogs you need to change the regulations.

Kimberly asked if they could amend the plat note.

Mark said the Board has to amend their regulations and suggested that Kimberly request the Board to consider if you don’t want to wait until you do major revisions to the Code, authorize staff to proceed forward with a proposed revision in advance of that.

Commissioner Houpt mentioned this was discussed when addressing the Sheriff’s Animal Control Regulation and thinks it makes sense to change that rule. She would be in favor of working on this before we work on the rest of the Code rewrite.

Commissioner McCown – if we started today its probably going to coincide and fall right in place with the Code rewrite. This has to go to Planning and Zoning.

Mark thought we could get ahead of it by a few months.

Chairman Martin agreed this was fine to go ahead.

Commissioner McCown – the whole crux of the problem is something you need to address with the HOA. One person violating a condition of approval does not give the other person a right to violate the covenants. This is one of those regulations that the County has been reactionary on as far as enforcing. The County has not gone out and sent the Code Violation officer to look in everybody’s hard to count dogs. There is a provision and we can enforce it.

Direct those people to the Code Enforcement Officer - Ron VanMeter until we get some new regulations. He would be contacted through the Building Department.

PUBLIC HEARING:

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR THE STORAGE OF OIL AND GAS DRILLING EQUIPMENT, STORAGE, OR MATERIAL HANDLING OF NATURAL RESOURCES FOR A SITE LOCATED APPROXIMATELY 1 MILE SOUTH OF THE GARFIELD COUNTY AIRPORT ON CR 319 AND GRASS MESA ROAD. APPLICANT: MAMM CREEK COMMONS, LLC – MARK BEAN

Mark Bean, Carolyn Dahlgren, Don DeFord, Don Scarrow, and Larry Mincer were present.

Letter was submitted but was not included in the packet as it was received too late.

Mark Bean – Mr. Mincer has submitted a from Tom Zancanella presented to the Rifle Fire District, Mike Morgan specifically which describes some proposed improvements that will be made to Mamm Creek Commons proposal for fire protection purposes and noted on page 2, – Mr. Morgan signed the agreement. The agreement is that they will make certain changes to the existing system that is not functioning the way they want it to and to make it function they would accept that system would be in place before any CO’s were issued on any buildings. Mr. Morgan adds a note “it is to be noted that the RFPD’s ability to fight fires in the area is limited, final design capacity and system acceptance testing will still be required and in addition we like an anticipated timeline on system completion”. This does address at least part of but we still do not have a system in place for the two existing buildings but the proposal here is that they would be allowed to go forward with at least with one of the buildings that they have before a CO would be issued provided that they get their system in before the CO is issued. The other issue outstanding from staff’s point of view that was brought up was the domestic supply system, at this point they’ve indicated they have an application prepared to submit to the State and plan to submit it to the State for their review under one form or another, be it a transit non-community system or a community non-transit system depending upon which system they get approved. They are leaning toward going with the community non-transit system approval which is more extensive and requires more testing by the State Health Department. The third issue at the last hearing has to do with the turn around for the school bus system located at the bottom of the road for Grass Mesa on the applicant’s property itself and that is an issue that they have some questions and suggestions.

Chairman Martin - Exhibit P was entered.

Chairman Martin swore in the speakers.

Larry Mincer - this is a two step process and commented on the letter from Mike Morgan. One is to move the existing tanks to the location around the two existing buildings which is the problem we’re having with the two building and why we do not have the CO because of that particular issue. That’s the system and was approved as indicated in his letter. The second part of it deals with the additional system for the remaining three buildings – he does indicate that he wants to check the design capability and acceptance which of course would be subject to testing prior to the occupancy of any new building. Both of the issues have been addressed with respect to that fire department matter in this response. With respect to domestic water system we did submit and in the previous correspondence to the Board on June 30, 2005 from Chris Hale or High Country Engineering with an indication that the domestic water system for the two existing buildings and the three buildings which are subject matter of this application would be provided through the existing piping system with an additional amount of storage which we are prepared to construct. We are prepared to go ahead and proceed with that system and understand that it may require that we submit a request for a transit non-community water system and we’re being prepared to do that and will be submitted shortly and would provide a copy to the BOCC. The two existing buildings are being served by the system that has met the State standards with respect to water quality control. In correspondence on July 5, Larry proposed that we include a condition in the CUP that would permit completion of one of the three new buildings but not the other two until additional with the State approval has been made. There was a response from Chris Hale on that proposal and is in the file.

The 3rd issue with respect to the bus turnaround, we looked into this matter and it is true that the HOA did construct and spent \$9,000 which ½ of it was reimbursed by EnCana to help grade portions of the road right of way and some

additional property which was not part of the road right of way that Mamm Creek granted to the HOA. We're prepared to work with them in connection with providing space for a bus turnaround provided that we can be assured we have no liability for any use on our property and we'd like this to be sure that it's put in a place that doesn't interfere with the traffic flow around Grass Mesa on that turn and into one proposed building to the north. Right now, Larry understands the activity on the bus turnaround takes place to the south of that interchange. We would propose the only truck traffic that would be making a right turn on Grass Mesa Road and would provide and instruct them in the leasing that there would be no parking on Grass Mesa Road and no stopping or unloading on Grass Mesa Road – they're required to drive into that facility for any activity. Prefer it be moved to avoid conflict and will mean working with the school board to determine if there's a reasonable place for them to place a different one also.

Commissioner Houpt – asked Larry if he's talked to the school district about this issue?

Larry Mincer – talked to the school district about it, they are using that and they have designated that as a turnaround or as a place for the bus to bus over and load and unload. It's a case of dealing with their approval for a different location as well as the County Road and Bridge and we also have to discuss an issue with respect as to whether or not we can get this far enough off the County Road that these school buses are going to go. Larry added they can keep the truck traffic to avoid as much of that interference as possible and will try to work with them to keep that in an area that avoids places where the trucks are going to turn but there's traffic on Grass Mesa Road at the present time and we cannot get from the County, the Road and Bridge won't give us a permit to put a driveway in off of County Road 319 because of the close proximity to the Grass Mesa Road.

Mark confirmed that is their position; it's an awkward place to put another driveway in and to be able to put one in for this piece of property it would be too close to Grass Mesa Road.

Commissioner Houpt – we are close to bus schedules being put out – problematic if not solved very soon.

Mark – this is a narrow piece of property it doesn't fit and the topography makes it tough as well.

Commissioner McCown – Jimmy, you were on board when they put this bus turnaround on your property? Were they given permission or are they trespassing.

Jimmy Sills – no, we received notification that they had constructed it after it was constructed and we really didn't have a problem with that but we were actually notified after the fact and we've just kind of let it be there.

Commissioner McCown – they don't have a lease with you for this facility or any kind of a right that one would construe a right to be there.

Jimmy Sills – what we gave the Grass Mesa HOA was a 60 foot egress and ingress easement back in 1981.

Commissioner McCown – what are you asking for today? Clearly you don't have your potable water in place, it's been applied for, and we have a temporary fix that the fire chief has signed off on for the two existing buildings and in operation. So what's the next step?

Larry Mincer – what we would request it that we be given the SUP application be granted with certain conditions which many of which were outlined in the previous memo that was handed out in his letter of July 5th and basically to the domestic water system we would propose to get the system submitted within the next few days and that the system as provided under your code be constructed in conjunction with the inspection with the other activities involved in the Special Use Permit and the buildings and that the occupancy be limited to one additional building until the additional storage system is available and on line with the State approval.

Commissioner McCown – your client is willing to take a change today on approval of a SUP with the conditions that there be no occupancy granted to any further buildings until the water system both fire and potable water risk based on the water systems be approved and in place?

Jimmy Sills – yes sir.

Larry Mincer – so we have no occupancy until both fire and potable water are approved on the three new buildings, we've got two now.

Commissioner McCown – you've got the two going and this temporary, or the fix on the water system for the fire suppression on those two building, once it's changed per Zancanella's recommendation, that would take care of the two buildings but if the SUP were granted you could move forward with the construction or the pulling of a building permit and the building of the building, but it could not be occupied until all water requirements for those three buildings are met.

Jimmy Sills – we clearly understand that.

Carolyn asked Mark – is the SUP for one building or for three buildings.

Mark confirmed it is for 3 buildings. The two that they are talking about though those are in existence was a different SUP.

Carolyn – so today you're asking approval for a SUP for the three building with conditions that were just discussed on water.

Garland Anderson – Grass Mesa homeowner, just interested party, but I was confused earlier about the numbers of the buildings, there's two existing building and a request for three buildings one of which already got built just wasn't completed. So we're really, this whole picture that's going on is really about 5 buildings when you're talking about the two with the water already accepted, just for clarity. In respect to the homeowners and the turnaround, I'm not on the Board but understand our manager sent some paperwork to Larry Mincer, the attorney in regards to some of the things that had transpired about the request and talking about the bus turnaround and all of that, Mr. Lazier was in it at one time and this letter had been addressed to him. And I'm not sure where he fits in this today if at all, but there had been correspondence and I think that needs to be looked into a little bit more diligently and they owned up to yes they accepted 60 feet or something and perhaps that was overstepped and could have been rectified at that time I guess but it was never addressed and again I think it partly due to the fact that it was going to be a benefit to there, at that time, proposed 24 home subdivision which would have been great for the families there to have that, but now like I said before, it's become a liability now because they don't want to do that. But in regards to the possibilities of what they might with that school bus turnaround, I'm sure the Board and the homeowners are quite open to most anything that would work for the children and once again I throw out there's a possibility to in addition if they want to do this is to just to put up a small fence of some kind right where the road easement quits and the bus turnaround is or right off the road part

so at least there would be some separation between all the trucks that go in and turn and the children, they don't see a line there, it's just gravel right over to the grass and at what point that imaginary line is will not be seen by a child and so if they keep that spot and don't move it, and they very well could, all they have to do is put up some kind of a fence – that would work great to separate the kids from the traffic. And about EnCana footed the bill for ½ of that because I misstated a couple of weeks ago that we spent the \$10,000 – well we didn't – we spent ½ and EnCana was kind enough to come up with the other half.

Commissioner Houpt – I'm still trying to understand this request, there's already one building on this SUP that's been built.

Larry Mincer – no, that is not correct. There's a shell of a building that was started but is on would be one of the buildings on this permit. There is no construction on that building any more. But the shell is up.

Commissioner Houpt – how far along is that building?

Jimmy Sills – all the exterior walls are up and the roof trusses are sitting there on the ground ready to be put up.

Rob Tobias – representing the lender of this project and I'm concerned about the liability associated with the use of part of the property as a school bus turn around. When we originally funded the loan, I don't believe there was anything of record and this was new information that came up 6 – 8 weeks ago in this room and I think that if the property is going to be used for a public purpose such as a school bus turnaround, the liability is a major issue and I don't know if the County is ready to accept that liability but school buses traditionally stop in the road put their signs up and that's the end of the matter. This sounds like it's being addressed in a different fashion and it's a big liability issue as Larry Mincer mentioned before.

Commissioner Houpt – for clarification, this is a school bus stop that's in place and that RE2 has come to rely on as part of their bus system and so it was a natural that it would come up for discussion in terms of traffic flow..

Rob Tobias – well, it's my understanding that this hasn't been in place very long and it's new to the game and as was pointed out it was built without any previous consent and the owners of the property were informed of the improvements after the fact.

Commissioner Houpt – well perhaps we need to research that more because I think it is an established bus stop – that's the information we've received.

Rob Tobias – on private property?

Larry Miner – let me give you the best information I have. In 1982, December of 1982, the previous owner of this property granted to what's now the Grass Mesa Homeowners Association but granted to their predecessors 60 foot right of way for the Grass Mesa Road to the extent that there were children coming to catch the bus at the foot of the Grass Mesa Road and undoubtedly there's been a bus stop ever since there's been children. In 2003 Mr. Lazier received a letter concerning the installation of a school bus turnaround on that property or adjacent to the intersection of the Grass Mesa Road and CR 319. That particular bus, at that point and time the school district and county arranged to have the area graveled and surfaced and the school, and Mr. Lazier received a letter indicated that there was some indication that they had probably exceeded the 60 foot right of way line but that they appreciated the right to be able to continue to use that. And Mr. Lazier nor Mr. Sills did not object to that. And that's been used to the best of my knowledge and my understanding according to the school district that they have been using that area for the bus starting with that 2003 school year.

Commissioner McCown – Larry, in your comment, if I didn't hear you wrong, I believe the County was a party to that agreement.

Larry Mincer – well, the county, as far as the agreement is concerned, the County and the school district were there to make sure that the location worked, that it could be done. I think there's no agreement between any parties with respect to the school bus turnaround. When I talked to the County, the current road and bridge man in that area referred to me his assistant who indicated yes, there was some discussion, the County didn't get involved, the County didn't do it, the County was just made aware of it and kind of like – they didn't raise any objection.

Commissioner McCown – And that's where I was having a problem because it's not a County Road. It's clearly a private road and I couldn't envision why the County would get involved in that kind of an arrangement.

Larry Mincer – not sure what their degree of involvement was but they were aware of it and they were aware of when it went in.

Commissioner McCown – this 60 foot right of way runs contiguous with the Grass Mesa Road across the front of this particular lot.

Larry Mincer – the 60 foot right of way and it was granted in 1982 and that's the only grant. Commissioner McCown – so that's the only area that the school has been granted any access to is that road across these two parcels?

Larry Mincer – the school wasn't granted anything that is the grant of a private roadway.

Commissioner McCown – exactly.

Larry Mincer – so the school, anybody can use it as a roadway, it's not a public road, it's a private road, well, anybody can use it for a roadway with the permission of the current owners and the Grass Mesa HOA because it is a private roadway, non-exclusive private roadway.

Chairman Martin – and it's posted so.

Larry Mincer – yes.

Back to the request – discussion on that.

Commissioner Houpt – a question for Larry Mincer, is there something that's been holding up the submitting of the domestic water supply application.

Larry Mincer – yes, the thing holding it up is trying to find an engineer who can finish up with the engineering data required and we've been through three so far. We're almost there but it's really – finding an engineer is tough.

Commissioner McCown – before we close the public hearing, Mark the 17 conditions that were alluded to by the application.

Mark – they were included in his letter, Exhibit M.

Commissioner McCown – have you had time to look at those and

Mark – actually I wrote those.

Commissioner McCown and other that the ones that they stipulated to earlier today in testimony on, should we move forward with this that there be no occupancy allowed in any of the buildings until the water situation is resolved, that would be Condition No. 18 – and all encompass.

Mark – probably would be a combination of Condition No. 9 and Condition No. 8, actually Condition No. 8 covers the domestic water supply system, and Condition No. 9 deals with the fire protection issue.

Commissioner McCown – and you feel that those are comfortable enough that this would give the building department the direction they need to issue building permits but no CO's.

Commissioner Houpt – well it says, no building permit.

Mark – yeah, No 8 says no building permit issued prior to

Commissioner McCown – I'm not through with No. 8.

Mark – if those conditions were changed in such a way that no CO's were issued, then the risk would be theirs in terms of constructing and for some reason systems could not or were not approved in a timely manner consistent with them to occupy.

Commissioner McCown – no CO would be issued.

Mark – one other issued that was indirectly related to our discussion regarding the Grass Mesa Road, one of the issues brought up in a previous discussion by the Homeowners in Grass Mesa was the concern about parking and unloading of trucks on the Grass Mesa Road and suggest if you are going to approve this you add a condition that no parking or unloading of trucks or equipment will be allowed on the Grass Mesa Road as part of this approval.

Chairman Martin – the application has, as one of the stipulations, he would also enforce.

Commissioner McCown – no parking for any reason or unloading.

Commissioner McCown moved to close the public hearing. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Commissioner McCown made a motion to approve the Special Use Permit for Mamm Creek Commons to allow for the construction of 3 building, this Special Use Permit will allow for the Building Department to issue building permits with the 18 Conditions as submitted, Number 18 being no parking for any reason will be allowed on Grass Mesa Road and Number 8 will change to read, "No certification of occupancy (CO) will be issued prior to the approval of the Colorado Department of Public Health or Water Quality Control Division's approval of the proposed domestic water system.

Mark – clarification – their request if for one building permit prior to the issuance and part of the two buildings being applied for. Is that the request here?

Commissioner McCown – no, these are for the three new buildings.

Commissioner Houpt – on your Condition 18 – do you mean no parking for any reason so I'm wondering about parents picking kids up from a school bus stop.

Commissioner McCown – we're only controlling this Special Use – any use pertaining to this Special Use would not be allowed.

Commissioner Houpt – seconded for discussion.

Discussion

Commissioner Houpt – I believe that some of the outstanding issues are too large to move forward on; I think there has been ample time to get some of this work and come to terms not only with the traffic use issue on the road but water supply and fire protection issue. And I think those are big issues to resolve prior to moving forward.

Carolyn – clarification of motion; not sure if you were operating from the copy of the Conditions as changed by the applicant or the originals that Mark produced, for example on No. 11 – Building and Planning suggested screening of 8 feet, the applicant asked for 6 feet; on No. 13 the applicant asked for on line 2 for 9,000 square feet to be changed to approximately 9,000 and asked that we get rid of No. 15 because of the last sentence in No. 13 and was there a change in No. 16, Larry,

Commissioner McCown – I'm using Mark's.

Larry Mincer – my understanding is he is using Mark's. He asked for the same clarification. I guess I'm not going to object to redundancy but asked for clarification on No. 13 for approximately.

Chairman Martin – only if the attorney is requesting clarification on Mark's No. 13?

Commissioner McCown – Mark's is very specific of 9,000 square feet and they're wanting approximately 9,000 and the only way I would change that is a not to exceed and that amount would be 9,000. "Not to exceed 9,000".

In favor: Martin aye McCown - aye

Opposed: Houpt

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR AN ASSESSORY DWELLING UNIT OF PROPERTY LOCATED APPROXIMATELY ½ MILE WEST OF THE CANYON CREEK I-70 INTERCHANGE OFF OF HIGHWAY 6. APPLICANT: ROCKY GABOSSİ – RICHARD WHEELER

Rocky Gabossi, Carolyn Dahlgren, and Richard Wheeler were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

Complicated notice – Rocky first and Richard Wheeler, Garfield County Planner re-noticed. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail 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 –Staff Report dated 8-1-2005; and Exhibit G Application materials for Gabossi ADU. Chairman Martin entered Exhibits A – G into the record.

II. DESCRIPTION OF THE PROPOSAL

The applicant requests the Board grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) located on the northern portion of the Lot 1 of the Gabossi Exemption. The property is located at HWY 6 west of the Canyon Creek & I-70 intersection. The property is approximately 20.22 acres. Presently, there is only one residence on the property (the applicant's home). The location of the proposed ADU will meet all respective setbacks for the ARRD zone. The proposed ADU will be located in an area with large trees that will provide adequate screening from any adjoining uses.

The proposed ADU will be a single family residence that will serve leasehold interests only.
The driveway leading to the proposed ADU is not in place yet. The applicants will need to address this prior to issuance of a building permit.

Access to the proposed ADU will be from an existing drive. This existing drive is directly accessed from HWY 6 and will need to be extended to serve the proposed ADU. CDOT was notified of the applicant's request. Staff has received no comments from CDOT concerning the extra traffic this use will generate. If the ADU is approved, the applicants shall obtain all applicable access permits from CDOT prior to issuance of a building permit. The applicant shall also obtain all applicable Garfield County grading permits for the extended driveway. This standard is met.

The proposed location of the ADU is on the northern portion of the property. This location is furthest away from the highway. The existing landscaping has several mature trees allowing adequate screening from adjacent areas. As shown on the first photo of this staff report, there is a natural clearing in the trees for a building envelope. If approved, the applicant shall use minimal lighting that is shielded to prevent light trespass on other properties and is downward facing towards the structure. This standard is met.

The property contains 20.22 acres, which exceeds the required minimum acreage for an ADU. The entire proposed building envelope for the ADU sits on approximately 8 acres that has no slopes exceeding 40%. This standard is met.

The applicant has not submitted any formal plans for the proposed ADU. The applicant is aware the unit cannot exceed 1,500 sq. ft. Compliance to this requirement will be reviewed at the building permit stage. This standard is met.

There is no Homeowners Association or Covenants that would restrict the proposed ADU for the Gabossi Exemption. This standard is met.

The applicant has two wells on the property. One well is serving the Gabossi residence. The other well, permit #56101, was tested on August 19, 2002.

Staff has not received a water quality analysis from the applicant. If the ADU is approved, staff suggests the board require the applicant submit a water quality test prior to building permit issuance.

The applicant is proposing to use an ISDS for the ADU. Should the SUP request be granted, the applicant shall be obligated to obtain the proper ISDS permit from Garfield County. This standard is met.

The Applicant understands that only leasehold interests are allowed in the unit. This standard is met.

The Applicant understands that all construction (septic system and ADU structure) shall require the appropriate building permits and inspections conducted by the County Building and Planning Department. This shall be considered a condition of any approval by the Board of County Commissioners. This standard is met.

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 unless otherwise modified by the Board.
- 2) All lighting associated with the ADU shall be the minimum amount necessary. All exterior lighting shall be shielded to prevent light trespass on any adjoining property and be downward facing towards the structure.
- 3) The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.
- 4) The applicant shall obtain any applicable CDOT access permits and any Garfield County grading permits.
- 5) That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements.
- 6) That the gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet.
- 7) That the accessory dwelling unit shall not be conveyed as a separate interest but may be leased.
- 8) That, prior to issuance of the special use permit, the water quality be tested by an independent laboratory and meet State guidelines concerning bacteria and nitrates.

Rocky Gobassi stated that CDOT didn't respond and he wondered if CDOT would require a second driveway.
Commissioner McCown – normally they're reluctant to give permits.

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

Commissioner McCown made a motion to approve the Special Use Permit request for an Accessory Dwelling Unit for a property located at 44523 HWY 6, also known as Lot 1 of the Gabossi Exemption, Glenwood Springs, Colorado with the 8 conditions proposed by Staff. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT ON PROPERTY LOCATED IN THE CRYSTAL SPRINGS AREA NORTH OF CARBONDALE OFF OF CR 112. APPLICANT: PATRICK T. BURKE – RICHARD WHEELER

Carolyn Dahlgren, Michael Wheeler, and Patrick and Lori Burke and Dan Muse were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Jim submitted the following exhibits: Exhibit A –Mail Receipts and one property owner with signature of a statement of receipt – a fax from Mr. Johnson stating he is aware of today’s hearing; 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 –Staff Report dated 8-1-05; Exhibit G – Application for Burke ADU.

Chairman Martin entered Exhibits A – G into the record.

DESCRIPTION OF THE PROPOSAL

The applicant requests the Board of County Commissioners grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) located east of the existing Burke home, Lot A of the Amended Bearwald Exemption Plat, reception #413455. The property is a relatively isolated parcel in the Crystal Springs area, northeast of Carbondale.

The existing home and proposed ADU is approximately one mile off CR 112, accessed by a private drive. The property is approximately 38.82 acres. Presently, there is only one residence on the property. The location of the proposed ADU will meet all respective setbacks for the ARRD zone. The proposed ADU will be located in an area heavily vegetated with Pinon and juniper trees, providing adequate screening from any adjoining uses.

Patrick Burke, owner of the property, is proposing to have a log cabin constructed approximately 200 feet from the existing house. The purpose of the ADU is to provide additional space for Mr. Burke’s parents – George and Mary Kirkham. The Kirkhams would use the ADU for approximately 6 months a year.

As represented by the applicant’s architect, the proposed ADU will be a 1,500 square foot two story log residence with 2 or 3 bedrooms and a garage or car-port attached. The survey shows the building envelope will be located in an area with slopes of 9-10%. Some of the Pinon and juniper tress will be removed for

There is one well that will serve the property – permit #41391. This well is shared with the two lot owners of the Bearwald Exemption Plat. The property owners have executed an amended well sharing agreement, dated May 17, 2005. This amended agreement allows for the proposed ADU on the Burke Property. The proposed and existing uses would not exceed the allowed diversion three acre feet per year. Below is a calculation in gallons:

Main access to the proposed ADU will be from an existing private drive. This existing private drive is accessed from CR 112. The applicants are proposing a spur off of the drive to the proposed ADU. If the ADU is approved, the applicants shall obtain all applicable access and grading permits from Garfield County prior to issuance of a building permit.

This standard is met.

The proposed location of the ADU is on the northeastern portion of the property. The existing landscaping is dense and will allow screening from adjacent areas. If approved, the applicants shall use minimal lighting that is shielded to prevent light trespass on other properties and is inward and downward facing towards the structure. This standard is met.

The property contains 38.82 acres, which exceeds the required minimum required for an ADU. The proposed building envelope for the ADU will be on a portion of the property that has no slopes exceeding 40%. This standard is met.

The applicant has not submitted any formal building plans for the proposed ADU. The applicant is aware and has stated in the application the unit will not exceed 1,500 sq. ft. Compliance to this requirement will be reviewed at the building permit stage. This standard is met.

There is no Homeowners Association for the Bearwald Exemption. This requirement is not applicable

- The applicant shares a well with Lot B of the Bearwald Exemption. A well sharing agreement has been executed between Patrick Burke – Lot A and Arvid Johnson – Lot B. The well sharing agreement allows Mr. Burke to use water for his residence and one additional single family dwelling. This well allows up to 3 care feet per year. As noted earlier the amount of water allowed is adequate to serve the proposed and exiting uses. A 1.5 hour pump test was performed on the popery by Samuelson Pump Co on February 28, 2005.

The county requires a 4 hour pump test. The pump test submitted for this application does not meet the Counties standard. The applicant shall submit a 4 hour pump test, showing the ability to serve the proposed and existing uses prior to issuance of this Special Use Permit. The applicant has not submitted a water quality analysis showing compliance to State guidelines for water quality. The applicant shall submit a water quality analysis showing compliance to State guidelines concerning bacteria and nitrates, prior to issuance of this Special Use Permit. This standard is not met

The applicant is proposing to use an ISDS for the ADU. The applicant shall be obligated to obtain the proper ISDS permit from Garfield County should the SUP request be granted. This standard is met.

The Applicant understands that only leasehold interests are allowed in the unit. This standard is met.

The Applicant understands that all construction (septic system and ADU structure) shall require the appropriate building permits and inspections to be conducted by the County Building and Planning Department. This shall be considered a condition of any approval by the Board of County Commissioners. This standard is met

Staff added an additional 1- water pump test and water quality test. 1974 – permit for domestic with no uses stated specifically. In the well permit a ruling of the referee in 1980 and on this permit they state it is for domestic but no specific no uses – Johnson and Burke – will be allowed for a home on each parcel

RECOMMENDATION

Staff recommends **APPROVAL**, with the following conditions:

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 unless otherwise modified by the Board.

All lighting associated with the ADU shall be the minimum amount necessary. All exterior lighting shall be shielded to prevent light trespass on any adjoining property and be downward facing towards the structure.

The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.

The applicant shall obtain any applicable Garfield County access and grading permits

The Applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements

The gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet

The accessory dwelling unit shall not be conveyed as a separate interest but may be leased

1. Prior to issuance of this Special Use Permit, a (4) hour pump test shall be conducted showing the ability to meet all existing and proposed uses as set forth in this application and the Amended Well Sharing Agreement dated May 17, 2005.

2. Prior to issuance of this Special Use Permit, the water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

Commissioner McCown – the fact that is basically a well sharing agreement drawn up between two parties involved is not in anyway indicate the State has

Carolyn – noted in the well sharing agreement, paragraph 2 there is the statement that the Division Engineer has determined that uses of the well as contemplated here are consistent with that exemption, but like you just said, we have nothing saying that from the State Engineer, so that would be a question to the applicant.

Dan Muse – What I do know is that Sherry Caloia put together the well sharing agreement and has the expertise in this area; certainly Patrick may have something to add to that.

Patrick Burke – I think Carolyn and I were trying to clarify the original well agreement – it was before I owned the property and Fluer's I believe owned the property before them and we were trying to clarify the uses of the well.

Richard– on Page 2 of the staff report, if I calculated this correctly the allotment, the average amount of water to be deferred is 3 acre feet and on page 2 we calculated that out in gallons and related to the County's water usage calculations of 100 gallons per person per household of 3.5 people for a total of 350 gallons per household and the calculation we came out to the well could serve 7.7 so the allotment of the 3 acre feet would adequately serve this and the determination of whether it's spoken to specifically in the well permit, it really doesn't state.

Dan Muse – are you asking specifically about the water and do you want me to elaborate about

Chairman Martin – elaborate about your application. Well what Patrick has is 38 acres that he bought from his mother so its been in the family since 1990 and its up Crystal Springs; they are looking to build a very small ADU of 1500 square foot or smaller and in this particular case, a log cabin by a local builder, Scott Ackerman, and his parents have been living in the house and now Patrick and I believe Lauren just married recently and the guest house is for the parents and they'll be ½ year, the other ½ year they live in New York.

Chairman Martin – asked if Patrick understood that the ADU cannot be leased out, etc.

Patrick – yes and that's the last thing they would want.

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

MOTION

Commissioner McCown made a motion that we approve the Special Use Permit request for an Accessory Dwelling Unit with the 9 conditions proposed by Staff on a property located at 0483 CR 112, for Patrick T. Burke. Commissioner Houpt seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF A SUBDIVISION ON PROPERTY LOCATED APPROXIMATELY 5 ½ MILES SOUTH OF GLENWOOD SPRINGS OFF OF CR 117. APPLICANT: PETER STANTON – RICHARD WHEELER

John Collins, Carolyn Dahlgren, and Richard Wheeler were present.

Sherry Caloia has helped on this application. Commissioner Houpt stepped down on this application.

John Collins testified that Rita Jackson owns the property. He stated that Peter Stainton is one of the owners of Argonaut Farm across the street from the land Mr. Stainton is going to purchase. The relationship that he has now with her is that he's in contract for the sale and purchase of land in question. He has also had a friendship with Rita Jackson since he's owned Argonaut. Carolyn determined that Ms. Jackson as owner gave permission for Mr. Stainton and John Collins to proceed with this application. John Collins stated this was in the application on Exhibit E.

Carolyn asked in the notice that was sent out did you identify properly the owner of the property as Ms. Jackson.

John Collins – yes. Carolyn – did you identify the property by a legal description and also a practical description of some sort? John – we have. Carolyn - did you give information about what was requested of the BOCC and all the specifics of time and date? John – yes. Carolyn noted that Exhibit A the proof of publication was not the same as was sent out so there is an imperfection in the notice; the owner has to be identified in all notifications. Carolyn said that Mr. Stainton is identified as the applicant, without a notification that the property is actually owned by Ms. Jackson that's what is in the proof of publication and the same with what was sent out in the notices to the adjacent property owners. There is a legal and practical description. The owner has to be identified in all of the notifications; the risk is the owners and applicant's risk.

Chairman Martin – there is a risk of failure to notify the owner of the property and therefore subject to reject.

Commissioner McCown – were there more than the one that was returned undeliverable. Carolyn – only one and it was made part of the record. Commissioner McCown determined that in the notices a legal and practical description was included just Ms. Jackson was omitted as the owner and Mr. Stainton listed as the applicant.

Carolyn read the notification into the record.

Commissioner McCown – given the legal and practical description of the property one would know where that property was more so than who the owner would be. John Collins – physical posted notice is on Rita Jackson's property.

Chairman Martin – the BOCC accepted notification.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit C - Garfield County Subdivision Regulations of 1984, as amended; Exhibit E–Garfield County Comprehensive Plan of 2000; Exhibit F – Staff report dated 8-1-05; Exhibit G - Application materials for the Stainton Exemption; Exhibit H – Letter dated 7-14-2005 from Glenwood Springs Fire District; and Exhibit I – letter dated 7-09 05 from Garfield County Road and Bridge Department. J - Letter dated 7-28-05 – Oak Meadows HOA, Susan W. Snyder, PC requesting a continuance; and K - Well Sharing Agreement put together by Sherry Caloia

Chairman Martin admitted Exhibits A – K into the record.

1. DESCRIPTION OF THE PROPOSAL

The Site: The Subject Parcel is approximately 5.5 miles south of Glenwood Springs on Four Mile Road directly east of the Argonaut Farm. Currently, there is one residence on the property. Generally speaking the property is rather steep on the eastern portion. Scattered throughout are flatter envelopes of land. There are two new wells on the site. One well is within view of Four Mile Road, this well is on the northern portion of the property. The other well is northeast of the existing residence. The property is heavily vegetated with scrub oak and natural grass.

The Proposal: The applicant is proposing to divide the 81.5 acre parcel into 4 lots. Proposed lot sizes are as follows: Lot 1: 25 acres, Lot 2: 10 Acres, Lot 3: 10 acres, Lot 4: 35 acres. The applicant wishes to deed restrict two lots allowing only one single-family home. The other two lots will be deed restricted to one single family home and one Accessory Dwelling Unit (ADU) each. The applicant shall be aware the proposed ADU's are not approved as part of this application. An ADU is approved through a separate Special Use Permit.

STAFF COMMENT: Included with the application, soil types are: Arie-Ansari Rock outcrop complex 12-50% slopes, Cochetopa-Antobus associated with slopes 20-50%, Jerry-Millerlake loams 1-6% slopes, Toriorthents-Camborthids-Rock outcrop 6-65% slopes

Proof of legal and adequate source of domestic water for each lot created. Proof of a legal supply shall be an approved substitute water supply plan contract or augmentation plan, an approved well permit or legally adjudicated domestic water source. Proof of physical supply for the public meeting may be documentation from the Division of Water Resources that demonstrates that there are wells within 1/4 mile of the site producing at least five (5) gallons/minute. Prior to the signing of a plat, all physical water supplies shall demonstrate the following:

1. That a four (4) hour pump test be performed on the well to be used;
2. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
3. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
4. A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
5. An assumption of an average 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 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.

Sewage will be served by ISDS. Concerning fire protection, the applicants have not submitted sufficient fire protection plans. Please see letter from Glenwood Springs Fire District (Exhibit H).

If connection to a community or municipal water or sewer system, is proposed, a letter from the governing body stating a willingness and ability to serve.

Some lots will share wells. A well sharing agreement will need to be incorporated into the protective covenants. All other systems will be private

The applicant proposes to divide the parcel into 4 lots, to keep one of the lots for him and sell the other two. The intention of the applicant is to protect the rural character of the Four Mile Road by providing larger lots and

decreasing the ability to over develop. Mr. Stainton proposes to deed restrict all the parcels to single family homes and allow two of the four parcels to have ADU's

It shall be demonstrated that the parcel existed, as described on January 1, 1973, or the parcel, as it exists presently, is one (1) of not more than three (3) parcels created from a larger parcel, as it existed on January 1, 1973; and

The chain of title evidencing the legal description on January 1, 1973 matches the legal description of the subject property for this application. Book and Page numbers for the title chain are as follows: 288 – 568, 415-28, 65-588.

The proposed lot sizes meet the minimum lot size for the underlying zone. The proposed uses are allowed in the underlying zone. The applicant will need to prove that each proposed lot will have a building envelope of at least 1 acre with slopes less than 40%. The applicant shall be aware of all zoning requirements. This standard is met

The applicant has stated this exemption is being created to protect the overall character of the Four Mile Road. The proposed lot sizes and uses are compatible with surrounding uses. This standard is met

The applicant is not proposing any open space. Due to the General topography of the proposed exemption large portions of land will not be developable.

2. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

1. A plat of an approved or conditionally approved exemption shall be presented to the Board for signature within 120 days of approval. The plat shall include a legal description of the exempted property, and the County's Exemption Certificate, the County Surveyor's Certificate and a statement, "NOTE: No further divisions by exemption from definition will be allowed." The plat shall be recorded with the County Clerk and Recorder no later than thirty (30) days after the Chairman's signature. The Chairman of the Board of County Commissioners shall not sign a plat of a conditionally approved exemption until all conditions of approval have been complied with.

1. A plat of an approved or conditionally approved exemption shall be presented to the Bard for signature within 120 days of approval. The plat shall include a legal description of the exempted property, and the County's Exemption Certificate, the County Surveyor's Certificate and a statement, "NOTE: No further divisions by exemption from definition will be allowed." The plat shall be recorded with the County Clerk and Recorder no later than thirty (30) days after the Chairman's signature. The Chairman of the Board of County Commissioners shall not sign a plat of a conditionally approved exemption until all conditions of approval have been complied with.

2. Covenants and plat notes, restricting the lots to the following:

a. 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;

b. 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. 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; and

c. Each subdivision shall have covenants requiring that all exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

3. The applicant shall correctly identify and submit well tests for all wells on the subject exemption.

4. The applicant shall prepare a well sharing to be incorporated into the protective covenants.

5. The applicant shall submit a letter of approval of fire protection plan form the appropriate fire district

6. The applicant shall provide a map inventory of any County listed noxious weeds and provide a weed management plan that will address any inventoried noxious weeds. The applicant shall also determine the responsible party for execution and management of the weed mitigation plan.

7. The plat shall have a note stating ; "Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer with the state of Colorado"

Richard – as stated on the staff report there were two well tests that were submitted that were identified as upper and lower well. They're not identified with a specific well permit number; it's the assumption that the upper be the southern most and lower the northern most of the wells which are their two new wells. No water quality tests were submitted with that. They also speak to the Jackson Well No. 1 which I believe is serving the existing residence right now, there was not well test or water quality tests submitted for that and in the exhibit labeled K – covenants and well sharing agreements, on page 2 there is some specific language in there speaking to well no. 1 shall be owned by parcel 3 which is a proposed parcel for the house on the parcel and for irrigation. So it appears that through these covenants they're proposing to use that well but staff has not received any well test or any water quality from that. This is the real issue that staff had with this application aside from the conditions of approval as stated in the staff report.

John Collins – responded to the well issues brought up – refer to submittal Exhibit H in the application on approximately the 3rd page there is a well permit No. 263271. On the following page there's another well permit number and a well test and that respectively pointed out as an upper well test and that was also correctly stated as being the southern most well. On the next page there's a lower well test with respectively identified as the lower well test and I guess the point, on the next page where you see the well permit number in the upper right hand corner, it does designate upper well and it also states the well permit number 263272 so that you know what well regarding

upper and lower what well permit goes with what well. All of these documents together make clear which wells goes with which well permit. This was made part of the record.

John Collins – regarding Well No. 1 – was correctly identified as water now supplying the current household, Well 1 was only identified for full disclosure to the County that the Phil and Rita Jackson have been using a spring which produces, not sure how much water, very little amount of water, but we wanted to be very up front with everybody and identified it on the map and we are certainly not in opposition to any conditions that were requested by the County except since we are talking about that well at this point, he referred to number 3 on the County comments which states the application shall correctly identify and submit well tests for all wells on the subject exemption – we would like not to do that with what I’m going to be calling Well number 1 which is the spring feeding the house our intent is to hook up the two wells that were recently drilled which you have the well reports on as per proposed. We’re going to hook up the south house and can depend upon the new well which you can refer to as the upper well or the 263271 and there’s also the possibility for an ADU that may go up there and that well will also be used for the current house for the current Jackson house. The lower well will be used for the 10 acre parcel of property and then also for the 25 acre parcel property that’s going to have at the most one residence and also the possibility for an ADU. I would strike this well application from this application before it would jeopardize us going through or losing on this application, I just wanted that full disclosure on that water that was on that property.

Chairman Martin – so noted.

Carolyn – follow up – Mr. Collins in the restrictive covenants and well sharing that an HOA is created and the County fully supports as the best way to manage these shared agreements but the document does not state who is going to own the permits, is the HOA going to own the permits? Or are the permits going to be owned by just the lots that share in that well? That’s something that’s not handled in the document and if you know what its going to be please tell us and if not, she would ask the Commissioners to consider that in any conditions of approval if they go forward with this.

John Collins – do not know the answer to that, this is deal that Peter and Rita made, Rita decided to sell her land because she’s at the age where she needs to get into town and live in a town home, we have a closing date of September 9, Rita came to Peter and said lets make this happen. This is really an agreement between friends and then Peter is distributing this property to friends of that ranch, so it’s a friendship deal and questions like that are really still being – in process and will be resolved at the final plat which I hope will be in 3 weeks. And no problem with that being a condition of approving this application.

Public Comments:

Diane Delaney representing the Oak Meadows Development Corporation and John Fuller, President of the Oak Meadows Service Company and Nan Walter the Secretary of Oak Meadows HOA. We have a concern with the water well question. The applicant proposes to supply this subdivision of 4 homes plus 2 caretaker units with exempt wells. By nature of its exemption there has been no analysis given to the effect of these wells, they are 15 gallon per minute wells each and at least in the application that’s an aggregate of 45 gal per minutes. Because they are exempt there is no notification procedure or requirement by the State Engineer prior to issuance of these well permits. The Oak Meadows HOA thus had no notification and I think would have liked to enter into dialogue discussion and perhaps some greater understand with the applicant as to their water usage and any kind of volunteer or other restrictions that they might place on the usage so that the interest of the Oak Meadows HOA and OMCSO in their use and enjoyment of the water from the Four Mile Well, which is about 4/10th of a mile within ½ mile always from at least one of these wells, could have, well assured of its continued use and enjoyment. I think what we would ask perhaps is that prior to approval of this subdivision application, the County might require the applicant to have an engineering report prepared indicating and showing in the professional opinion of an engineer that there will be no injury to the Oak Meadow water interests.

Chairman Martin – okay, that’s what the request is, the State Water Engineer might be the right one and that leads to water court and a few other delays but it is an interesting request as well as Mr. Zancanella here in town.

Diane Delaney – well In addition the Oak Meadows HOA have retained two attorneys and there is an issue as well on notification on that, the Jackson property was not identified, I think there was an assumption that the State and subdivision exemption applied to Argonaut Farms and the property and water rights of the Staintons as they already exist. The Oak Meadows HOA as you know in their letter from their attorney, Susan Snyder has requested a continuance of this matter to allow them some opportunity for further discussion with the applicant on these matters.

Chairman Martin – I am aware of that.

Carolyn – because this is an exemption from subdivision process under your regulations the State Engineer generally will not respond because this is not a straight Subdivision.

Chairman Martin – that’s why I said Mr. Zancanella or another firm like is may enter into a contract but as we heard before engineers are hard to find these days.

Diane Delaney – noted in the exhibits that the question of fire protection has not been addressed and I believe that’s a requirement under the County’s rules and regulations for approval of a Subdivision Exemption and it is also a matter of some interest and concern to the Oak Meadows HOA based on the letter from the Fire Department - there are some potential questions of water usage and storage and that would be of interest to us as well, so again the request is to continue this.

Sue Rogers – I have not had a chance to look at the documents, but asked the size of the requirements of these dwellings – the ADU size.

Chairman Martin – an ADU can’t be more than 1500 square feet other than that it allows any size house.

John Collins – he would oppose any continuation, they’ve been working long and hard on this with the County for close to one year, first time we received notice of any opposition was July 28 at which time that attorney stated to Ms. Caloia that she was going to gone and unavailable, the notice was appropriate to Ms. Delaney and her clients and like her to clarify that, she did raise some issue as to defective notice and would like to know if she is claiming at this time that her clients didn’t receive proper notice because as evidenced by the return receipt, the HOA Oak Meadows did receive notice of this process today. Regarding the water, the water at issue here is what the two new wells that were drilled which is a matter of State concern and it is not our burden to prove they we are not damaging

somebody else's well beneath us. In the objection there's been no stated statutorily or comment authority for us to prove that we're not injuring anybody. We have permanent well permits that were approved by the State of Colorado and we will not exceed the usage as stated in the permits. We'd be – our goal throughout this whole process is to be amicable with everybody, we've been working with a lot of people and would have spoken to as many as we could have from Oak Meadows, anybody who had any interest in this matter whatsoever, we'd be happy to talk to but philosophically both as an attorney and from a philosophical point, I oppose continuances when I don't believe there are proper grounds. He too is somewhat concerned about the notice requirement but it appears the people here who are objecting to this application are presently here and presently stating their position on our application so I don't think that previously discussed notice problems are really in effect here with the people who are opposing this application. I don't want to make it too strong, I don't know if you're opposing the application or as stated in the letter wanting a continuance and for us to have a nice little chat and see what we're doing with our water, but basically we're asking to take 80 acres, leave house there and add there more houses. And we have the water to do that from the State and the water issues belong to the State and not this County Board.

Diane Delaney – first of all the notice that was sent to me was sent to Oak Meadows Development Corporation; Oak Meadows Development Corporation is not the Oak Meadows HOA nor is it the Oak Meadows Service Company, secondly, the central issue of concern here is the add exempt aspect of the wells. The well exemption language in the State Statute provides that within 30 days of issuance of a well permit, any person who is aggrieved may go in and seek a hearing for some further review, however, the well permit was issued May 5th and I didn't even receive a letter in fact the letter advising us of the Subdivision Exemption wasn't written until the 30-days had expired, so as a practical matter, the entities that are concerned with the provision of water to the subdivision had no opportunity at all to participate in the review if there had been one, and there wasn't, or any kind of request of review of the central question, which is, is there any problem with the or interference with the well on which this subdivision depends. Now I'm happy if the Staintons and Ms. Jackson have had a long discussion and a friendly one, that's fine, we're not necessarily opposed to this subdivision request, we would like an opportunity however to be a party and to have some discussions with these applicants as to their water issues and just give some assurance to ourselves that it doesn't interfere with or harm the subdivision. All of these discussions that they've had over the course of a year have occurred without any knowledge of the Oak Meadows HOA and I think it is a reasonable request that they have some opportunity to come in and have a dialogue on a matter that is of great interest and concern and is a responsibility of OMSCO and the Oak Meadows HOA.

Commissioner McCown – Ms. Delaney, what is the process that the State incorporates if someone were to come in and apply for an exempt well, what is the State's obligation of notification for surrounding individuals?

Diane Delaney – none.

Commissioner McCown – so had Ms. Jackson for instance gone into the State and applied for these two well without the subdivision exemption, would you have required notification or asked for that as well?

Diane Delaney – no. And however, if the wells for instance were a 16 gpm well, if it were a non-exempt well, then the level of review would be entirely different, they would be required to show non-injury, they would be required to and subject to the administrative process of the State Engineer and they would be clearly junior to our own water rights, well there are certainly behind and junior to the water rights of the Four Mile well but they are outside of the system of administration and enforcement, that's what is of concern to us, we would just like to have some sort of level of assurance and analysis to the impact if any, of this well, we are not saying we are opposed to the subdivision exemption, we would just like an opportunity for further review and discussion with them.

Chairman Martin – the applicant's made his point clear that he opposes a continuance.

John Collins – yes.

Peter Stainton – I would also like to make it clear that we would be more than willing to meet with Oak Meadows and try to address this issue as John mentioned we didn't realize that there was any issue at all until Thursday of last week so would like everyone to know that we're willing to meet and try make something work our whole purpose in doing this was basically to protect the ranch from visual impact if someone else bought that property and frankly I think if we had the funds we wouldn't build anything over there but we don't have the funds to buy that property and leave it as it is, so we tried to work out what we thought was the next best solution and we have water coming out of the same area, we're right across the street so I think we have the same concerns, and certainly wouldn't want to cause damage; I don't know technically what's involved, and I'm not saying we'd be willing to go through some kind of technical review unless it was proven necessary but I certainly would be willing to talk about the water usage and what we could do if we could reach some kind of mutually acceptable compromise on water usage on the three extra houses up there, but I would like, because we have a fairly tight schedule in terms of the contract with Rita it would be beneficial to us if we knew we were able to proceed, but we could still have these conservations as we proceeding with final plat work.

Richard Wheeler – as the Oak Meadows HOA had stated and in the staff report, it's clearly spoken to but in the presentation today it was an oversight as I wanted to bring to your attention concerning their fire protection plan and the concerns of Glenwood Springs, that's not a matter that I intended to overlook and not speak to but just make it aware that what they're requesting is Exhibit H in the staff report.

Commissioner McCown – from the applicant could you clear up for me again the Jackson Well No. 1 which in essence is the spring, did I understand you to say that you wanted this pulled out of the well sharing agreement.

John Collins – I did not want that to clear the deal so to speak as to this application. We're not entitled to three wells up there, we don't and it was never our intend to use any more water than necessary, the only reason that's located and indicated on there is to get full disclosure about the water that's up there.

Commissioner McCown and it the well sharing agreement, it clearly states that the permit will be owned by parcel 3, the permit would be jointly owned by parcel 1 and 2, the permit will be jointly owned by parcel 3 and 4 and it will not by the HOA.

Carolyn – that's what it says now which is not the usual way and asked the Board to focus on the substantive issues because while you've been talking I've gone back and read and the procedural issue about notice would likely be a non-issue on review because it says as long as there's a letter from the property owners if other than the applicant,

which we have testimony that there is and Section 8.31 says that the applicant shall be solely responsible for the publication, noticing and mailing, so even though Ms. Jackson wasn't in the notice, the applicant did have permission to take care of the noticing.

Commissioner McCown moved to close the public hearing; Commissioner Martin stepped down as Chair to second the motion.

In favor: McCown – aye; Martin – aye Commissioner Houpt had removed herself from this hearing.

Commissioner McCown made a motion that we grant the exemption from subdivision with the condition of staff 1 – 7 as posted, all testimony of the applicant today to be include in the conditions of approval regarding the well sharing, the commitment on behalf of the applicant that a complete fire plan has to be submitted prior to the issuance of a final plat, the ownership of the wells is clearly denoted after the conservation we've had and that to be included.

Commissioner Martin stepped down as Chair to second the motion and said I would urge that conservations between neighbors take place as well if it's going to be a friendly issue, it needs to done friendly if not I'm sure there will be a challenge to that, the damage and seek retribution. The items are covered within the application, the motion covers everything, and the conditions of approval need to be met or will be challenged as well and denied.

In favor: McCown – aye; Martin – aye Commissioner Houpt had removed herself from this hearing.

John Collins thanked the Board and noted in the motion that you said in your motion conditions 1 – 7 and

No. 3 is the requirement to identify and submit well tests for all wells on the subdivision exemption, and my point with well no. 1 with the well for the spring well exists; my request is that we do not have to do that because we're not going to using that.

Commissioner McCown – my motion says that it has to be used because that parcel is going to be separated and conveyed to someone else.

John Collins – so you do want us to comply with number 3.

Commissioner McCown – yes.

**CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION
LOCATED ON PROPERTY APPROXIMATELY 2 MILES SOUTHWEST OF SILT AT 6301 CR 346.**

APPLICANT: LESLIE AND HOWARD KANCILLA – MARK BEAN

Jan Shute, Mark Bean and Leslie and Howard Kancilla were present.

Jan reviewed the noticing requirements for the public hearings – double notifications by County, and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D –Garfield County Comprehensive Plan of 2000; Exhibit E – Project Information and Staff Comments; and Exhibit F -Application materials

Chairman Martin entered Exhibits A – F into the record.

DESCRIPTION OF THE PROPOSAL

Site & Project Description: The existing site has the applicant's residence, a building housing the business and other agricultural buildings and corrals for livestock. The building housing the proposed home occupation sits at the front of the property, with parking coming directly off of CR 346. Both the house and the building to house the business are served by a domestic well. Each building has a dedicated ISDS for sewage.

The applicants were cited for not having a Conditional Use Permit.

Previously, the applicant ran a dog grooming and kennel business out of the property. Prior to 1995, kennels were a Use by Right in the A/R/RD zone district. Now the applicants run a business that services office equipment, specifically copiers, printers and facsimile machines. They are authorized dealers for two business machine companies, but do not have any on site or walk in sales. The office houses inventory, parts and supplies and is the office for the business run by the applicants. In addition to the existing building the applicants are proposing to build an 8'x 20', storage building.

As the Board is aware, a conditional use is considered a use-by-right that can be conditioned by the Board. The following section includes these standards followed by a Staff Response.

Staff Response

The applicant's house and the proposed business are sharing a domestic well (permit no. 119069). This permit was approved in 1983 for up to 15 gpm, but for domestic use. The commercial use, previously a kennel, and now a business office is not consistent with the approved permit. The Division of Water Resources recommends that the applicants purchase augmentation water from the West Divide Conservancy District and then apply for a revised well permit from the Division.

Sewer service is provided by an existing ISDS system for each building.

The existing access to the proposed business site is directly off of CR 346, with parking at a 90° angle to the road. The applicant is not proposing to change any of the access points. After reviewing the existing situation, Kraig Kuberry, Road & Bridge Supervisor, recommends that the parking in the front of the building be removed and that a new driveway be placed on the east side of the building, with parking, so that cars and trucks will not be backing out onto the County road.

As noted previously, a Home Occupation is a use "*wherein such use would not create the appearance or impact of a commercial activity.*" The previous use of the proposed building as a kennel and dog grooming business was a Use by Right and only had to meet basic setback, building height and other similar zoning requirements. Having the parking and access to the proposed building directly adjacent, gives the appearance of a commercial activity.

Removing the parking and moving it to the side of the building or around the back will minimize any appearance of commercial activity. Staff would suggest that the parking area be removed and replaced by landscaping such as a small yard and possibly a fence.

RECOMMENDATION

Staff recommends **APPROVAL**, with the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval including but not limited to: use of the office will be from 9:00 am to 5:00 pm on weekdays, the number of vehicles accessing the site will vary from two (2) to three (3) vehicles per month, the business will have a limit of one (1) employee, the size of the business office will remain approximately 800 square feet, and there shall be no appearance of commercial activity on the site.

2. That the applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements;
3. All parking needs resulting from the home occupation shall remain on the property of the applicant.
4. Any expansion of this use shall require an amendment of the Conditional Use Permit.

Mark suggested two modifications to the conditions that are included in the staff report – adding to No. 3 that the parking on the front of the building adjacent to CR 346 be removed and that the parking shall remain on the property itself and then adding a No. 5 that prior to issuance of this Conditional Use Permit the applicants shall obtain augmentation water from the West Divide Water Conservative District and apply for a revised well permit and a copy of the revised well permit be submitted to the County.

Applicant:

Howard Kancilla – the driveway up front, would that be, we could either fence it off but wondering if they can make it into a circular drive.

Mark – he didn’t want direct access right there off and prefer the access be off your existing driveway and then just go into your existing area there behind the building and use that as your parking.

Commissioner Houpt – questions for Mark, in your conditions, Condition #1 – you say the number of vehicles accessing the site will vary from 2 – 3 vehicles per month but I counted up about 16 trips per week in accordance with your report, were you thinking truck trips.

Mark – that’s what I was referring to.

Commissioner Houpt – it says vehicles so should we change that to trucks.

Mark – yes to trucks.

Commissioner Houpt – in that same condition you have one employee but it’s my understanding that both of you work in the office.

Leslie Kancilla – yes but we’re owners so I don’t know if that . . .

Commissioner Houpt – in your report did you mention an additional building Mark that was requested for storage?

Mark – they did propose in the future they may want to build an accessory storage facility.

Howard Kancilla – what we did there was to get one of those portable sheds and put it in the back so that’s to hold extra.

Leslie Kancilla – it says here we couldn’t increase that size of the building from 550 square feet on there; the existing building is 20 x 40 which is 800 square feet.

Chairman Martin noted this may be important.

Mark corrected his numbers.

Carolyn – clarification – we have gotten in trouble before about conditions of approval that do not specify trucks versus vehicles in general, the issue that was just brought up so I would ask that Mark can make absolutely clear what that condition should be so we’re not saying these folks can only have truck trips and not car trips.

Mark – suggested deleting that section since the amount of traffic we’re talking is quite frankly relatively insignificant.

Carolyn – but we don’t want the condition to be non-existent so that they could increase the traffic is a very large degree.

Mark - based on their representation in the application again. They represented a certain number of trips apparently Jan was counting the 16, either that or say 2 – 3 trucks a month and a maximum of, what the problem is, how many vehicles are going to be their personal vehicles going in and out of there and how many vehicles are going to be business vehicles.

Commissioner Houpt – when you wrote this you were just specifically concerned about the large trucks.

Chairman Martin – how about just delivery trucks.

Commissioner McCown – you figure 10 trips a day for a normal household.

Howard Kancilla – the only trucks in there are usually UPS or Fed Ex.

Mark – is that two to three a month?

Howard Kancilla – one a day usually.

Mark – then we should probably say not more than 22 truck trips per month.

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 that we approve the application for a conditional use permit to allow a home occupation for Leslie and Howard Kancilla with the conditions recommended by staff with the change in Condition No. 1 from 2 –3 vehicle per month to 22 delivery trucks per month and 2 employees rather than one and changing the size of the building to 800 square feet which is what it apparently is and adding Condition No. 5 that requires them to purchase water

Mark – that be 60 days from the date of this hearing. Read into the record – “No. 5 that prior to issuance of this Conditional Use Permit the applicants shall obtain augmentation water from the West Divide Water Conservative District and apply for a revised well permit and a copy of the revised well permit be submitted to the County”

Commissioner Houpt – that would be the 5th Condition that I would recommend.

Commissioner McCown – second.

Chairman Martin – a discussion also of relocating the parking to the rear of the building instead of where it was,

Mark – No. 3 “that the parking on the front of the building adjacent to CR 346 shall be removed”

Commissioner McCown – so no backing onto the roadway be allowed.

Commissioner Houpt – revised her motion to include that; Commissioner McCown revised his second.

In favor: Houpt – aye McCown – aye Martin – aye

**CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF A SUBDIVISION ON PROPERTY LOCATED APPROXIMATELY 7 MILES SOUTHEAST OF SILT, OFF OF CR 311.
APPLICANT: DOW AND KATHARINE RIPPY – MARK BEAN**

Jan Shute, Mark Bean and Dow Rippy were present.

Jan reviewed the noticing requirements for the public hearing, double notifications by County and applicant, and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits: Exhibit A –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 – Garfield County Subdivision Regulations of 1984, as amended; Exhibit F – Staff Memorandum; Exhibit G - Application materials; and Exhibit H – Letter from Glen Porzak dated 7-7-05.

Chairman Martin entered Exhibits A – H into the record.

THE PROPOSAL

The Applicants requests that the Board approve the splitting of their 143.9 acre ranch into three (3) tracts of approximately 123.9, 10 and 10 acres each. The 10 acre tracts would have the existing ranch houses on them; the larger parcel would have no dwellings on it. Each of the smaller tracts has an existing ISDS and wells. Staff notes that the application form notes 124.41 acres as the total ranch acreage, but the attached map shows the 143.9 acres. The 143.9 acre ranch is the correct acreage.

The Applicant owns a 143.9 acre ranch, generally located south of Silt, in the West Divide Creek drainage. West Divide Creek runs south to north through the property on eastern quarter of the ranch. Vegetation along the creek bottom includes some large cottonwood trees, other riparian vegetation and grasses. The larger portion of the ranch sits approximately 50 ft. higher on a bench above the creek bottom. This area is used as pasture for the applicant's cattle operation. There are two houses located along the creek bottom lands, between the road and the creek.

Glen Porzak, attorney on behalf of G. Wyndham and Sally Hannaway, stated they have no objections to the exemption, provided that the 104.41 acre tract will not be further subdivided. They feel any further splitting of the property, even via 35 acre exempt lots circumvents the requirements for an approved water augmentation plan for a new subdivision.

Staff notes that the creation of 35 acre tracts after an exemption has been approved, has never been prohibited. The qualifications for Subdivision Exemption per Section 8:00 of the Subdivision Regulations do preclude someone from requesting less than 35 acre parcels, if the property has previously been split into 4 or more 35 acre tracts. Under present Colorado water law, a 35 acre tract of land qualifies for an exempt domestic well for use in a maximum of three (3) dwellings, without an approved augmentation plan.

As it is presently configured, the property qualifies for two (2) more splits by way of the traditional exemption process. The original 196.2 acre tract was reduced in size by the sale of a 71.79 ac. parcel. The remaining 124.2 ac. tract qualifies for the two exemptions requested.

The property is zoned A/R/RD which requires a minimum lot size of 2 acres. The proposed lots will not exceed this minimum standard as the lots to be created are 10.0, 10.0 and 123.9 acres each. Staff finds these lot sizes are consistent with the underlying zoning. The property is presently used for agricultural purposes (cattle grazing) and is proposed to also be used for residential use which are uses by right in this zone district. All uses and dimensional requirements shall comply with the uses and dimensional requirements required in the A/R/RD zone district as the properties develop.

Both newly created lots have direct access to CR 311. Presently there are driveways onto Lot 1 and a driveway has been installed providing access to Lot 2. Lot 3 does not have access shown to it. Presently, a road goes through Lot 2 that goes up to Lot 3. It will be necessary to have an access easement shown on the exemption plat, providing legal access to Lot 3 from County Road 311.

Included in the application are two well permits that are serving the existing residential structures on Lots 1 and 2. Permit No. 158487, which serves Lot 1, produces 15 gpm for ordinary household use inside 1 single family dwelling, fire protection, watering of domestic animals, poultry and livestock on a farm or ranch and irrigation of not more than 0.5 acre of home gardens and lawns. Permit No. 158926, which serves Lot 2, has the same restrictions. Lot 3, which is over 100 acres in size does not have a well permit at this time. Under existing State water law, the tract qualifies for an exempt domestic well permit for a tract of land greater than 35 acres in size. At this time the applicants have no intention of placing a dwelling on the property. The applicant has met the requirements for domestic water.

The existing houses on Lots 1 and 2 have approved ISDS in place. The proposed Lot 3, which does not have any residential structures on it would utilize an ISDS to handle wastewater generated on the lot for any residential use established on it.

No State or Local health requirements are applicable to the application with the exception of Colorado Department of Health ISDS setback standards. The Applicant will be responsible for meeting the required standards and criteria for the location of the wells relative to the placement of the ISDS systems.

The property is located in the Burning Mountains Fire Protection District. Brit McLin, District Fire Chief, reviewed the proposal and provided a letter regarding fire protection which notes that there are no concerns, given these are existing structures.

Mark said that one issue that was not addressed was there was not any clear access described in this application for the upper bench property, the remaining property itself, obviously the two smaller properties each have their own driveways in which there's access and addressed, Staff originally suggested that the applicants provide a legally describe access easement through one of the parcels, assuming it would be the old ranch house; I understand in

talking to Mr. Rippy that there is another access and a means of obtaining access to the property itself which he can address.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **APPROVE** this application for a subdivision exemption with the following conditions:

8. 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.
9. The Applicant shall be required to provide a 25 ft. wide access easement from County Road 311 to Lot 3, to be defined and depicted on the plat
10. 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;
11. That the following plat notes shall appear on the Final Plat:
 - h. No further divisions by Exemption from the rules of Subdivision will be allowed.
 - i. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
 - j. 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.
 - k. Deleted this plat note. Mark recommended.
 - l. 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.
 - m. 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.
 - n. One (1) dog will be allowed for each new residential unit within the subdivision exemption and the dog shall be required to be confined within the owner's property boundaries.

Dow Rippy – I do own the adjacent ranch that just directly south of this ranch also and EnCana has built a well on this ranch we're talking about now so they built a road to run a pipeline so I do have access off Raven Road to that well. This is a written agreement and I did call EnCana and tried to get a copy of that and I do have the Reception No. Book and Page but didn't get time to pick that up. It's a recorded access.

Mark – Raven Road is it a road number.

Dow – I think its CR 343.

Mark suggested the easement be shown on the plat and a copy of the deeded easement be provided as part of the application for the record and also identify on the plat the Reception No. for the easement.

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

Commissioner McCown – per Exhibit H – is that your reference to No. 4a or is that just boiler plate language.

Exhibit H – is a letter from Mr. Porzak.

Commissioner McCown – in the staff recommendations approval condition No. 4 a – no further divisions from the rules of subdivision will be allowed. I think we can preempt the 35 acres.

Mark – that's not the intent – no further divisions of exemption from the rules, Section 8 of the Subdivision Regulations – that's the intent.

A motion was made by Commissioner McCown to approve the Exemption from a Subdivision for Dow and Kathy Rippy in 10339 and 10441 County Road 311 with the correction of 4a and the 4 conditions as recommended by staff, number 5 to include in the plat that was filed and the legal transfer easement to access parcel 3 and the deletion of 4d. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR (2) TWO FAMILY DWELLING UNITS LOCATED IN THE COOPERTON AREA. APPLICANT: JEFF WADLEY – RICHARD WHEELER

Jeff Wadley, Jan Shute and Michael Wheeler were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 –Staff Report dated 8-1-05; Exhibit G Application for the Two Family Dwelling at 1151 CR 106; Exhibit H - Application for the Two Family Dwelling at 1161 CR 106; Exhibit I – Letter dated 7-24-05 from Patrick and Rae Ann Hunter, Exhibit J – letter from Kevin Cry dated August 1, 2005; and Exhibit K – letter from Bruce Trujillo dated July 13, 2005.

Chairman Martin entered Exhibits A – K into the record.

This was a violation as these two duplexes were already built and a number of speakers were present.

DESCRIPTION OF THE PROPOSAL

The applicant requests the Board of County Commissioners grant a Special Use Permit (SUP) for (2) Two Family Dwelling Units (Duplexes) in the Satank area of Carbondale. In this case, the applicant owns the two abutting lots. One duplex is proposed for each property. Each requested duplex is considered a separate application. Both applications will be addressed in this staff report. The Board of County Commissioners will need to make two separate motions for approval or denial. The duplexes are in a two story single building providing one unit on the bottom level and one unit on the top.

In the submitted application materials, the applicant states the two units were built as single family homes. The applicant claims there was some misunderstanding on the process of converting these two homes into duplexes. The applicant was made aware of the process and is now appearing before the Board to bring the duplexes into compliance. The requested duplexes, currently in use, are a zoning violation.

The two single family homes were issued Certificates of Occupancy as single family homes. Since that time, the applicant has retrofitted the homes with additional kitchens, walls, separate entrances, etc., converting them into duplexes. The construction converting the units was not done under the supervision of the Building Department through the permit process and as a result is a violation of the 2003 International Building Code.

Main access to the proposed duplexes will be directly from CR 106. Prior to approval, the applicant shall obtain all applicable access permits from Garfield County Road and Bridge Department prior to issuance of the SUP.

The existing duplexes have minimal landscaping abutting CR 106. However, this landscaping is somewhat consistent with the area of Satank (see photos on page 1 of this staff report). If this use is approved, the applicant will have to reconfigure the parking. As a result, some landscaping may need to be removed. Staff recommends the applicant replace removed landscaping to mitigate any detriment to surrounding property owners. This standard is met.

The site plan submitted with this application reflects both buildings are in violation of the front yard setback. The buildings are not in violation of the side or rear yard setbacks. The applicant has submitted site plans showing both buildings have a porch that is in the required 25' front yard setback. This standard is not met. The applicant will need to address this issue with the Board.

The applicant submitted site plans for both duplexes showing inadequate off street parking for the building at 1151 CR 106. Based on the County's parking standards each building will need to provide four off street parking spaces. The plans for the building at 1151 shows 3 parking spaces, the plans for the building at 1161 shows 4 parking spaces,. This standard is not met. The applicant will need to address this issue with the board.

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 unless otherwise modified by the Board.
2. The Applicant shall obtain the appropriate building permits for each Two-Family Dwelling Unit. The applicant shall through the building permit process obtain a Certificate of Occupancy for each duplex. These duplexes shall comply with all the regulations and standards required by the 2003 International Building Code.
3. The Applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended. Specifically:
 - Address any applicable access permits form Garfield County Road and Bridge Dept.
 - Landscaping – replace any landscaping that is removed for off street parking
 - Submit building elevations, showing the buildings are 25 feet or less in height.
 - Front Yard Setback – address the issue of the front porch
 - Off street parking - 4 parking spaces per building

Applicant:

Jeff Wadley submitted and said he will have to get with the County Road and Bridge Department and go over the driveway situation, I just saw the requirement late last week. The drawing that was submitted for the application didn't have the setback dimensions on it and I have a new drawing, the same drawing but I added the setback dimensions to it that were the same setback requirements for the CO's that were received as single family units before the 25 foot. Also have included in this packet today drawings of elevation of both of the buildings including the exact dimensions provided by the engineer trust fabricator which gives an overhaul height of 21.4 and 22.5. And then the other issue is the parking. I have indicated on where there were 4 spaces for 1151 and I've indicated what I would suggest as an additional space to make the 4th space for 1161 also on these drawings. Chairman Martin admitted the drawings as Exhibit L.

I believe, if the drawings exemplify the set back height and possible additional parking space that would leave the need for me to coordinate with Road & Bridge on the driveway, I believe that there is one access that is incomplete when I verbally spoke to Bobby. I believe there is a little bit of work there. I'm more than happy to go through the Building Department, their review and inspection process to become compliant as a duplex and receive a certificate of occupancy on these two buildings considering the Uniform Residential Codes.

Public Comments:

Tamara Matsuono and I live at 1164 106 Road across street from Jeff. I've had issues about this all along and I've shared quite a few of those issues with Jeff, one is parking – that is a big issue, his tenants do have to back out onto traffic and it does create cluster and it also restricts the flow of traffic at times so that's always been an issue – I didn't realize that you didn't have a building permit for two units in each structure, I wish I'd had know that. But anyway, the other things are the noise level and stopping traffic. Now when Jeff is there, I have to give him this, he does keep it under control but when he's away, we have issues and he tries to handle that the best he can but, so my issues are mostly with parking and obstructing driveways, my driveway is obstructed quite often, I do share that with him, I try to connect with him as a neighbor.

Scott Williams – I live at 49 Pine Street in Carbondale and I'm the President of the Sutank Water Association and there are just a couple of issues that I want to address. We're a small utility that buys water from Carbondale and distributes it in the Sutank Area and we have been servicing Jeff with water since he put his buildings up. We have been servicing it based on the fact it is a single family residence. We have been billing him because of the fact that we know there is an additional kitchen in both units so we have been billing him for twice the standard fee when there was a flat rate. A couple of years ago we did change to a metered system so that the flat rate system has stopped and now he pays directly on how much water he uses. One of the concerns we have is that under the rules and regulations of the water board is that we supply water only to single family residences that a duplex would not fall under that criteria and therefore it would not be a legal water supply to the duplexes. One other thing that was mentioned that Jeff had bought two additional water taps and in the area of Sutank we only have 51 water taps available and those 51 water taps are spoken for. Jeff had two that he's already used so the two that he bought from Town of Carbondale he actually shouldn't have gotten so that's something that needs to be addressed as well. Commissioner Houpt – so you're saying that technically he should never have been able to receive those two additional taps?

Scott Williams – yes.

Commissioner McCown – and you're also saying that the Sutank Water Association is prohibited from serving anything other than a single family residence?

Scott Williams – that's in our rules and regulations, yes.

Greg Forbes – 1227 CR 106 – just a few things I wanted to bring up. First off I wanted to say that in my experience Jeff has been diligent dealing with parking as Tamara said when he's around and I just want to make sure that all those parking issues get dealt with in the context that if he sells at some point, someone, if there's an absentee or they may not be as diligent as he has been and would like to make sure that we get that taken care of and all of that parking is outside the 106 road right of way which as it stands now a lot of the parking isn't and that's true for a lot of residences that have been in existence for a long time, but if we're going to add usage I think that should be noted. And maybe while you're thinking about this, think about this in the context of where we want the neighborhood to go and as Commissioners where you would like to see it goes in the sense that I can speak to the fact that there's probably at least ½ dozen other non-allowed duplexes in the neighborhood that I know of and there maybe more and there's a few others that I think are waiting in the wings to see how things happen, so just think about that in the context in the decision you make and how you want it to work. I think personally I feel that having a higher density, having the duplexes in Sutank is probably appropriate because of how close we are to town but I'm not sure that everyone in the neighborhood would agree to that. Definitely bear in mind the traffic situation there and as a side note if we do allow duplexes and we continue doing that I'd love to see some County contribution to the signalization at CR 106 and Hwy 133 although that is within the Town limits, CDOT is not paying for that so, just as a note.

Ron Ferguson – 1144 CR 106, almost straight across the street from Jeff. One thing about the parking, I've observed a lot of parking that's illegal because most of his parking is actually in the County easement or on the pavement and I see a lot of that but there's a lot of that in other residents also and I just think it's uncalled for to turn a single home site area, this is probably the first home site area in the whole County, the whole valley and to commercialize it and at one time I was president of the Homeowners, the Sutank Water Association and also I am on the water plant and distribution operator for the system and when Jeff made his single family home tap, which is a ¾ tap, that's all that's allowed, it was presented to me that they were single family units and I just want that to be addressed and I just really feel it is inappropriate to commercialize this system and also our water rules also state that there's no commercial use of the water in the Association, we're not allowed to have a business to utilize the business and the agreement we have with Carbondale is for single family units.

Patrick Hunter – 1131 CR 106 – a couple doors over from Jeff and my wife and I sent a letter on explaining our considerations and the main thrust of my concern, Jeff and I discussed this, is simply that what we have here is business as a rental landlord and I bought there thinking I was in a single family neighborhood.

Nancy Smith – I live at 27 Mesa Avenue which is a few doors farther down the street from when Patrick Henry lives and I sent you guys a letter, I didn't send a copy to Richard back in June and it wasn't listed as one of the exhibits so, I wondered if you had received it. I sent it to the Commissioners instead- Chairman Martin – if we did we would forward it to our planning staff and they would include it, so obviously we didn't receive it.

Nancy Smith – read her letter into the record, Exhibit M, and asked denial. She added some more comments, I'm the secretary to the Sutank Water Association and I just wanted to address what Scott Williams our president was saying that initially when we reviewed this we saw the thing in our rules and regulations that we're all very aware of that each tap is limited to a single family dwelling we sent a letter to Jeff and to the County saying for that reason we could not say that we're providing legal water services as was required in the application. And then Jeff came back to us later after he got that letter and pointed out that we also had something contradictory in our rules and regulations which addressed housing that had two kitchens cause we had banded units and back then everybody paid a flat fee as Scott was saying, so in order to make it fair there was something added saying that if you had a second kitchen you paid twice as much per month, but now that we've been on water meters for a couple of years, thanks to Jeff bringing this to our attention, we're going to change that in our By-laws and in our rules and regulations as soon as possible, so in my opinion it violates our rules and regulations and we sent Richard a letter to that effect and said we still feel, it's up to you to interpret this contradiction in our rules and regulations and Richard interpreted it as being legal water service we were sort of surprised at. Whether or not it is legal or not it gets back to this is a Special Use Permit and it requires a higher standard I believe of whether you can shoe horn. Whether you have, okay maybe its legal water service, he shoehorned a septic system on there, he could probably shoe horn the parking on, although it's going to lose a lot of the nice landscaping he has in order to do that, but aren't we looking for something more than that. Aren't we looking for a lot within the zone district which is Special and can accommodate the duplexes, because if you treat this as okay he's met the minimum requirement I guess we have to let him do this and obviously some of the people said, other people are going to be wanting to do the same thing and then you get to the question of do you want to help signalize the intersection or even just put in sidewalks or do you want to suddenly have a truly urban neighborhood within your rural county.

Commissioner McCown – Nancy, before you, are you aware of the half a dozen non-allowed duplexes in the area?

Nancy Smith – there are some more like ADU type units, there's nothing...

Commissioner McCown – is that considered multi-family housing as far as your water authority is concerned.

Nancy Smith – they're in violation of the County Code.

Commissioner McCown – are they in violation of your own rules by providing them with water?

Nancy Smith – Yeah.

Commissioner McCown – has there been any conversation amongst your board to cut off water supply to these folks?

Nancy Smith – no and there's not any, we've never considered cutting off water supply to Jeff's duplexes either because...

Commissioner McCown – but you're violating your own rules by providing it.

Nancy Smith – yeah, yeah.

Commissioner McCown – okay.

Nancy Smith – and that was another thing, the other multi- the ADU type things are things that are mother-in-law units, one person living in it where as one of these duplexes, the one at 1151 there water usage is just about 4 times what the average family in Sutank uses. So that means they're putting 4 times as much through there septic system and it is an oversize septic system but still you know the septic systems and wells in Sutank are very close together.

There are a lot of people still on wells who cannot get a tap onto the Sutank water association, so we're really at a point where we've stretched the infrastructure to the limit and we're talking about stretching it past the limit in this case.

Exhibit M – the letter from Nancy Smith was admitted into the record.

Brad Hendricks – 1054 CR 106 in Sutank and I'll like to speak to denial of this permit too and a lot of people have made a lot of good points here and my feeling of it is the, and you've heard this before, but the kind of overall thing of what, the pressure that it puts on the whole neighborhood, I'm in the middle of a building process right now and I'm kind of thinking hey, what am I passing up here and I don't particularly want duplexes but you know it was when I was looking at what I can do on the lots I have and how I could do it, I kind of figured out what the rules were and where I could go about it and I took a couple of lots and merged them into one and am building a place on it and I think, I have a few more lots, maybe I could cash in here and I'm not going to and don't want to but it's the kind of pressure that going to be put on all of Sutank and it'll go further than that and maybe it goes the direction you guys want which is see is Sutank in Carbondale and we won't be down here talking to you again, and I can understand why you'd like that but I wouldn't - I mean I really don't want to be part of the Town of Carbondale and this is the kind of pressure more uses, higher density, relying on Carbondale's water system further and further and it drives Sutank in that direction and it's certainly not the direction I want to go and kind of based on that overall picture, I would ask you to deny it. I'd also like to mention that I lived down there for over 35 years and I have never called one time called the County on any of my neighbors on any of their behavior and I wouldn't call it on Jeff but here we are.

John Stewart – 27 Mesa Avenue and I would like the Board to deny the Special Use Permit mostly for the same reasons. My concern is, if this is granted, what cause would be there for not granting the next one, we'd have our density go up, as people find out our infrastructure are already maxed out, most people like the rural character and that's why they live there. Based on that, that's my opinion why I would like the board to recommend denial. And also there's a gentlemen that lives in Sutank, his name is Pat Menke, he's contracted MS many years ago, he's restricted to wheel chair and he wanted to come down, I went out to get him today and he has a special van to get hauled around in but was unable to make it but he asked me to speak for him and says he doesn't want Mr. Wadley's illegal unit approved for the following reason – grandfathered uses of Collins well drilling operation was passed onto to Jinks Stone and his Aspen _____ Company and since the change of ownership the commercial activity has increased markedly and Pat fears a dangerous precedent, if multi-family zoning becomes an allowable special use, feels traffic, parking and increased density will slowly ruin the neighborhood he has lived there for over 25 years.

Ron Ferguson – I read all the water meters and I'm only aware of a couple at this present time of people that have possibly two kitchens in the Sutank area that we serve – there's a lot of places they we don't because they're on wells but like Nancy says we're in the midst of changing those rules so that won't be condoned by us anymore.

Commissioner Houpt – Nancy, how do you suppose Mr. Wadley got the two taps that he wasn't supposed to be able get.

Nancy Smith – maybe we should ask Scott because Scott actually had a meeting with the guy who's recently taken over the Carbondale water department.

Scott Williams – I've been in contact Ed Fortner who has recently come on with utilities in Carbondale and in fact I just had a conversation with him this morning and he had indicated that with the change that Carbondale is going through, there was, I think he used the terms, a lax time, its something that just shouldn't be done, it was an oversight on the City's part and he is definitely looking into it but as of this morning he hadn't figured exactly what had happened.

Commissioner Houpt – do they, not sure what kind of recourse they would have, are they talking about taking those taps away or would he be able to keep those taps.

Scott Williams – it sounds like they are looking at taking away the taps, yes.

Commissioner McCown – Scott, if he currently using four taps or two taps?

Scott Williams –right now Jeff has only two taps on the system itself.

Commissioner McCown – so there are two out there somewhere that he had not put to use yet.

Scott Williams – yes there is only two physical taps on there yes.

Commissioner McCown – but the two buildings in question today, one tap each.

Scott Williams – exactly one tap each and that's all that Jeff has the ability to tap onto is just one tap a piece – that's all that's allowed with the Sutank Association Rules and Regulations.

Nancy Smith – I'd just like to clarify that he as two taps with the Sutank Water Association but back in March he got two additional taps from the Town of Carbondale to meet the requirements of the Special Use Permit.

Commissioner Houpt – and so what happens to his water availability if those two taps are taken away from the City of Carbondale?

Nancy Smith – he was always serving the multiple kitchens off of one tap so it really, physically it doesn't change anything, it was really just a legal way to meet the requirements of the application and the good news he'll get a lot of money back from the Town of Carbondale that he paid for those additional taps.

Commissioner McCown – does the Town of Carbondale have anyway of conveying water without the Town of Sutank doing that? How can they sell permits to someone without a method of conveyance of water?

Ron Ferguson – as the water plant operator it should have went through me, they, in the past they always, before they issued a permit they would contact me and see if there's was availability of the permit, if the person had already purchased them. All the permits in Sutank have already been purchased that were available, Carbondale limited us to 51 taps and they've all been purchased. Jeff does have the availability of one more tap permit but under the rules and regs we only allow one tap per unit, per house, per single home unit and so Carbondale actually did a misnomer by doing that but like Scott said they're in a transition period, the people that were there that knew all this left and so the person that sold him two additional taps wasn't aware that they had to go through us before issuing them.

Commissioner McCown – it does and I guess from a layman's standpoint I don't see the relevance of the number of taps theoretically if an individual wanted to include water and sewer in the rent, he could serve all four buildings with one tap.

Ron Ferguson – that's true.

Commissioner McCown – so it's not how many taps it's the use for multi-family that's in conflict with your rules.

Ron Ferguson – that's correct.

Commissioner McCown - okay.

Chairman Martin informed Jeff that he has heard the testimony and can respond it he wants to.

Jeff Wadley – I'll try not to duplicate the response – the parking issue is one that I've always been attentive to; I do not allow parking on the County roadway – never have. I don't allow more than two cars per family in any single unit. There are two houses with two units in each house. The maximum number of cars they can have are four which fits right in with the square footage and by adding that one space, all four cars will be parked on private property out of the County right-of-way and our of their easement. So that's always something I've been aware of. I have tried to be very responsive to the neighbors in all of the years. Since 1998 there have been two families in one house; the amount of complaints and problems I've heard have been minimal. There was and I respond well to them and my tenants respond back. In that time period I have asked three tenants to leave early, which they have, just recently I did that because of their water usage and the number of people in the house. I restrict it to immediate family use only and have items in my lease that state that they can't have visitors more than 14 days which is a typical Colorado Revised Statute statement. The water issue has been a very extensive process. I've worked with the Town of Carbondale and the Sutank Water Association for a long time. From day one I paid for two kitchens per the By-laws directed to me by Board of Directors from the Sutank Water Association of which entirely except the one person changed. This current board did go back to one of the Board members and asked what the intentions were for that and it was to cover the expense of more than one kitchen in each house or more than one family in each house, so immediately I have tried to honor the By-laws and felt that I did comply with Sutank Water Association demands. And my billing reflects that and their letter that they wrote to Richard also reflects that fact that I have the water and the Sutank Water Association through the Town of Carbondale has the water. We've got 2 – 8 inch ductile

supplying Sutank. There's a 3 inch meter on one of those ductile, that 3 inch handles all the water that Sutank could possibly use, the other 8 inch ductile that comes in there will never be open unless a fire hydrant is activated in Sutank. We have lots of water in Sutank; Town of Carbondale is being paid for our use by meter so for every gallon you use you're paying for it no matter how many gallons you have. The Town of Carbondale just put a 6000 gallons new water tank in above River Valley Ranch, put it on line two years ago and there's more water in that Town than they can possibly use, they've revamped their treatment plant, they've got three wells, they refurbished just south of town as well as the Nettle Creek plant is supplying good water. The issue with taps and the definition of the taps I have found to be very confusion; I looked for legal advice in this and did receive legal advice, spent a lot of time working with Larry Ballenger, Public Works Director for Carbondale and a water guru. I have one tap for each building. Physical taps in the 8 inch ductile; they're ¾ inch copper lines that come out of there; I sat down with Larry Ballenger and we did a calculation when I went in to pay for the EQR's for these additional units. When I went in to pay for the additional EQR's they wrote me a receipt. On the top of the receipt was called tap fee and it was given a number and that's how the Town of Carbondale allocates through their financial department where that money is supposed to go and contract it. It goes to the water and sewer department, so I didn't receive two more taps, two more physical tap and two more physical taps weren't required. Larry Ballenger figured out that if I open, and he took the one house with 1.4 EQR's and he calculated if I open every faucet in the house what they demand would be and it would take 21 minutes in a day to flow the allowed EQR's to that home for the day. So to put a second line in to one of those buildings would mean that I could draw my allowable EQR amount of water in 11 minutes per day, so it didn't make any sense to do a second physical tap but there receipt system titles them taps and actually what it was, was an increase in the EQR amount of money that I owned. Ed Portner is brand new to the Town of Carbondale; there is a moratorium on I believe all of the taps in Sutank prior to Ed leaving, Sutank was told they could have 21 more taps; there are people in Sutank that need additional taps; there are wells in Sutank that they are overtaxed with four and five families on them each and they need additional water taps in Sutank so that the domestic water supply can be given to the other families in the future. And I think Ed, by putting that moratorium on there has basically has said I need to study this situation and need to get abreast of it and find out what he needs to do. The Signalization at Sutank and 133 I don't know if you're interested in that and the CDOT study, there is a signal suggested for that intersection and RFTA is planning on putting a Park & Ride right there in coordination with the train and all that, so I think the signalization of that corner will happen someday. We do have an excel lane there now, if you come out and turn left it's a little bit of a problem – this is not a commercial use – this is a residential use. I'm not using the water for anything outside of residential use, no body washes their cars with it, nobody, it's not used to water the lawn or the gardens, I have many Rockford irrigation ditch rights and I use that non potable water for all of my exterior uses. Two of the residences out of the three that are in there have been there – they're on the 3rd year. I really try and pick good clients conducive with the neighborhood; in my ads I put quiet neighborhood to start with, if they don't appear to be like they'll be conducive to the neighborhood which is my paramount interest then I don't want them to keep me awake at night either. The front porches are not in the setback, the roof of the front porches are not in the setback. The house on the north side that me that made, Nancy made a comment about the windows looking into my backyard, she chose to put her house sideways on the lot, she could have made her front door and faced the street if she chose to. The shed that's in the backyard is not an ADU, in fact it's a wood shop back there for my hobby.

Commissioner Houpt - could you elaborate on that a little bit please – the wood shop for your hobby?

Jeff Wadley – Yeah, I have a shed in the backyard which is my hobby shop for doing pump repair, or doing a woodworking project or whatever.

Commissioner Houpt – so it's not related to your business?

Jeff Wadley – No it's not related to my business, my business being.

Commissioner Houpt – tell me what your business is – I thought it was construction – I thought you were a contractor.

Jeff Wadley – Yeah, I gave up my building contractor business about a year ago, I found myself doing other things besides general contracting so I don't general contract. I have property and a building south of Carbondale that house Wadley Construction Incorporated for the last 15 years and that is where, and I still have it and that's where my business materials and yard is up there, none of it comes to the house, I don't want to look at it my self, so none of the Wadley Construction Incorporated business has anything to do with the Sutank residence. I also have a yard at Rifle. Okay, the increase parking will not eliminate landscaping as a matter of fact the suggested other parking site there is free and clear of landscaping. To get to the size of lots, there was the shoehorn comment was kind of reverberated a couple of times in different ways. By no means is that septic system shoehorned in there, I took a subdivision plat of the Cooperton Township and took 2 ½ lots or 3 lots and made them single lots out of them, so I took what were 3 lots as subdivided originally by the plat in the Cooperton Township and turned them into one lot. The septic tanks there, 2000 gallons which allow 7 bedrooms in the septic fields I think 8 and 10 bedrooms allowable for the leach fields. So both of the systems are oversized for the use that I have application for, I don't believe anything has been shoehorned n there I think there's more than enough room for this application.

Commissioner Houpt – Mr. Wadley, you've been a contractor for a very long time and I'm disturbed actually by the fact that you built these structures as single family homes actually that were created with some infrastruce that would carry duplexes but went through for single family homes and being a constructor should have know the process for creating a building duplexes and yet totally and completed ignored the County regulations that you were supposed to follow for that process and if you had, I wondering and I know this was raised by the concern of the neighbors as well, I'm wondering whether it would it have been a use in that area that would have been approved because of the parking and traffic impact and other impacts that we've heard about today. So I need, I'm wondering why you took this route when its certainly not the normal route when you take when you come in for approval, you come in before you've the structure and before you've used the structure for a number of years and you're in the business. You know the regulations.

Jeff Wadley – well the problem that I had when I read the specific zoning for that area, it said duplex by special use – well I didn't realize that there was a whole process that I had to go through to make a special application for the special use. As I remember reading it, as a matter of fact, when I went through my files and my piles of stuff, I came across it where I actually marked it back in 1996 or 1997 or whenever it was and I went oh, duplexes by special use, okay fine, so I didn't figure that I had a problem until I got an appraisal on one of these properties a year and a half ago where it said, second family non-compliance in the appraisal. That's what triggered the problem for me, why did they say non-compliant so I called up the appraisal company and they told me, well you don't have the proper County paperwork from the Building Department to do it, so at that point that's when I basically realized that I had a problem and then a conversation with the Building Department confirmed that that's what I needed to do so voluntarily I came forward to do the process after realizing that I had a problem.

Commissioner Houpt – so in the 15 years that you've been a contractor you've never had to pull a special use permit for a duplex or a multi-family home.

Jeff Wadley – you know I never have; I've done variances before.

Commissioner Houpt – have you been over the years familiar with the water issues in Sutank, it sounds like you've had several different discussions on that and actually your opinion seems to be different from the Sutank Water Board's position on water availability and tap availability.

Jeff Wadley – well, my information comes form the Town of Carbondale and the fact that they are in a changing mode right now; the population in our County's growing; it's growing like crazy; we've got issues everywhere. The Town of Carbondale does have all the water that it needs for its projected d proposed developments at this time, including covering the Sutank area. And the By-laws, do you have a copy of the By-laws with you Scott. If you read the portion of the By-laws that was quoted to me in about 1996 or 1997 by Heather Cracklier, but you've heard several people quote it today, where it says a second kitchen.

Commissioner McCown – asked Mr. Wadley what your plans might be given the testimony you've heard from those folks that administer the Sutank Water Association and their plans to cut people that second kitchens, multi-family whatever you're going to call it, they're going to stop serving those therefore there would be no way that Garfield

County could ever permit that type of activity in the Sutank area because they would not have a legal and adequate source of water unless they drilled a well and provided their own. Now how do you plan to address it in your situation, if once their rules are changed and they come to you and say you're going to have to seek a different source of water or you're going to have to go back to a single family residence?

Jeff Wadley, well I won't be drilling a well, I think to drill a well in Sutank and this was my original thought process I think would be irresponsible due to the density there. I did investigate that quite thoroughly and am aware the nearest wells to me, I was very grateful to have City water and I think the responsible thing to do is for Sutank to get together, create a Homeowners Association and start negotiating with the Town of Carbondale for the future for the true long distance future of the community is that they need to get on the sewer system. And the sewer plant is not far from there. I don't know if the citizens of Sutank would stand behind them cutting off the water to many units in Sutank that are more than one kitchen, whether they be ADU's or pogo-duplexes or not – I don't know if they'll get the support to do that. I have a financial demand on me at this point where I have made investments in Sutank that are beyond what I'm capable of servicing the debt on so I would have to put each building up for sale as a 6 – 7 bedroom home and sell them as single family homes. I'm not sure if that would be conducive to the atmosphere that Sutank wants either. I think having smaller controllable family units in there where I'm not allowing the cousins, and the aunts, uncles, sisters' best friends and her kids and all that stuff in there. I am able to keep things minimized and the impact low this way. I'm not sure if I was to be able to cover my debt to have to sell the two buildings and as 6 & 7 bedroom homes.

Commissioner Houpt – one of the concerns was this was a commercial use but you've used the words clients, ads and buildings and I'm thinking this is your business.

Jeff Wadley – well it is a business for me but it's a residential application in a residential neighborhood, it's not people coming in and out for business purposes ; there's not any sales going on there, there's no product being stored, delivered or sold out of there - these are residential units – they are not commercial. I think there's a clear definition for residential and commercial and these are not commercial. But you're right I do run it as a business and it's daily.

Scott Williams – just a quick comment, as far as the Sutank Association actually shutting off someone's water, right now what we supply to people, all the residences that we supply to are listed as single family residences so therefore we are obligated to supply them no matter if they abandoned their apartment or if they put in ADU's or whatever. What we're running into is when people start changing their designations of their buildings from single family to multi-family or duplexes, that's when we're looking at maybe cutting off their supply or having them take out that second kitchen.

Commissioner McCown – that's why I asked the question, clearly you're in the driver's seat if you know there's a violation of your water policy if somebody clearly has a duplex, you're in the driver's seat to say, you have a multi-family unit here, we're going to cut your water off or you take your second kitchen out.

Scott Williams - exactly but as long as their single family residences then we're obligated to supply them with water.

Commissioner McCown – okay, that's why I asked.

Tamara Mattovaro – I would say I'm a pretty nice neighbor and I've been very patient but this is the 3rd time I think I've heard you say that if you can't get your way here then you're going to make it harder by making, selling it as a larger house and leaving. So either way, we're stuck with it so I kind of resent the fact that you made that statement again, it makes me feel that we're under the gun here, that we have to accept this whether you're here or not. So I didn't appreciate that. I have lived here for 46 years and I bought a parcel of land that was 4.5 lots and I made the down payment and pay the monthly payments without renting or being a landlord so I really would appreciate the fact that if you would follow the rules in the beginning we probably wouldn't be here, you wouldn't be here, now I've been very sweet about this but I don't like being held under the gun that if you don't get it this way you're going to have to do it another way that might be an impact on our neighborhood that won't be as positive.

Chairman Martin – no personal attacks please.

Tamara Mattovaro – well I was polite.

Commissioner McCown –well, there's clearly a right for an individual to build a home if it is a single family home with as many bedrooms as he or she likes, when it comes to selling that property, that is perfectly within their right as well and if it does sell as a 6 or 7 bedroom home, single family - it is what it is.

Tamara Mattovaro – that's fine – then sell you home.

Jeff Wadley – well and your question to me was what are my options

Commissioner McCown – yes.

Jeff Wadley, well, and now I'm stuck with a way too big single family house and the only option I have to be able to service the debt on the two buildings at this point is to sell them as they exist.

Commissioner McCown – or operate them as a multi-family and that's why you're here today applying for the Special Use Permit.

Commissioner Houpt – was it your intent when you build these single family homes to have them as single family homes, because you just said they were way too big.

Jeff Wadley– yeah, originally they were, that's how they started off and then as the ability for me to do that and thinking that I had my ducks in a row I proceeded with it. Utilities was the primary concern, that's why I went to the Sutank Water Association in 1996 I believe and as the definition in the By-laws came to me the road was clear for the water and then by going through the County's septic system, I was told at that point that I can have 7 bedrooms in a single family home. So in my mind if you're going to build a septic tank system, it cost me \$200 more to buy the larger tank and the way the soil sloughed off in that area, we ended up with 10 bedroom leach field so it was like there was no cost to build in a bigger system, I also firmly believe in going bigger rather than too small especially when it comes to solid waste and things like that. If a system is too small, it clogs up too early and then you've got solid waste out in your leach field and now you've got a big problem. So I always think that putting that septic tank larger than what you might be required is probably the better way to go. The other thing is that I never go more than 3 years without pumping the septic tank. I don't think that leach field deserves solid waste in it and that is out of total respect for the wells that are in that area although the biggest problem was putting a leach system in that area, the perk is too fast so that anything that is perking out of those leach fields is basically straightened out.

Greg Forbes – just as a point of clarification I was trying to figure out when this initially came up, I was curious because I'm a builder and built several places in various areas, and I was curious and went and spoke to the Building Department asking how did we get here in the first place. What they had said was as Jeff has represented it was initially represented as single family homes I was curious how it had gone through the inspection process and gotten a certificate of occupancy as duplexes. They said well, when we inspected it did not have two 2 kitchens in it and I said well in that situation wouldn't it be obvious that you would want to, if you were going to renovate to the point of adding another kitchen, wouldn't it be required to get a building permit to do that, and the answer was unequivocally yes. So I'm still confused how we got to where we got to now.

Chairman Martin – we need to wrap this up, we've had quite a conversation.

Jeff Wadley – I stepped forward to try and get compliant here and with the best of intentions whether I did it right it right in the first place which I obviously didn't or we wouldn't be here today, I've been working hard to become compliant with the current zoning of our area in Garfield County and I've tried to meet all the criteria required by the Garfield County. And I try to be responsible to his neighborhood.

Jan Shute reviewed the Exhibit M – Nancy Smith letter was admitted into the record. Secondly it's not clear to me what the water board is saying and so maybe these folks can get together and have an actual determinations – are they shutting off the water or are they not shutting off the water. The letter that was submitted made it sound like the water would continue to flow but then today Mr. Williams said that he is only going to serve single family residences. And if you haven't made that final determination, I think the Board needs to know that also.

Commissioner McCown – that's clearly a quandary for me because there's no way I would vote to allow this use to continue because it clearly would not have a legal source of water. There is no provision for any Special Use Permits to proceed unless they have a clear and legal source of water, adequate and legal – and this would not have if you're going to cut the water off to any multi-family units that Sutank District serves. So its very important that you guys

either fish or cut bait and let us know what you're going to do, because we can't deny this on the grounds that it doesn't have a water source and then we say oh we were just joking, we're not going to cut anybody's water off..

Jeff Wadley – I'd like to as an Exhibit the Sutank Water Association Rules and Regulations in particular Section 6 paragraph 2 – Water Service Fees read an excerpt from that, I'll hit on the heart of where this issue lies and the heart of the decision that was made back in 1997 and what was quoted to me from the Water Association Board of Directors then which created the billing that has always been received from the Sutank Water Association by me which indicates two residences. Okay. "The Association shall charge all members tapped onto the system water service fees. The amount of water service fees shall be determined from time to time by the Board and shall be adequate in the amount to pay the cost of the water delivered to the Association by the Town, plus ordinary operation and administration expenses of the Association. Each dwelling unit receiving water from the Association Water Delivery System shall be billed one water serve fee. Any dwelling unit containing two or more permanent kitchens shall be billed one water service fee for each kitchen." And that is the regulation that I have been operating under the pretense of since day one.

Commissioner Houpt – and that was before the water began to be metered and now we understand that new policies are being adopted and I think that's what we're asking for a response on too.

Scott Williams – yes, that's correct.

Jeff Wadley – well I don't think the adoption of new policies is going to take place within the next year.

Chairman Martin – or in this room at this time.

Jeff Wadley – yeah.

Chairman Martin – I think that's a regular board meeting that needs to be agenda etc and they would have to go back and have a full blown meeting to make those kinds of changes, but do you have a comment... and we'll need to make that an Exhibit as well.

Exhibit N was admitted.

Commissioner Houpt – do you have a time line on your Board meeting, both of you mentioned that you'll be revising your policies.

Scott Williams – Not at this time. We can come up with a date but not right now.

Nancy Smith – we voted or agreed at the meeting this past Wednesday night to revise the rules and regulations to delete that reference to second kitchens so the only thing in our rules and regulations that would address this is a statement that says "you can only serve single family dwelling units" and the reason we've been serving other, both Mr. Wadley and other non-single family dwelling unit is they signed something that it was a single family dwelling unit and so we rely on the County to enforce the Code but if somebody's willing to sign something this is a single family dwelling we really don't have any choice, given that we're just a small volunteer organization and don't have a lawyer on staff to go after people.

Jeff Wadley – well, on the comment to that was I've made significant financial investments based on the regulations and the By-laws there, now the time has come for me to correct an error that I made in the past. As I stated before, without the ability to collect rent, I financially can't maintain those buildings.

Commissioner McCown made a motion that we Recess and like a brief executive session probably less than 5 minutes for legal advice on this issue. Commissioner Houpt seconded. Motion carried. Counselors, the Board and Mildred were to be included in the session.

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

Chairman Martin – no decision was made, only legal advice given.

Motion

Commissioner McCown – made a motion that, I think in the absence of some very critical information that I feel needs to come from the Sutank Water Association, I'm going to make a motion that we continue this hearing for 180 days if there is a Resolution sooner, we can call it back up and it will not need to be noticed again as we're continuing the public hearing but I would like to give the Sutank Association time to decide what they want to be, when they grow up, and what rules they're going to apply and ensure that those rules are applied evenly to everyone that might have a second sink so I'm not hearing that today, I need to hear that before I can make a ruling on Mr. Wadley's application because it would be so easy to deny it for lack of a legal source of water because it is clearly not a single family residence, so that's going to be motion that we continue this for 180 days which would be roughly February 2006.

Commissioner Houpt – and that's up so if it's resolved prior to that, I'd second that motion. I too am not feeling comfortable about the water situation and you've already heard my position on uncomfortable about how I feel about this scenario anyway when people come in front of us to ask for forgiveness for.

Commissioner McCown – that would be the first meeting in February during the 1:15 time. February 6.

Commissioner Houpt – I'm not done talking so it would be good for you all to be able to get together and accomplish what you had voted to do this last week and figure out how you're going to come up with a consistent rule for everybody in your area.

Chairman Martin – not only Mr. Wadley but everyone, not to single him out. We will continue and if everything is resolved prior to February 6, 2006, please get in touch with us and we'll take that action up.

Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A COMMUNICATIONS FACILITY LOCATED APPROXIMATELY 1.5 MILES NORTHEAST OF CARBONDALE, OFF OF CR 104.

APPLICANT: DEE BLUE

Britt Kelly of Gamba and Associates, Michael Gamba, Dee Blue, Mark Bean, and Jan Shute were present.

Jan Shute reviewed the noticing requirements for the public hearing and Mark participated in the noticing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit E – Application; Exhibit F – Staff Memorandum; and Exhibit G – Letter – Christopher Coyle, Balcomb & Green, dated 7-19-05.

Chairman Martin entered Exhibits A – G into the record.

Mark stated that this is a request for a Special Use Permit for a "Communications Facility" for an AM frequency Antenna, the applicant is Marantha Broadcasting represented by Gamba & Associates.

DESCRIPTION OF THE SITE AND PROPOSAL

The Applicant proposes to operate a "communications facility", a 78-foot tall AM antenna on a 31.37 acre parcel of property located at 0404 CR County Road 104. The parcel was created as one of three (3) lots as part of the Jean and Dee Blue Exemption Plat approved on December 3, 1985 and recorded as Reception #367007. The property is more specifically located in the SW ¼ of the NW ¼ and in the NW ¼ of the SW ¼ of Section 25, Township 7 South, Range 88 West of the 6th PM; east of the town Carbondale. The applicant withdrew that they sent out 11 letters of a 40 year lease on property and did not get a positive response.

Mark summarized his comments since the Board has heard this before.

Staff Recommendation:

Staff recommends the Board of County Commissioners deny the request for a SUP for a “Communications facility” at the property 0404 CR 104 owned by Dee Blue, based upon the finding that the proposed site does not meet the standards for placement of the communication tower in Section 5.03(3), to minimize the impact to adjacent property through the use of screening, etc. and Section 5.03.13(3)(a) which requires the use of existing land forms, vegetation and structures to aid in screening the facility from view or blending in with the surrounding natural environment.”

Applicant:

Britt Kelly and Michael Gamba – presented a power point and photos.

Michael Gamba reiterated during the original hearing on February 22, 2005 and Commissioner Houpt requested the company investigate other properties. They withdrew the application in the interest of completing the search for a different location. They prepared a base map and identified the 4 criteria. 1) must meet the FAA broadcasting requirements, 2) the property had to have adequate space, 3) flat and conducive for construction of the tower and 4) installation of the antenna had to impact fewer residences than on the Blue Property. They identified 11 properties. In contacting those property owners no one was willing to agree to the. They also investigated within the property for another location. Western Slope Aggregate pit identified a possible location midway through the hay fields and showed it and the difficult the NRCS granted for a sprinkler system and requires a minimum time and government and abandoned the site and came back to the original site.

After the last hearing they contracted the property owner most impacted and showed the property with the antenna with a marginal impact. They received permission from the owner of the property and took the photo from their back door and showed the image – can see a portion of the antenna – doesn’t extend into the silhouette – it does silhouette against the hillside.

From the Cerise Ranch – they stated it would create a significant impact and the photo shows the antenna against the juniper background. The paint on the antenna is intended to match the landscape of the vegetation and therefore do not believe that the property owner is adversely impacted. They will see a line going up in the air and blends into the background of juniper.

Mark read the zoning ordinances of regulations and therefore Michael did not repeat. Section 1,03.13 will be minimal – a typical radio antenna impact was shown to basically avoid impacts with air traffic – the one shown by the applicant was shown in comparison. This applicant does indicate the impact has been minimized. Respectfully they did minimize, and does blend in and request approval.

Public Input:

Chris Coyle of Balcomb and Green and represent John and Lucy Finch reiterated the impact of the antenna on their property and view of Mt. Sopris. Chris also represents Mark Gobash and Susan Lough whose property is off to the left of this particular site. The bottom line on this deal is that when John and Lucy Finch and when Mr. Gobash and Ms. Lough bought their properties they had an anticipation that being zoned ARRD would protect their views of Mt Sopris and also the view down the valley which are very spectacular from the area under discussion. Chris is the president of the Wooden Deer HOA and as such is here on his own as he too will see this as well as the 22 homeowners in the subdivision. The concerns are that the photos on the screen given the lighting and the size do not accurately represent the matter. Which is a breaking of the ridgeline between the Finch property and Wooden Deer and Mt. Sopris. When his clients bought their properties the utility poles were in place and people accept that but radio transmission towers were not.

Mike Cerise – property west of the Blue’s – photo taken from CR 103 – feels he is definitely impacted. He has owned the property since 1938 and always looked at the ridge. Who would want to have 40 years of a radio tower that they will be looking at?

Mark Gamba – the ValCosphere, a wire loop 3/8” wire not a solid object and it will be non-reflective – it is actually depicted in the photo and you can barely see it, one would need a pair of binoculars to see this.. It was included in both applications – no attempt to hide – the 78 feet includes the wires. Mike said his personal opinion is that he would rather see this than 300 modular homes on 2 acre lots and Dee Blue would rather this as well. This may actually be what the majority of homeowners in Wooden Deer would rather see as well. We can understand and recognize the concern of the neighbors – any change can be a cause for concern, again it should be noted that Section 5.03.3 of the zoning resolution states that the impact to adjacent land shall be minimized, it doesn’t state that it shall be eliminated. We believe we have demonstrated that this application does in fact minimize that impact and once again respectively request approval of the Special Use Permit.

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

Commissioner Houpt made a motion that we deny the request for a Special Use Permit for the communication facility at the property 0404 CR 104 based upon the finding that the proposed site does not meet the standards for placement of the communication tower in Section 5.03.3 and 5.03.5.03.133. Commissioner McCown – second for discussion.

Commissioner McCown – I’m inclined to disagree, recently we denied a cell site on a building so I think we are setting a precedence that there will be absolutely no electronic transmission take place for public consumption be it a cell tower or a radio station or anything that requires a facility to be built above the ground is going to place from Glenwood Springs to Aspen, I think it’s critical that we provide services to people. I’m sure that the same people and bless their hearts I can sympathize with their view situation but I’m sure you would be here protesting the power line to carry power to other towns and cities that are sorely in need of power and I’m sure you would be here opposing a permanent pipeline that would leave that would carry utility to people as well. The view that you’re trying to preserve was put here by someone greater than us and I don’t think it’s the power of this board to ensure that this view stays for perpetuity. We have to weigh benefits and we have to weigh loses and I don’t think that this tower is terribly intrusive; I don’t know if these pictures are doctored, we have to look at what we’re given. To me I don’t find it obstructive, to me it would appear that the applicant has done everything they could do to screen it – is

it invisible – no. It's not invisible nor will it ever be, nor will any kind of utility or municipal service ever be completely invisible and still serve the needs of the people – you can't hide them – you can't stick them in the ground and expect to broadcast. So I think we're setting a scary precedent today, it this is voted down, again I don't think a cell tower would be any more warmly received, I would shutter to think if there were emergency communication needed in that area to provide service for our emergency service responders, I don't know if they would be any warmer received, so I'm a little bit concerned about the precedent we're setting.

Commissioner Houpt – I think this commission spends a great deal of time looking at each application independently and would hate to think that because we are making similar decision on similar application that it would mean that people would perceive us as setting a precedent, I don't think that's the case. I think what we're looking at here is a situation where we have a structure that doesn't comply with maximum height of the area as zoned, one that is obtrusive to properties that are established and surrounding the area and as noted by staff, they simple do not comply with the standards and meet those standards. I certainly agree that we need utility facilities in our county and I agree that it is an incredible challenge to identify these areas and we've heard that from several different applicants but I think we need to be very careful about the areas that we approve those facilities coming into and we need to make sure that they comply with the standards and are within the regulations that we've established in zone districts and sometimes we will have to make tough decisions where they will be borderline but I think this is intrusive and I think it's very intrusive to those structures that have been established with a view shed in mind that is very specific and particular and special to this area.

Chairman Martin – this puts me in a difficult situation since I know both parties that are trying to go ahead and accomplish something. Dee is trying to make a little money, keep the operation going and defer some of the costs of agriculture which are just sky high anymore, a dying trade and need all the help you can get. Mike and his family and all kinds of development even a brick making place down on your farm in the field as you remember it fell through. They've been there for a long time and so has Dee. These folks are trying to survive. These folks that moved in have built a nice house and obviously have enough money to be able to enjoy their views and they didn't chose to be in town where we get to look at telephone poles, stop lights, more houses, bank buildings, listen to all the cars, busses, trains, etc. they chose another place. This is a tough dilemma, shall we let Dee make a little money and let these folks get into the free enterprise system and compete with the other AM stations or not, we talk about it all the time on how we need to go ahead and have economic development and have businesses come through and get the word out, etc. We also talk about preserving our view sheds, etc. This Board now has to split the debate – one on each side.

In favor to deny: Martin – aye; Houpt – aye; Opposed to deny - McCown –aye.

BLM – ROAN PLATEAU – COUNTY COMMISSIONER DISCUSSION

Randy Russell and Don DeFord were present. The Commissioners decided to place this on the agenda for next Monday due to the length of the meeting.

Commissioner McCown stated he is a long way from putting something down in writing that we would take back to the cooperators, it's just a general discussion on some of the points they wanted to have ready before we go back and that's next Tuesday.

Randy heard Jamie asking for a little bit of affirmation maybe from everyone whether she should explore some tools or not at this last meeting. That's all she's saying, give us the blessing to go play with some of these concepts, and that's a lot easier conversation to have than trying to write a hybrid.

Commissioner McCown – that's been the problem from day one – had the BLM come forward and said okay, cooperators take Alternative 3 and go forward and mitigate the impacts – it would have been much easier.

Randy Russell – I'm right there with you, you haven't been encouraged to suggest hybrid concepts and that's going to happen at the very last minute.

Commissioner Houpt said the last 10 minutes of the meeting is the first time she thought we were having anything other than a meeting of clarifications.

Board of Equalization – August 3, 2005 – Wednesday at 8:30 a.m.

RS 2477 – August 4, 2005

Chairman Martin asked Don to participate in a meeting at CCI on RS 2477 and the Commissioners will be with the employees and being part of the public lands he wanted Don to sit and listen and bring back the information.

Commissioner Houpt clarified that this particular meeting is with the CCI RS 2477 Committee.

Chairman Martin – didn't agree, this was originally set up though NACO so that we could meet with Mr. Allard's staff so that CCI could go ahead and ask questions and Paul Sutherland of San Juan County will be there to listen to see which direction offer a suggestion of instead of surveying, do GPSing – those kinds of things but no final decisions.

A decision was to handle this via telephone.

Monday, August 8, 2005 – Don not available and Carolyn will cover the issues. The well permits for Williams will need to be handled and will require public direction.

Commissioner McCown – a statement in a letter that Don wrote encapsulating what happened at the oil and gas commission about how well it went the only thing was you thought Dr. Thyne should have been there. Correct me if I'm wrong, he really didn't have anything to add – what purpose would it have served for him to be there.

Don this is the perception Don received from Peter Mueller, he indicated that he would have appreciated a much more detailed report from Dr. Thyne, there are questions that Thyne could have answered had he been there that Don couldn't answer that were brought up from the geologist for Barrett Resources, by way of example, the statement was made by their geologist that the geologically conditions concerning natural fracturing in the area were not substantially different in the moratorium area than in other areas that are the subject of a hydrological study. From Dr. Thyne's position that isn't actually true. Now, it may make a difference to a geologist but it is in an area he called an anticline – this is the nose of the formation where they're an uplift and there is more natural fracturing in the area where they established the moratorium than in other areas whether its enough to make a significant

difference is something that geologists could debate and as you know particularly with Mueller they will be asking a lot of technical expertise and its that kind of question that Mueller would like to have asked.

Commissioner McCown didn't know that Dr. Thyne could have answered that other than making that statement that its in an area the nose of the formation that's where the upheavals starts but I don't know that he could equivocal answer oh yes there's problems here that we need to take special.

Don – Dr. Thyne could have given a more detailed answer but that doesn't mean that his answer would have been that it is more of a problem. Dr. Thyne should only attend the ones where we believe there are geographical issues such as Presco, the EnCana hearings and if you the Board want ed to request hearing on the Windsor drilling permits which I think that if you do they will want to consolidate at one time, given the statements that Mueller made it would be important for Dr. Thyne to be present, but don't think we're intervening in every action where it would be necessary for him to be present.

Commissioner McCown – hopefully Doug is able to get some feedback from Brian because I was sure under the impression they're not only going to be as stringent but perhaps more stringent regulations even placed on by the BLM.

Don –same impression and in talking to both Jamie and Brian who will be here for the hearings on Barrett, the only question is how would we deal with it one at a time and while there may be differences on the Board of that issue, it's clear that you're looking for some type of limitation, at a minimal sequential and maybe even more.

Commissioner McCown – a drilling plan with a sequential application.

Letter – from High County Associates – Meeting with Mitch Huer – Intersection of Cattle Creek and Hwy 82

CDOT, Garfield County and owners of the property to discuss the intersection. That probably deals with Bair Chase because it's directly across the street from that development. Mitch Huer is a property owner as well and Don would be concerned that there is a forthcoming land use application for Mr. Huer. That is something that should be referred to planning staff at this point.

Phantom Ditch at Rifle Village South – Commissioner McCown still getting calls on the phantom ditch at Rifle Village South and that I won't come out and walk it - it's not a County ditch – the water has to go through a lot of houses before it gets to our ditch. Don discussed this at the planning meeting and the reaction of the planning staff is that's why we put people on notice that it's in a floodplain.

Commissioner McCown – that won't be much comfort if it slides.

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

ADJOURNMENT

Attest:

Chairman of the Board

**AUGUST 8, 2005
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 8, 2005 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 Deputy 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. Auditor Discussion of 2004 Financial Reports – Patsy Hernandez

Patsy Hernandez submitted the Financial Reports submitted by McMahan and Associates, L.L.C. – Certified Public Accountants ending December 31, 2004.

Paul Backes and Tracy Walters went through the Audit and stated they will meet with the departments. They explained what kind of services the auditors are providing. In January this will be accomplished once again meeting with the department heads and elected officials and in February they will go to the accounting departments.

The result was a clean audit finding. Page C5 is the Statement of Revenue, Expenditures and Changes in Fund Balance. Garfield County ended with \$973,091 in general and fund balances end of the year at \$7,282,610 for 2004. Paul stated you want to have some kind of prudent reserve. School Districts get down to 6%. Most Counties have a 25%. The general fund is the financial health. Social Services are generally low.

Capital Expenditure - \$5,495,904. Fund balances look good and the County has prudent management.

There are transactions that can hide changes in financial health. This is a short-term view. Page C6 shows the changes in fund balance with a change in net assets of governmental activities at \$4,061,977. Paul encouraged the Board to look at B1 for a summary.

A letter of recommendations was discussed by Terry. There were three different recommendations: material weakness – red flag; reportable condition – a concern but needs to be addressed; and management letter comments to consider. Tracy will be meeting with the elected and department heads to review the recommendations.

Management Letter

Tracy, we were here earlier in the year, January and February so when they actually did the audit work, they met with the Department heads and came up with these recommendations, items we noted, so because of the amount of time that has lapsed since then the County has had time to address these issues and shows the County's response or corrective action that's been taken since they were here in February.

1. Centralized Billing Software – in visiting with the various departments, we noticed that several of the department has the wrong billing and counting function, landfill, airport, building & planning are the three listed. They all charged fees for services, their own accounts receivable listing and collect fees on a daily basis and remit those to the treasurer and deposit those as appropriate, so one of the recommendation we had was to have the County use a more centralized accounts receivable process whereby one person in the financial department is identified as the AR Clerk and as fees are billed and people have accounts receivable balance for leases at the airport or services at the landfill or whatever, when those checks come in they are coming into one individual who is then verifying first of all the payment has been made, those deposits are being made with the Treasurer or to a bank account in a timely manner; this prevents the opportunity for any sort of false billing, false collections in the departments and in general because of the County's operations we do have these several different types of fees charged by several different departments and allows the auditors to get a tighter control over the cash collection process. And in the memo from Garfield County it looks like the New World Systems, Accounts Receivable Module is planning to be utilized for just such an accounts charged and a better cash flow accounting. As a general rule you don't want the asset (cash coming in from a billing and the reconciliation or tracking of that asset (accounts receivable) of who owes what in the same hands and prefer the departments to do the billing and the cash actually comes into one centralized place.
2. Sheriff Department and fees collected – the current software doesn't have an adequate capability to report the daily collection of civil service fees as such was don't have a way of reconciling what they collected on a daily basis to what they're depositing so we made the recommended they use the software of New World Systems to be make sure we're accurately recorded and monitoring the daily fees that are coming in on a daily basis and then reconciling them to the deposits that are actually being made. This is the Sheriff's intent to do exactly that.
3. Operations at the Airport – met with the airport staff and discussed their operations and did some sampling with the leases with the FBO's etc. and noted that some leases are set up so that the FBO were collecting fees and then remitting them to the County; our concern was whether those FBO's are remitting what they are collecting or if they're collecting what they should be collecting. The leases that we looked at all had the clause whereby the County could go in and effectively perform an audit of those leases and those operations just to verify that they are remitting and collecting what they should be. We made the recommendation that the County periodically conduit an audit. Turnover in staff and changes in procedures will sometimes change the collection and submitting procedures. Since then an audit was done and no significant items were noted.
4. Accounting Department – accounts payable – had opportunity to set up vendors and also to process vendor payments – noted that this should be separated. No issue was noted.
5. Building and Planning – 2 –3 minor situations: 1) payments from individuals on a daily basis and recommended they have a stamp to endorse the checks for deposit only; (Commissioner McCown – C5 – licenses and permits for R & B – where do the building permits – under charges for services). 2) track their cash collections daily on a spread sheet and then deposit with the Treasurer. Noted no reconciliation was made and recommended reconciliation be done – New World has a system and they could use the module.
6. Library – collect fees for various things and deposited in the Bank and issued a MO and then to the Treasurer. Money was touching 4 –5 different hands and recommended they take deposits to the Bank instead of sending it to the central office.
7. Fixed Assets of the County – computers, cell phones, road and bridge buildings – 1) statutory requirements require a physical asset accounting – no evidence that this was adequately done and maintain an inventory; internal control – over \$5,000 and things that get attractive – laptops, cameras, and a list of these items be kept and an inventory done.
8. Additional item – tracking these items – use New World Systems. This is a complicated process but once it's on the module, it's easy to maintain.

Commissioner Houpt – very well done. Appreciated all of the information and very important to have all this. Compliments the summaries.

Chairman Martin – noted that the auditors went over every department and did a great job and the recommendations were good.

Commissioner McCown – very good job.

The auditor's report is on-line.

b. Financial update of first 6 months of 2005

Patsy Hernandez submitted the financial update with financial information through June 30, 2005 for the County. How can the accounting department submit information in a clear concise manner and this report is the first step toward that goal? End of month for June 30, 2005 for this report. 6 months into the year show a 68% received and 41% spent.

If these aren't reasonable, the meet with the department heads.

This will be presented to the Board on a monthly basis and in the future Bob will submit some trends.

Commissioner McCown – extreme economic conditions – some eastern slope counties would not show a trend.

Trying to fit 64 counties in an economic trend. These reports will be submitted quarterly and also when Patsy comes with a Supplemental Budget Request.

Taughenbaugh Building

Patsy adjusted for the sale of the Taughenbaugh and asked the Board to allow administration to go out for bid on this building with the right of refusal.

Commissioner McCown made a motion to move forward with the sale of the Taughenbaugh building;
Commissioner Houpt seconded.

In favor: McCown – aye; Martin – aye; Houpt – aye.

c. Engineering Services for Rifle Shop Remediation – Randy Withee

Randy Withee submitted the Rifle Shop Remediation report stating that Waste Engineering, Inc (WEI), County's consultant and Colorado Department of Labor and Employment Oil and Public Safety (OPS) have been discussing the means and methods of remediation for the Rifle Shop. From these discussions, it appears the OPS has verbally accepted the remediation process of a small excavation at the location of the former underground storage tanks and soil-vapor extraction (SVE) and air sparge (AS) at offsite locations along 18th street including the City of Rifle shop. WEI has been the primary environmental consultant with technical support being provided by Terracon consultants in the development of remediation options for the Corrective Action Plan (CAP) and Economic Feasibility Summaries (EFS). Terracon has been the lead in the development of the SVE and AS portion of this project. At this juncture of the project, WEI has broached the County of changing roles with Terracon being the primary environmental consultant and WEI being in a supportive role. WEI feels that Terracon has more experience in the design, implementation, and trouble shooting of SVE and AS systems which will be a major function of the on-going remediation process.

Randy explained the option and the benefits to the County.

Randy recommended the Board pursue the option of entering into the agreement with Terracon.

This needs to be completed in 2006 and Randy will work with legal and bring back the final contract.

EA's – Dale request – Airport

Dale Hancock – a new development at the Airport and appearing for Brian. In 2002 we received a grant for and environmental assessment at the Airport; due to the slow process in the review of the runway alignment project it didn't completed in a timely fashion and in December 2004 we said thanks for the offer but since Seattle hasn't managed to get through our realignment process yet, we can't receive any money. Well Friday afternoon Brian called and said they want to give us back the money again and can we turn this around in 48 hours so what the request today is for the Chairman to be authorized to sign what will amount to the same scope of services for the same EA project and hopefully it will come together in the next 12 months now that Seattle has essentially said yes you do have a good runway realignment but there are other conservations that need to be held about minimums. The price is the same. This Covers 95% of the cost of the EA; County pay 5%. The 95% is fully picked up by FAA. Commissioner McCown made a motion to authorize the Chair to sign; Commissioner Houpt – seconded.

Carolyn indicated that there were no documents as of yet.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Focus Groups

Ed reported that Jesse Smith had completed the Focus Groups and is putting together a final report and with that we can go into Strategic Plan and thinking of the last week in August, first week in September to get together. September is better per the Board.

COUNTY ATTORNEY UPDATE – DON DEFORD

1. Executive Session: Litigation Update; Legal Advice – Occidental Request for Building Permit prior to the issuance of a SUP and Windsor Energy Update with Doug – all under Section 26-4-402-4b legal advise exception

Mark and Doug were requested to be present.

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:

Windsor Energy

Commissioner McCown made a motion that we do not intervene in the Windsor Energy given the information we received from both BLM and the Oil and Gas Commission staff that special restrictions are being placed on these entities that are going inside of the moratorium area and that they be allowed to proceed.

Commissioner Houpt seconded for discussion. Commissioner Houpt – I would like to intervene I think that because drilling within the moratorium is new and there's still the question of unique geological conditions and/or human error in that area, and think it's important since there's already been an approval for Barrett to go in under very strict regulations that they be the test company and we see how successful the first or second well is and then cautiously proceed but I can't support at this time opening up drilling activity by multiple companies in that area until we're more familiar with the status of the moratorium area and continue the hydrological study and look at the data that will be coming out of the first few wells that will be proceeding in that area.

Chairman Martin – We have to also recognize that moratorium was not for every operator, it was only for EnCana and I have not seen one other operator say that they're not going to live with all the special requirements and actually Windsor is going to have more with BLM so I think that we can also put that in our information and actually gather information faster than just using one developer because if anything goes wrong with anyone that operator is going to be shut down for examination, etc. This is multi-tasking.

Carolyn – clarification on the motion – was the motion essentially there is no need to intervene as long as the same restrictions or more restrictions are placed on Windsor?

Commissioner McCown – yes and that information has been given back to this Board by both the Oil and Gas Conservation Commission staff and BLM Staff.

Chairman Martin – again, it is a very tough decision for everyone to make but we're going to try and make it and go forward with it.

In favor: Martin – aye; McCown – aye Opposed: Houpt - aye

COMMISSIONER REPORT

Commissioner Houpt – Last Tuesday Colorado Blue Ribbon Panel on Housing meeting and we are continuing to hear reports from the different regions throughout the State on their various concerns for affordable, attainable or accessible housing and what has been nice to see in this process is a recognition from the Division of Housing that it looks very different in different areas because for years they have applied the same numbers to land and housing to determine who needs affordable housing and who doesn't and there's a recognition that one size doesn't fit all and the outcome of this panel will be a very helpful report with updated guidelines for determining who needs assistance and who may not need as much assistance. Excellent County picnic and it was so fabulously put together and really appreciated all the hard work. Very well organized.

Ed stated that there were over a dozen people who worked on that and Linda Morcom was the chief architect and really appreciates what she did.

Chairman Martin – nearly two dozen people.

Commissioner Houpt – John, Don and I participated in an RS 2477 discussion with CCI folks, other counties, Allard's office, Udall's and Senator Salazar's office and some interesting points raised as always is the case with RS 2477 and it was brought out unique concerns and issues in every county and every state as it relates to RS 2477 which is why this has been such an interesting discussion over the years, but all of the staff members from our Congressional offices agreed that it was important that they work together and they were going to look at Udall's bill as a baseline and compare that with how policy might address it and just try to proceed in a bi-partisan manner so we can move forward and resolve the concerns surrounding RS 2477 roads. Congressman John Salazar was in Rifle on Friday and Ed, Dale and Larry McCown attended; and there were some themes that kept repeating themselves around the growth that we've been seeing and oil and gas impacts and those revolve around infrastructure concerns, water quality issues and transportation. This was the first of many meetings.

Ed – we were able to provide impassioned plea from Brian to Representative Salazar about our need for funding for our Airport expansion and John Salazar serves on the Transportation Committee and he seemed interested in further information. Tuesday, Roan Plateau – Cooperators meeting; County Fair – Cookie Jar on Friday; CCI meetings started up again.

Ed – Town of Parachute wanted to meet with us this week but because of the scheduled requirements with the County Fair, call and reschedule.

Commissioner Houpt - Silt Hey Days was wonderful and the weather was perfect but unable to make it to the Fair yet.

Commissioner McCown – nothing different other than the 4H horse show on Fri and Sat at the Fairgrounds; Auction this week.

Chairman Martin – Library Board 6 pm Thursday; Roan Plateau – Senior Center at Parachute; Kiwanis breakfast – Saturday; Wolf Workshop Group met at the Ramada Inn both Wednesday and Thursday. Child Advocacy Group met on Tuesday with the Law Enforcement, Social Services and District Attorney's office, individual services groups, Health Department – this is a project to bring forward and have a discussion on and thank you to Shannon Hurst and her group in reference to the Board of Equalization – when I hear there are people hundreds if not thousands of protest and they have to hire judges, Garfield County took the time for all 3 Commissioners to sit and listen to those and we had less than 2 dozen – I thought it was a job well done. Obviously Shannon and her staff listened to everyone but there were a few things they couldn't resolve that will probably go to the Board of Appeals and the court system but that will happen – excellent job.

Jesse – on the Child Care Facility, a nice fundraiser on Friday night at the Hotel Colorado which Joyce and Roger did a one-act play called "Love Letters" which was excellent, and will be doing it one more time this coming weekend at River Valley Ranch.

Chairman Martin - County Fair parade on Saturday and he will be a judge and please attend the County Fair.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Liquor License Renewal for Ski Sunlight, Inc. – Mildred Alsdorf
- f. Authorize the Chairman to sign the First Amended Final Plat: Re-subdivision of Lot D29, Filing 1, Aspen Glen PUD. Applicants: Kurt and Helen Koernreich – Fred Jarman
- g. Authorize the Chairman to sign the First Amended Final Plat for Lot 46 of Phase A of Valley View Village Subdivision. Applicant: Darter, LLC – Fred Jarman
- h. Authorize the Chairman to sign the Partial Letter of Reduction Certificate and Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement for First Eagles Point Subdivision. Applicant: Battlement Mesa Land and Development Company, LLC – Fred Jarman
- i. Authorize the chairman to sign a Resolution of Denial for a Special Use Permit for a Communications Facility for Verizon Wireless on a property owned by John Colby – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – i absent b & c and i – changes to discuss; carried.

Discussion Item i:

Jan Shute – the only change is making the Resolution reflect the Zoning Resolution more closely in a SUP permit application the owner of the property is actually the applicant and they made the change from referencing Verizon as the applicant change that to Verizon and they were doing the application on behalf of the property owner John Colby. There were a couple other changes to recitals but that was the main change.

Commissioner Houpt made a motion to approve the Resolution concerned with the denial of a Special Use Permit for a Communications Facility for Verizon Wireless on property owned by John E. Colby as submitted by one of County attorney's. Commissioner McCown – seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye

Carolyn – meeting with Parachute Council and the County Attorney’s office have been working on the walkway and Don has received the survey from our County Surveyor and asked if the IGA can wait for Don until next week.

Also, the Child Advocacy Group – Chairman Martin mentioned that this issue is who’s involved and what action to be taken. It could go forward, it could be a budgetary action, a land use discussion, it could be a volunteer discussion but no final decision is to be made yet.

Ed – two critical issues with us is – what kind of a facility to build, do we build it in the existing building, and do we build a modular.

Chairman Martin and are we going to participate at all and then if so, location, type of facility, level of contributions if any and who our partners would be but that needs to come forward through the process. The task is moving forward, the first task was not to ask for contributions from anyone unless we have a Business Plan and that had to be put together, an organization formed to make sure we were moving forward legitimately and that has been accomplished; the next step is to make sure everything is firm within that group.

Ed said the expectation of that group is that the County will provide facility and the rest of the organization will provide the equipment and support inside that facility.

REGULAR AGENDA

PUBLIC MEETINGS:

A. E-6 ELK POPULATION UPDATE – PAT TUCKER, DIVISION OF WILDLIFE

Pat Tucker and biologist, John Broderick were present. They provided the update for the Board and submitted a CD of the Power Point presentation.

Division of Wildlife was updated and E-6 includes the Flattops area given direction to give them in January to the Wildlife Commission. Charts and Graphs showing the population were discussed and they asked the Board what comments they would like to have included to the Commission. There is a meeting at 7:00 p.m. on Wednesday. The plan includes everything Eagle, Routt, Moffat, and Garfield County. They also asked if this is the way the BOCC would like this presented?

Commissioner McCown – how is this management plan dovetailed with the Commission on restructuring the licensing.

Pat – this is scheduled to be finalized before January 06 and they will allocate the number of licenses, seasons simultaneously.

Chairman Martin asked for a quick synopsis on the biological aspects regarding the Data Analysis Unit (DAU) on the Flat Tops.

Pat stated the E-6 is one of 46 DAU’s in the State. Purpose of the plan explained saying they use a Management by Objective for a DAU – 5 year plan.

The Post Hunt Population in 2004 was 41,573 and when down in 2005 to about 37,000. The total Harvest was about 12,500 animals over the last 3 years. There were 39,000 hunters and approximately 4 days average for each one was spent hunting. The 2002 Elk Hunting Revenue

For Garfield County was \$10.88 million; Eagle County - \$10.18 million; Moffat County - \$7.95 million; Rio Blanco - \$10.73 million and Routt County - \$10.54 million.

The DAU Plans and objective for E-6 will be revised, finalized by the Commission in November 2005 or January 2006.

What is needed from the Board?

- Identify major issues concerning elk management to see in the plan.
- Elk herd go up, down, same?
- Written comments explaining your interests should be submitted to the DOW by September 1, 2005.
address: 50633 Hwy 6 & 24 Glenwood Springs, CO 81601

Discussion included the RS2477 saying it may be a factor. The TeePee Park area was ruled RS2477 – private property owner allowed hunters. Private land issues would be a response from this Board.

September 1, 2005 desired date for feedback.

B. CONSIDER A REFERRAL OF A SPECIAL USE PERMIT FOR PROCESSING AND MATERIAL HANDLING OF NATURAL RESOURCES TO THE PLANNING COMMISSION FOR THE CONN CREEK NATURAL GAS TREATMENT FACILITY. APPLICANT: OXY USA WLP LP – FRED JARMAN

Fred Jarman submitted the request. Jimmy Smith was before the Board at the last meeting.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to hear this matter before the Board of County Commissioners. In favor: Houpt – aye; McCown – aye; Martin – aye.

C. CONSIDER A REFERRAL FROM THE BOARD OF COUNTY COMMISSIONERS TO THE PLANNING COMMISSION FOR A SPECIAL USE PERMIT FOR CONSTRUCTION AND OPERATION OF A CENTRALIZED EXPLORATION AND PRODUCTION WASTE FACILITY. THE PROPOSED LOCATION IS APPROXIMATELY ONE MILE SOUTHEAST OF THE GARFIELD COUNTY AIRPORT. APPLICANT: ENCANAL OIL AND GAS (USA) INC. APPLICANT’S AGENT: WAGON WHEEL CONSULTING – RICHARD WHEELER

Richard Wheeler, Jimmy Smith and Jan Shute were present.

Richard Wheeler submitted the request and explained that Wagon Wheel Consulting representing EnCana Oil and Gas USA has submitted an impact statement that describes the proposed use, general design of the Waste Facility, hours of operation, trips generated, noise, vibration, odor impacts, wildlife impacts, soil types, and the projected length of time the pit will be in operation.

Staff Recommendation:

The potential impacts of surrounding properties are a concern to staff. Although this use is allowed by the COGCC, Rule 908, possible health risks to surrounding properties are an issue that needs to be addressed. The proposed location is not remote and could have an immediate impact. Due to the fact that this proposal is for treatment of “waste materials”, there could be safety issues that the surrounding property owners need to be aware of. Staff is

recommending the Board refer this matter to the Planning Commission for further review. This is an alternative to taking the soil to the landfill.

Jimmy agrees with the recommendation to refer to the Planning Session to be able to put the information out to the public.

A motion was made by Commissioner Houpt to refer the Sup for Storage and Handling, etc to the Planning Commission. Commissioner McCown seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye

D. CONSIDER A REFERRAL FROM THE BOARD OF COUNTY COMMISSIONERS TO THE PLANNING COMMISSION FOR A SPECIAL USE PERMIT FOR SHALE EXTRACTION AND STORAGE FOR USE ON LEASED AND PUBLIC ROADS. PROJECT WILL CONSIST OF A 1,250 FOOT LONG ROAD AND PIT CORRIDOR WITH AN AVERAGE WIDTH OF 130 FEET. THE PROPOSED LOCATION IS NORTH OF PARACHUTE PAST THE GUARD STATION CR 215. APPLICANT: ENCANA OIL AND GAS (USA) INC. – RICHARD WHEELER

Jimmy Smith, Richard Wheeler and Jan Shute were present.

Richard Wheeler submitted the request and explained this was a request for a Road and Pit Corridor approximately 1200 feet in length and 130 feet in width, a total of 162,500 sq. ft. or 3.7 acres. The extracted shale will be stockpiled on site will be used to plate roads and well pads with a mix of crushed sandstone and shale. The applicant has stated that there is no intention to market the mined material locally. The material will be used on access roads and BLM roads. The shale will be stockpiled on site for use as needed by EnCana and BLM property. The mining of the shale onsite for road base and plating will decrease the dependence of trucking in gravel from offsite mining locations. Staff Recommendation

The potential impacts of surrounding properties by this proposed use will be very minimal. The proposed location of the operations situated at the end of a dead-end county road with very limited general population traffic, which is used primarily for industrial traffic serving the historical and existing industrial uses. The proposed pit corridor is situated in an industrial area already characterized by intense industrial activity from the oil shale exploration/processing activities. The request will create and maintain sustainable operations serving this area. Staff recommends the Board direct Staff to schedule a public hearing for the Board and not refer the matter to the Planning Commission.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to hear this directly to the Board for a public hearing.

In favor: Houpt – aye; Martin – aye; McCown – aye.

E. REQUEST FOR FUNDS – MT. SOPRIS HISTORICAL SOCIETY

Linda Romero Criswell, President for the Mount Sopris Historical Society submitted the request for partnership in helping to open the doors of the Mount Sopris Historical Society to the public in the near future.

The request is for \$5,000 to assist in upgrading the historic log cabin that was donated to the organization for use as a museum.

This will be the only museum in Carbondale and since it is within walking distance of the old Main Street District, it will serve as a center for the discovery and study of local history. It will showcase the contributions made by native populations, potato farmers, cowboys, miners, ranchers, artists and other local characters. It will be a gathering place for valley residents and an attraction for tourists.

Historical artifacts have been donated to the society over the years and the renovation of the building will give a place to provide additional educational programs and events.

Estimated cost - \$12,500 – don't qualify for Historical funds.

Linda submitted a Garfield County historical quiz.

Commissioner McCown – if we help you to kick start, will this be an on-going request for funds?

Linda – yes, they would ask annually; they are all volunteer and no staff whatsoever.

Chairman Martin noted the Board was supportive of the move when it took place and to the dedication to the new site.

Commissioner Houpt commented that she appreciated the detail included in the packet of information.

A motion by Commissioner Houpt to support the request made from the Mt. Sopris Historical Society in the amount of \$5,000 for completion of the project which has been on-going. Commissioner McCown seconded for discussion and stated he was looking at the proposed amount of grant requested project budget and under government you have \$1500.

Linda – will ask the Town of Carbondale in September during their community requests, we hope they will view it kindly as they have given the Chamber of Commerce rent there for 8 years and they are hoping to get the balance from them.

Commissioner McCown – so at this point the County would be the major contributor to this project of \$5000.

Chairman Martin thinks it will lend credence to their ability to do that showing we are willing to step forward. We have stepped forward more than any government in the County to support our historical preservation projects.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Chairman Martin – we also supported the Sutank Bridge project and that's going on as well.

F. BLM – ROAN PLATEAU COUNTY COMMISSIONER DISCUSSION

Randy Russell stated we need feedback to BLM on the first set of homework assignments that BLM passed out to their cooperating agencies as we go through a process of 4 or 5 day long meetings and every time we get together questions do surface and the facilitator and Jamie O'Connell at BLM are sensitive to trying to get these questions and issues out and receive feedback. This was deferred from last week due to the overloaded agenda. Randy clarified that he is acting as the Commissioners scribe and will take direction and complete the task laid out for him. Commissioner Houpt – one question for staff to be working on is No. 6 where they've asked for best management practices regarding road maintenance; they look specifically to the County.

Commissioner McCown – there's a lot of components that have to be taken into consideration and I don't think we're at that point yet on a best management practice. If we operate under the scenario that the only access to the Roan Plateau for any commercial activity, if you will, is going to be Cow Creek off the Piceance Creek Road, then I think a management plan could be developed, but until the BLM says there will only be one access granted to this

area, what if Williams or EnCana happens to be the entities that get the lease and they chose to come up off of Parachute Creek across their private property and not utilize Piceance Creek at all.

Randy – thinks they deferred the overall transportation management plan up there to a later date so we really don't know what's closed or open.

Commissioner Houpt – totally agree but I am not talking about or type of road but what I heard Jamie asking us, can you help us talk about what structure or sub-structure are needed for a road.

Commissioner McCown – it would be very easy to say if Cow Creek Road is the road of preferred choice that you chip seal or asphalt it all the way to the top of the mountain and go to the Rim Road where the arterial roads are going to be taken off of. It would be easy to say that but that would be a tremendous overkill if they are coming in the back way.

Russell – in looking at some of that watershed protection overlay and the wild and scenic river overlay, do you put in culverts or not; do you Mag Chloride it or not; and it depends upon what you're next two passing by and going through and what your values and concerns are so I was left feeling like give us a proposed management system up there and then we all can hunker down and look at those segments and say well here we're needing to be sensitive to this. Where to start with it left as broad as it is right now.

Chairman Martin – well you ask a question back, are you defining a certain area that we need to go ahead and give you best management practices on, period. At that point we will go ahead and be more specific.

Randy – that's fair.

Commissioner McCown – best management in an NSO each area is going to be quite different than a best management practice.

Chairman Martin – define the area and the segment. Dust can be a real problem to surface water, trees, vegetation, the animals, etc. We need to know what segment you're working on.

Randy – give us segments and we'll work on defining.

Commissioner McCown – the 3rd question – in theory that would be one of those areas of concern that would focus on how the development takes place: unitization and the lease parcel size restriction.

Randy operating now on parcel size of 630 acres, and left wanting a discussion of the pros and cons of unitization and pros and cons of being able to expand or retract that lease size.

Commissioner McCown – they can retract it, they can't expand it by federal law I guess that's all they can in anyone lease. There's nothing to prohibit any one company from getting multiple leases. I really have a problem with any of the cooperators stepping in on the size of the leases they should do because they would best be able to know what fits in and out of the ACEC's and NSO so that everyone has equal footing on a lease. If you put out a lease that 80% of it is no surface occupancy lease and then the next lease, 80% of it is useable, those two leases will be terrible inequity in value. So who will you get to bid on this one as opposed to the other? I would like to see the BLM be required to establish some equity in their leases not caring if they are 2300 the maximum and then the next one is 1000 acres but if that 1000 acres is useable and the 2300 maximum size has 1000 acres usable, that would be an equitable lease.

Chairman Martin – would I be assuming too much that under a unitization those issues could be discussed with that lease holder – put those flexible rules and regulations in with an agreement.

Commissioner McCown – it has to be done at the time of the lease, the sizes have to clearly be denoted so people will know what they are bidding on.

Commissioner Houpt – I think unitization in an area that isn't surrounding or being influenced by private land which is a good portion of this management area, is an intriguing idea and need more information from them on this one on what kind of leasing they anticipate, what their ultimate goal is for the top of Roan and what protection as a result of unitizing. Jamie was trying to minimize impact on infrastructure but I need a better understanding of what that means and how this is going to accomplish that.

Commissioner McCown – what that means, we talking 79,000 acres in this management plan – do your math, divided that by 2300 you would stand the possibility of having that many potential operators up there and under the federalized unit, one entity would be responsible be it whoever, responsible for that unit and would sub-lease. Multiple lease holders but one entity that would provide the pipeline infrastructure, the compressors, all of that would be under the control and consideration of one entity that would deal with BLM; the others would not be dealing in separate little splinters and building little networks of however many different pipeline systems to get the product off the mountain.

Commissioner Houpt – so when you establish a unit do you automatically open that entire area up for immediate leasing or can you still go with the staging.

Randy – you could open it all up, you could establish rolling phases but you don't have to open them all up. That would be caveat.

Chairman Martin – that could be a plus with BLM and the one that actually controls that and that gets back after all the leases are established.

Commissioner Houpt would have to know that they would not all have to be opened up or that their intent was that all opened up for leasing.

Chairman Martin – they can't take a lease and no open it; if they take the lease with the intent not to develop anything or explore, it won't lease.

Commissioner Houpt – we're talking units and would like to know what their intent was.

Randy – you could divide that up into three units and three bundles that would be leased at different times.

Further discussion took place on the quasi stage clustering and Commissioner McCown stated the DOW folks and judging from their comments, they didn't buy into the triggering factor of 80% drilled, or leased below before the top because of the impact to the winter range so drastically impacted by that scenario. They in turn bought into more of the limit the number of acres disturbed at any one time in any lease and rolling and move that area so you don't have an impact, but here we go again, it's hard to decide on a management tool if you want to again go back to the very first question we brought up – is Cow Creek going to the only access to the Roan and you start developing on the north and work your way south, that is going to just completely blow everything out of the water if whoever gets those leases and wants to come up from Parachute Creek because they would then be transversing through all of the non-active area to get to their sites. Commissioner Houpt – a different perception on what DOW's position was on the staged proposition and think they were concerned about having everything on the bottom developed immediately

like a wildfire because they didn't want winter range impacted but once the idea of rolling came into play, I heard them say that will work as long as we recognize the need to phase things in. Randy – in those 5 or 6 critical migration routes and a few other things they would want to bring to the table. Commissioner McCown – they still have the times that they won't be able to be in the lower areas because that is clearly for winter areas but the fear that I got from Dean Riggs was that in the times they can be there, they're going to come in with x number of rigs and that winter range is going to be less appealing when their gone with their rigs but because of the activity that's taking place in the 7 months that they could be there is going to be less appealing. Chairman Martin – it will be somewhat devastated for a while. Commissioner McCown – so if they could work in a slower pace on the bottom and being able to work on the top at the same time, where they're not conflicting with winter range/summer range that was their preferable plan – there was never any discussion on what level that activity was to be at either site. Disbursing the activity was there preferred option. Chairman Martin – there's a recovery time and just because you leave doesn't mean that it's going to be inhabitable or usable – it will take a growing season to do so. We talked about this and interesting how performance planning morphed into that you do certain things to a certain degree and then leave the area, and BLM interpreted because they've never used performance planning before they thought they meant do it all at once, get a certain percentage totally completed and then move to a different area. The whole idea when Randy and I sat down together and discussed performance planning is to make sure there is not a tremendous constant bombardment of anything in an area. Reach a certain point, move out and let it recovery and go to a different area. That's what we're coming back to full circle. Performance planning is now called rolling. Our original plan, had it been followed would have allowed development in certain places at certain times to a certain degree and then moved to a new area so you limit your impacts.

Commissioner McCown – I don't think that Garfield County has any knowledge of the 1st bullet point on this – I don't know anything about the cave structure up there. Who they're looking for that information, this group can't help.

Chairman Martin – that's part of the recreational activity component and also the original inventory that established certain areas with the different formations, caves, that's where you have the long eared bats, some hanging gardens and some other things. Those particular areas are substructure that needs to be looked at differently. BLM has this knowledge. Do we want to develop this into a known recreational destination – my answer is no, it needs to remain as quiet as possible and don't explore it.

Commissioner Houpt thinks all of these need additional input and good for us to talk about these questions as we go along.

Commissioner McCown – there was one question very specifically on dust control - best management for dust suppression. BLM needs input on how NSO stipulations should be mapped to protect trout and fisheries, high versus moderate, and interest in learning any best management practices for dust suppression; feedback on management prescriptions; BLM needs input on applying NSO stipulations for allowed uses and exemptions; input on lists of activities that should be included under wildlife timing restrictions; regarding ACEC's which mapping configuration should be used in the proposed plan. The County uses Mag Chloride and it's the only thing we have experience with. Water dissipates so quickly that what is the impact of continually applying water.

Chairman Martin – roads and grazing which is a dust problem in certain areas that's on the downhill side on the north side of the slope where the cattle can only downhill to get out of the timber which causes a whole bunch of dust and there's clouds of dust when the winds blows that take place and that's over grazing and the only water source is coming from the south headed north down that slope and they have a spring box where they all get water to – they pound the heck out of that particular area which then leads into the creek. There's a water diversionary facility that is already sucking out most of the water that's going over to a revegetation forest fire run by solar power. They're pulling most of the water already, are they going to be able to keep feeding those trees and other vegetation that needs to be established is having a hard time for the last 20 years. Plus the water right with the cattle and the ranches, plus the watershed to Parachute – water is not going to be your answer up there. Grounds cover or as Larry said, you're going to be using a certain road and will have to chip seal or pave it to take care of some of the issue on dust control. Mag Chloride is an environmentally safe in some terms and in other areas where's ACEC's on plant life, etc. or migration is an attractive nuisance to a lot of animals because of the salt content – good or bad? They just have to make a decision.

Commissioner McCown – the 2nd question - Oil Shale. I think they better be ready; right now Shell is the only one who has indicated any interest but not an indication on things to come.

Shell is going to do a series of presentations - September 5, 6, 7 with Meeker, Rifle, Grand Junction but where and when.

Oil shale is there because Australia ships theirs over and testing to see what kind of results they can get with it, which happens to be marine or salt base water versus our fresh water base, so that's going on – are we going to import if we get the retort going or the process developed here. Are we going to be a receiver?

Commissioner McCown – there is a rumor about Australia shipping shale over to run a test. Why can't you find a retort closer than Anvil Points if you live in Australia but apparently that is true? There's still no provision and that's what scares me about this whole lease is 80% of the product is on public lands and there's no provision in this resource management plan other than a small paragraph to address it; congressional mandates overrule RMP so step aside – start drilling. There are so many other types of shale extraction and development other than the Shell process and all of the things we're talking about none of those would conform under the Shell process because their well spacing is 15 foot. Now we're talking 640 acre spacing and that's not going to sell well on top of the Roan with 15 foot spacing. There very shallow and they may not be very intrusive but there's a hole every 15 foot. The tailings could be put back in the mines as they're mined out. Again, I don't know if cooperators would be in a position to comment on oil shale leasing.

Randy suggested saying something modest saying as we've looked at leasing of research sites - those sites should be subject to the same criteria that we've developing for other multiple uses. Commissioner McCown – given the legislation that's passed, oil shale is a completely different animal than natural gas.

Chairman Martin – that’s why we ask what are the leases out there, who holds the lease, size of the lease and how to give recommendation? Commissioner McCown – there’s actually much more beneficial to local governments than the way the money is disseminated through the natural gas.

Randy thinks this is a very important point to make – show us what’s already on the ground in terms of all the Mining Law.

Commissioner McCown – the latest caveat is BLM is not really sure they have anything other than the management area; DOE still may own the land; in the Transfer act they just transferred the management, not the land. Chairman Martin – that has to be clarified and are we just spinning our wheels.

Commissioner Houpt – the question Randy asked goes along with those two other points very well because it is important for BLM to think about how its going to interface with oil shale and Larry said at every meeting and I don’t think its really sunk in that it could turn their whole plan upside down if they haven’t thought how Oil Shale could interface with that and what level of accountability they can hold that development to.

Randy – the implications of some risk case analysis should be discussed.

Chairman Martin – who owns the land basically to give those oil shale leases out; that a real important question and answer that has never come forward.

Commissioner McCown – the first and greatest and historical users of the oil shale has been the Department of Defense - hydro carbon fuel.

BLM – ultimate decision in the field office – they did not have to include the cooperators but they did.

Randy will draft and give to the Board what he heard today.

Next meeting is Tuesday at 10 a.m. at Senior Center in Parachute.

ADJOURNMENT

Attest:

Chairman of the Board

AUGUST 15, 2005 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 15, 2005 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

Silt Mesa –Sun Meadows - Ukele, Hwy 6, Miller Lane and Antonelli Lane. Steve Delmar and Brain Franke were present and also submitted a letter regarding the same concern from Dale and Julie Nesbit. a lot of problems with the developers and some turn lanes off Hwy 6 and Antonelli Lane. He would like to have this addressed before building housing. 60 day permit and they are still driving on a pothole road, dust is a real problem as well and they should have put Mag Chloride on the surface - the builder has no accountability. Like to have the builder come in and speak to the Commissioners.

Chairman Martin – advised Steve that he had contracted Ron Van Meyer; Commissioner McCown talked to Steve Hackett and Mark Bean and under the terms of the agreement, security was in place but no CO or sale until the road improvements are to be made. Letter regarding access issues to Ukele to Miller Lane is a CDOT issue – when the access permit was done, this Subdivision doesn’t increase the traffic by 20% and it didn’t require an improvement to the intersection. Coming in from Ute Lane did and CDOT is putting in a lane change. The option is probably going to be to go to a one way on that road and it was discussed when this subdivision was approved.

Brian Franke – Ukele land owned by Kelly Lyons – Kelly had offered all his right of way and the Board turned him down.

Marvin stated that nothing has been turned down from Mr. Lyon.

Brian – there is a blind approach on the hill on Ukele Lane – 40 to 50 people up there and a one way is not the solution.

Marvin – Ukele is a narrow road and they wanted to pave; the ditches weren’t clean, all slopes and ditch work still need work and if not done within a week it needs to be Mag Chloride. They have been working together.

Commissioner Houpt – when a contractor comes in to discuss the plan, it’s important for the residences being affected to come in and let us know their concerns.

Steve - Excel and decal lanes needs to be on Miller Lane. The 20% increase in traffic is wrong and CDOT used a faulty trigger.

Chairman Martin – will call Joe at CDOT, talk with Marvin, and have discussions about a solution. Also suggesting getting with Ron Van Meter for these folks and get this worked out together.

Brain – suggested to explore a new staff person to write grants to get federal money to do some road improvements in this county.

Chairman Martin – with federal money there are too many strings attached and then you have to go through CDOT due to their priority process even on County Roads; we have made our infrastructure our priority in trying to put into place our priorities on arteries, secondary roads, and school bus routes, etc.

Marvin stated we have received money on occasion for bridges but money for county roads is an issue. Brain is concerned with the projected influx of people in this County. Chairman Martin commented we are already there and asked for \$27 million to start out with the Phase I projects we need to have done and then there's a second phase and that's another \$20 million for severance tax issues. Ed stated we do have federal money for Road and Bridge Fund that is the HUTF (Highway Users Trust Funds) and that's about \$2.8 million a year that we use to help defray costs in the Road and Bridge road maintenance. Commissioner McCown added we have 700 plus miles of road as well. Marvin said it cost about \$800,000 for each mile of road construction. Chairman Martin noted that Antonelli Lane is one of them for sure. Brian - Ukele Lane is the biggest concern and we're starting to see a lot of the Oil and Gas trucks going up and down that road. Marvin added they are starting to drill in that area and there's a meeting tomorrow with some of the representatives – they will go up on Davey Mesa, the big mesa between Rifle Gap and Cactus Valley. They'll go Peterson Lane probably.

COUNTY MANAGER UPDATE – ED GREEN

a. Sign Change for County Road 336 – Marvin Stephens

Marvin presented a hand-drawn map showing the change yield to a stop sign at CR 336. The Sheriff has been contracted and agrees with the proposed change. Marvin will have signs posted coming down Mamm Creek. A motion was made by Commissioner McCown and seconded by Commissioner Houtp to authorize the sign change and authorize the Chair to sign the Resolution.
In favor: Houtp – aye; McCown – aye; Martin – aye.

b. Wooldridge Hangar Request – Brian Condie

Brian Condie submitted an acceptance letter from Robert E. Wooldridge for the lease of ground at the Garfield County Airport with the exception of the provision for increase of rental of the ground. The first renewal would like 100% cap of the initial rental rate of .18 cents per foot annually. The maximum rate would be .36 cents per foot, however the increase could only be assessed if a like amount was the market rate at which other leases were offered and written with other ground rental tenants at the airport. The second ten year renewal would not be subject to the 100% cap and would be at market as determined by the rate in effect and offered to all other ground lease renewal or new tenants. Brian stated that once we accept this type of contract, Commissioner McCown we are right now one to the best rates on ground at the airport. No problem capping it but would like to cap it at 150%. Ed ran it out and after 20 years we would be .4 cents behind. Discussion was held with regard to this type of cap. Leases could be based on commercial versus private and also based on size. A motion was made by Commissioner McCown in regards to Mr. Wooldridge's letter that we place the cap at 150% and that the cap be a standard for all future private leases at the Garfield County Airport. Commissioner Houtp seconded.
In favor: Houtp – aye; Martin – aye; McCown – aye
The County congratulated Brian on the Airport activity over the weekend.

***Rifle/County – Joint Police Court Facility
County/Rifle – Joint Police Court Facility***

Ed reported and submitted a handout. He referenced the discussion as to negotiations to ensure with the City of Rifle a proposed project schedule for the Joint Police Court Facility – talked to John Hier and other participants and this is the first blush as to what the plan is for this and proposed schedule. The first thing is we're going to do benchmark and evaluate other comparable projects that have occurred in the state or in this region and learn lessons as to what went right and what went wrong and what they would do differently. Then armed with that information we'll actually do all the programming for all of the entities that plan to use the facility and Randy Withee with Daryl Meisner will take the lead on that. We'll complete that in May of 2006 and then we'll start with the approvals from the Commissioners, Court, Probation, Sheriff, and City Council to get their agreement that what we've programmed for this building is appropriate, then Don will have the task of developing the IGA for all of those folks to make sure that we canonize all of the details of that programming. The City then needs to go into action and vacate that road, 18th Street to make for a bigger building envelope and also to move the City maintenance shops and John Hier thinks that he can accomplish all of that by the end of 2006. We'll have to prepare a DOLA Grant request jointly and John Hier will do a joint presentation in October 2006 and we should know by the end of the year whether we have obtained that. The City wants to finance their part of the endeavor and we believe it will be important for us to have understanding of whether that financing is accomplished before we go to DOLA for the grant request. That's why you see July 31, 2006. The big part of it is the procurement; we envision a design built approach for this which will incorporate the work scope evaluation criteria in terms and conditions, schedule and funding. We're going to evaluate proposals as we've done in the other structures like the Road and Bridge facility and the Human Services Facility establishing competitive range with face to face negotiations with finalists. Then select a finalist and engage in final negotiations. We hope to complete this by March 2007 and turn it over to Tim and Randy and get the show going by April 1, 2007. The project completion date we hope for is July 8, 2008. Ed requested feedback in order to get this to John Hier to get the agreement on this schedule with the City Council of Rifle.

COUNTY ATTORNEY UPDATE – DON DEFORD

a. Discussion/consideration of Resoluiton Repealing Resolution No. 98-73 and Designating a “County Zoning Official” and “County Building Inspector”.

Carolyn Dahlgren – found out in the context of a zoning that the Board had never appointed Mark Bean as the County Zoning Official and County Building Inspector. The Zoning Resolution defines that and this is a clean up Resolution; it allows the position to delegate his authority.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution concerned with repealing Resolution No. 98-73 and designating a “County Building Inspector” for the purpose of Sections 30-28-101, Et. Seq., and 30-28-201, Et. Seq., C. R. S., as amended.

In favor: Houpt – aye; Martin – aye; McCown - aye

b. Authorization for the Chair to Execute SUP Security (CD) Agreement and Related Documents – American Soda

Don stated that the agreements and documents were approved in concept but the Board did not authorize Chairman Martin to sign the documents. This occurred last December however it took longer to get everything in place.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the aforementioned documents.

In favor: Houpt – aye; Martin – aye; McCown - aye

c. Executive Session: Litigation Update; Legal Advice – 2 Oil and Gas Commission proceedings in Presco and EnCana; Status of the DDA litigation; legal advice concerning enforcement of road cut permits and also information on 2 Battlement Mesa roads and that’s also legal advice and contract negotiations; and legal advice on the status of the JQS road project.

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

e. Mark Bean, Marvin Stephens, Doug Dennison, the Board, legal and Mildred.

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

No public action needed.

COMMISSIONER REPORT

Commissioner Houpt – Roan Plateau meeting and the County Fair last week; I-70 Coalition meeting Monday night and Tuesday the Roan Plateau meeting.

Commissioner McCown – Garfield County Fair; Tues – BLM Roan Meeting 9 – 4 at

Thursday, Vacation and back on 8-25; Auction at the Fair was the biggest and best - \$350,000 on sales.

Chairman Martin – proud of Commissioner McCown for the auction and what was done was outstanding and he is a great example. Administrative staff shined – outstanding and complimented Bob Compton. Fair Board will be doing a debriefing. Air Fair was a lot of fun – 1st time ever. Flour bombing was a lot of fun. Great activity for the kids.

Appreciated the participating in the Parade. Roan Plateau Tour – tomorrow planned by BLM for Pitkin County. No dates have been set.

Brian agreed that the Air Fair was lacking in advertising.

STATE MOTOR VEHICLE

Mildred stated that she will need to close the Motor Vehicle Department in Glenwood Springs and Rifle at these times: Rifle on August 31st and Sept 9th. Glenwood only ½ in the afternoon on September 9th. The Colorado Department of Revenue will be providing training on the new Motor Vehicle system on August 31 and on September 9th they plan to install the new program thus generating the need to close the offices. She added that she will publish and get the notifications out. Mildred is hopeful that we will not experience like CBMS

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Authorize the Chair to sign the 2005 Abstract of Assessments – Shannon Hurst
- f) Authorize the Chairman to sign a Resolution Concerned with the Denial of a Special Use Permit for a Communication Facility for MBC Grand Broadcasting, Inc. on property owned by Dee Blue
- g) Authorize the Chairman to sign the Partial Letter of Reduction Certificate and Acknowledgement of Partial Satisfaction of Subdivision Improvements Agreement for First Eagles Point Subdivision.
Applicant: Battlement Mesa Land Development, Company, LLC – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – g absent b & c; carried.

HUMAN SERVICES COMMISSION

HUMAN SERVICES GRANTS - PRESENTATION OF GRANT ALLOCATION COMMITTEE 10-56-54

A report was provided in the packet. Total amount requested was \$496,650.00 and the amount to disperse was \$350,188.00.

This is a list of those receiving grants:

Advocate Safehouse - \$18,500
Alpine Legal Services - \$16,000
CMC Even Start - \$4,000
CMC Nutrition - \$11,000
CMC RSVP - \$18,000
CMC Traveler - \$39,000
Catholic Charities - \$12,000
Colorado West Counseling - \$20,000
Colorado West Recovery - \$25,000
Columbine Home Health - \$10,000
Columbine Homemakers - \$10,000

Computers for Kids - \$1,000
Cooper Corner - \$1,000
Family Visitor - \$25,000
Feed My Sheep - \$2,500
Food Bank of the Rockies - \$2,000
Girl Scouts - \$3,500
Lift-up - \$18,000
Literacy Outreach \$12,000
Mountain Family Health - \$14,688
Mountain Valley Development - \$35,000
Planned Parenthood - \$4,000
Roaring Fork Family Resource Center - \$4,000
Roaring Fork Hospice - \$2,500
Salvation Army - \$7,500
Sopris Therapy Services - \$9,000
Youth Zone - \$25,000

Commissioner McCown commented the fine job this committee did in allocating the funds and he is aware of the process.

Kay stated that a lot of screening went into this process.

Commissioner Houpt – good report and asked if some of the housing entities could be directed where they could find funding.

Kay – two were addressing home ownership and benefiting two families versus Lift Up who serves hundreds of people. Geneva Powell is on the Board and wasn't sure where these would fit.

Commissioner Houpt – where and how to draw the lines – the notion if we don't start addressing housing issues, rentals or for purchase house, a greater burden on the folks using the base services.

Tom Ziemann – will be looking at the guidelines and are addressing issues and possibly some other grants.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the recommendations. Houpt – aye; McCown – aye; Martin – aye.

Catholic Charities – Immigration Services - Tom Ziemann reported and provided an update to the Board.

Community Advocate – numbers go up and when this year 300 families served; folks not getting paid for work provided – Legislature looking at this issue. The Department has the authority to fine those companies that do not pay. Statewide Task Force to get others interested and put more teeth in the regulations to let the Department of Labor enforce what they should be enforcing or do we change some of the laws concerning small claims courts and the ability of judges to hold employers in contempt when they fail to pay employees. Those are some of the issues we will be looking at. This is not an immigrant issue altogether but they seem to bear the brunt of this as well. Discussion with Alpine Legal that perhaps some of the clients we have would band together to create more of a lawsuit and more of a collective to try and help get the money that is due them.

Medicaid – eligibility for Medicaid for pregnant women, these are undocumented aliens who are pregnant and used to get benefits under Medicaid Law. That's changed and a lot of young ladies not receiving that service. Mtn Valley Health is trying to piece together some money and provide some scholarship basis. The cost is \$750.00 to take a lady through their pregnancy. Tom said they have identified clients who are not getting the service; Family Visitor Program is experiencing the same thing and it's a very controversial issue but those children in uterus are going to be American citizens and so it's an unfortunate situation and they will try to have this reinstituted and try and find help for those especially for the first time pregnancy and high risk.

English as a Second Language Class at CMC and whether they should pay for the class. It's free at the present time. Immigrant Initiative – narrowed the goals to four broad concerns and sent out emails for proposals. They are asking that a 3 page letter to be submitted to our committee for review and the ones we like will be asked to submit a grant and hopefully by the end of this year we will have the monies determine and the grants allocated.

Commissioner McCown – commented that through the Focus Groups that we're doing this year, we're finding that the illegal immigrants has replaced the former number one concern of roads and the normal things of concern in the county, any suggestions from your end. Do you view that as adding to the problem?

Tom – No, not at all. The folks that come here are doing so for perceived opportunities and a perceived better life.

Providing services for people who are falling through the cracks. Some are here already and we're trying to get them over the humps; help them bridge the gaps; helping to get legal citizenship. Attorneys are working part-time here and we're sanctioned by the Department of Justice to do what we do and we're the only certified and affordable program of its kind so in that regard we'll here and only helping only folks that are here legally. They don't ask the clients if they are here illegally. When it comes to immigration services they will come in for a consultation, a fee of \$50 and we'll tell them if they have a legal right or not. If they have a legal right we'll take them through the process with some nominal fees but the folks that are illegal, we say sorry you're here illegally, you have no remedies that are currently available to you and encourage them to be a tax payer, work hard, stay out of trouble and the law may change in the future. Under the immigrants advocacy program that particular program 80% to 90% of the people that is helping are legal.

Commissioner McCown – the mother here illegally but has a child that was born in the US, would she qualify to be a legal citizen.

Tom – not under the current laws, the children are citizens and eligible for benefits. If a mother is picked by the INS then there's a lot of different things, but they will help return the children with the mother if that's what she wants.

Commissioner McCown – there's clearly a perception by the people that they are seeing funding avenues, from the federal, state, and local government doing both things for and to the illegal immigrant populations. You've got federal funds that is going over here to enforce the immigration laws and round them up and transport them back to Mexico and you have others that are helping with Medicaid and giving them benefits making their lives easier while they're here illegally and there's a real concern as to why we're paying for both.

Tom – the system is broken but no solutions. The American Catholic Church has a whole agenda they are pushing strongly in terms of immigration reform and like to see some changes. Border patrols could be increased to stop the flow of illegal immigrants and also there is very minimal prosecution going on of employers.

Commissioner Houpt – there's a growing reliance by employers on immigrant workers and so that the whole system is being encouraged by business owners who are not being held accountable.

Tom – the average Mexican National here legally now, has a green card and working toward citizenship, on average it takes them 8 years to get the rest of the family here to the United States. Immigration policies are not addressing. We're plugging away at this in Washington, trying to push that agenda very strongly.

Commissioner McCown – would your group support something that would make work visas much easier to obtain and allow the workers to come and go much easier and then not encourage bringing the families?

Tom - President Bush's proposal he's floated out there as some ideas, but we and agrees with the majority of what he's presented of expanding the legalization of workers and having short term labor visas and expanding that program. It treats people with dignity and if they have certain rights as a legal worker in this country. Other pieces we don't like such as you have people paying into our Social Security System who then when they go back to Mexico can't take that money with them. This happened back in the 40's and 50's with the Bracero program which was a similar issue going on at that time – we had many immigrants and they were debating this at the federal level. Nobody's really addressing the issue.

Compliment:

Ed complimented Linda Morcom for her work in the putting together all of the paper work for the Human Services Grants.

BOARD OF SOCIAL SERVICES

A. APPROVAL OF EBT/EFT DISBURSEMENTS FOR JUNE AND JULY 2005

For the months of June and July 2005, client and provider disbursements, for allocated programs, totaled \$429,250.50 (June) and \$251,967.62 (July). Client benefits for Food Assistance and Leap (energy assistance) totaled \$150,991.00 (June) and \$152,141.00 (July). Lynn requested approval.

Commissioner McCown so moved; Commissioner Houpt seconded.

Houpt – aye; Martin – aye; McCown - aye

B. CONSIDERATION AND APPROVAL OF CONTRACTS/AGREEMENTS:

1. COLORADO DEPARTMENT OF HUMAN SERVICES – TANF

MEMORANDUM OF UNDERSTANDING

August 18 is the due date. The money allocation remains the same. Lynn is concerned that the deadline is for Thursday and needs authorization for signature.

Commissioner McCown if this comes back with the hold harmless – couldn't support signing it where the county could bear the cost of back-filling.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to give authorization if the MOU has the recommended wording.

Lynn hopes they will just extend the deadline. The wording change has been submitted.

Houpt – aye; Martin – aye; McCown - aye

2. MOUNTAIN BOCES – ADOLESCENT DAY TREATMENT

Lynn requested approval of the Core Services contract with Mountain BOCES for the Adolescent Day Treatment Program. The not to exceed amount totals \$65,000.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Core Services contract with Mountain BOCES for the Adolescent Day Treatment Program for a not to exceed amount totals \$65,000.

Houpt – aye; Martin – aye; McCown – aye

3. NARRATIVE AND BUDGET PACKAGE FOR CHAFFEE CARE INDEPENDENCE PROGRAM PLAN

This was due in today to the State and we received approval to send it in unsigned and need to have it signed today so Lynn can express mail it to the State if the Board accepts it. This is not a contract but a plan that basically says this is the way we will do business over the next 12 months - \$21,496.00 in allocation is the request.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the approval plan for Chaffee Foster Care Independence Program; Houpt – aye; Martin – aye; McCown - aye

C. HIPPA PRIVACY OFFICIAL – CHANGE REQUEST

A draft Resolution was submitted to the Board for review. The Department has made adjustments on some job responsibilities and request consideration and approval of the Resolution naming Lynn Renick as the HIPPA Privacy Officer for the Single Entry Point program.

Repeal the old Resolution as it included Healthy Beginnings. It affects the Director of the Health Department, the Director of Social Services and the Human Resources Director Judy Osman and then Ed Green as the manager and compliance officer but it will transfer to anyone in those positions.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve of the Resolution repealing Resolution No. 2003-114 and reappointment privacy officer and compliant officer pursuant to HIPPA.

Houpt – aye; Martin – aye; McCown - aye

Budget Request – increasing from a 20 hour to a 40 hour – increased the grant. Lynn is looking at going ahead to increase this position to full time. Single Entry and would like to increase this.

This did not require a motion.

D. STATE FISCAL YEAR 2005 CLOSE-OUT SUMMARY PRESENTATION

Michele McMullin and Lynn Renick submitted a summary spreadsheet and provided a verbal presentation of summary results. They explained the different categories and the final dispositions.

E. BRIEF DISCUSSION REGARDING DEPARTMENT NAME

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to change name to Garfield County Human Services Program.

Houpt – aye; McCown – aye; Martin – aye.

Concerns of this current year – furniture in the new facility will take a hit on funds.

BOARD OF HEALTH

WIC PROGRAM CONTRACT

A quarterly contract amendment and the contract amount dollars haven't changed, they were the same as agreed upon, this is for the last quarter of the year and its \$183,802.00 – it goes from September 2006.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the WIC

Contract in the amount of \$183,802.00 and the Chair authorized to sign.

Houpt – aye; McCown – aye; Martin – aye.

Jim Rada the new employee to fill the EIA position. Started August 1, 2005. He's from Summit County. He has 15 years with planning on a lot of different subjects. Working on Community Health Plan for the year. Busy doing a survey.

Community Health Survey and will bring the survey to the BOARD.

Child Health Fair – Car Seat Checks – STEP Grant – look in the spring at Household Waste.

West Nile – no positive reports to date.

Kudos to Colorado Mosquito Control per Commissioner McCown and Mary agrees.

10:22:48

PUBLIC MEETINGS: PITKIN COUNTY OPEN SPACE/CARBONDALE TRAILS - FUNDING FOR CRYSTAL RIVER TRAIL – DALE WILL AND JEFF JACKET

Tom Newland, Dale Will, and Jeff Jacket were present.

Dale Will, Pitkin Open Space, 1870's map in Colorado and we have lost our path and between the highway and the railroad you can't safely ride a bike on the Crystal River. 1994 Pitkin studied, 1996 Club 20 identified as a missing link, Master plan identified this trail, Carbondale Recreation Plan identified this trail as well.

Dorothy Farris and Mick Ireland, Jeff Jacket Town Trustee, Kathy Tuttle – Transportation.

Last fall 3 jurisdictions entered into an IGA to start designing this trail and the preliminary proposal and based on a walk done by Chairman Martin and Marvin Stephens – recommending the east side. This decision needs to be made to proceed with CDOT on the funding.

Jeff – the Parks and Recreation and Town Trustees approved the Master Plan. \$125,000 has been approved for the trail.

Tom Newland gave a walk through on the trail. Tried to keep as far away from the highway and used the right of way be 10 feet at grade crossing at the new high school and Prince Creek. Crossing of the Crystal River must bring it close the highway and proposing a separate bridge crossing. Mt. Sopris Ranch, old cattle crossing that creates another wet area.

Dale Will commented that they were unsuccessful for a State Trails grant and can try again in December for \$200,000. They did have a pledge of \$50,000 from a private individual. Construction costs have continued to rise and Pitkin County wants to get started next year on the section in Pitkin County.

Chairman Martin – ran into CDOT with their right of way.

Dale said they've given every indication that they were going to allow the trail in their right of way.

Tom Newland – CDOT does not accept any liability.

Commissioner Houpt – with the information, she would support the east trail as it makes more sense 1) the further end where you do hit the trail to be and the driveway and agree when you look at the cost of the project it's not that much.

Chairman Martin - this is a choice that they're researched. And has no objections to the east side location.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to support the east alignment for the Crystal River Trail.

Martin – aye McCown – aye Houpt - aye

Budget Request:

Dale Will – memo to the Board to request to appropriate funds to complete this next year.

John Hoffman, Carbondale Trails – in the aspect of transportation it comes under Road and Bridge – commuter trails – paradigm shift to make at this time. A necessity for the road system.

Chairman Martin – a 10 foot transportation lane, keep our ears open and where funds will come from and try to help people out. A lot of request for trails this year.

TREASURER AND PUBLIC TRUSTEE SEMI-ANNUAL REPORTS – GEORGIA CHAMBERLAIN

Bob, Jean and Georgia were in attendance.

A motion was made by Commissioner McCown to accept the report and direct Georgia to publish the report in the newspaper. Commissioner Houpt seconded.

Houpt – aye; Martin – aye; McCown – aye.

Georgia presented the various reports from the Treasurer's office.

Sales Tax Reports

July 2005 Collection

Year to Date Collections

Year to Date Collections Comparison 2002 – 2005

July Collections Comparison – 2000 – 2005

Public Trustee

Quarterly Report for 2nd Quarter 2005

Foreclosures History Chart

Release History Chart

Number of Foreclosures, Pie Chart by Zip Code

Income Comparison 2004 – 2005

Foreclosures – we are 5th in the State. 73 actual foreclosures.

Where they are occurring by Municipality was included in the reports.

Another graph of those cured, redeemed, etc. was also in the report.

Limited to \$150.00 and more costs than this but the State will not allow them to collect. Advertising is reimbursed; the actual time involved is not covered in the costs.

Releases – on the rise for real estate taxes – not as high as 2003. The Treasurer gets \$15.00 for each release.

Chairman Martin – with the reports this is helping to educate the municipalities.

Discussion about putting these reports on the website.

Georgia thanked Bob and Jean for all their hard work.

**RESOLUTION CONCERNED WITH CANCELING UNCOLLECTIBLE MOBILE HOME TAXES –
GEORGIA CHAMBERLAIN**

Letter from Shannon and Resolution – mobile homes have left the County and need to eliminate these from the tax roles.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Resolution concerned with canceling uncollectible mobile home taxes. Houpt – aye; Martin – aye; McCown – aye.

ANTERO RESOURCES OPERATION PLAN – TERRELL DOBKINS, ANTERO RESOURCES

Doug Dennison, Terrill Dobkins, President and Robert Mueller Chief Geologist were present.

Terry submitted the plan – who we are, plans and heads up on the operation. Submitted and received permits for two pads and the first four wells.

The Valley Farms Project SUP application was submitted to the Town of Silt Board and the permit was approved for four pads and ten wells.

If they are successful economically they will step up and present the plan.

The map shows the Valley Farms project in Silt and has a contract in place with Stillwater and the Town of Silt.

The other is the gravel pit trend all along the gravel pits. Antero now has approximately 20,000 acres of minerals leased in the area in and around Rifle and Silt. 20 acre well density and project 3 wells.

They will be evaluating 10 acre well spacing very early.

Timing began last Thursday from Italy and it looks different and showed the photo. Believe they can drill multiple wells and have made adjustments, closed loop system, cuttings and etc. will be contained in sealed tanks.

Believe they can do 32 wells on two acres. Depth – 3000 feet with this rig in this area. The wells have 1900 feet and depth 8,000 to 8,500 feet.

Terry thinks the noise will be lower than the traditional rigs. Fewer trucks and smaller amount of equipment to be moved. Less danger to the workers. Lights are low and the mass is not lighted.

The mast is 85 feet from the ground and is easier to move.

Pollution – plan has spill plans and monitoring plans. Water well monitoring is in place and will monitor continually.

They are trying to get other wells in – spring and summer. It's hard to get rigs.

Chairman Martin suggested the EAB review this and give input back to the BOCC.

Mildred spoke about licensed vehicles in Colorado as well as all equipment.

Terry – company vehicles are licensed in Denver. Intent is that all vehicles will be licensed in the State of Colorado.

**CONSIDER A REFERRAL OF A SPECIAL USE PERMIT FOR PROCESSING AND MATERIAL
HANDLING OF NATURAL RESOURCE FOR A NATURAL GAS TREATMENT AND COMPRESSOR
STATION. APPLICANT: OXY USA TWP LP REPRESENTED BY WAGON WHEEL CONSULTING
JIMMY SMITH – FRED JARMAN**

Fred Jarman and Jimmy Smith were present.

This is request for the Conn Creek Natural Gas Treatment Facility located approximately 14 miles north of the Town of DeBeque. The applicant proposes to construct a natural gas treatment and compressor facility intended to treat natural gas gathered in Oxy's Conn Creek Gas Gathering System to meet the gas quality specifications of the pipeline companies taking delivery of residue gas from the facility. A 20 x 30 building will house the MCC and process control equipment and provide limited storage for instruments and tools.

Fred recommended that this be heard by the Board of County Commissioners.

The nearest resident is approximately 3 miles.

Jimmy said that OXY wants to operate this in a very remote location.

A motion was made by Commissioner McCown to schedule this before the Board of County Commissioners; Commissioner Houpt seconded; motion carried.

**PUBLIC HEARING: CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A CUTTINGS
STORAGE FACILITY IN THE NORTH PARACHUTE RANCH AREA. ENCANA OIL AND GAS USA,
INC. OWNER. REPRESENTED BY: WAGON WHEEL CONSULTING – RICHARD WHEELER**

Richard Wheeler, Jan Shute and Jimmy Smith were present.

Jan reviewed the noticing requirements for the public hearing and noted there were two separate errors in the notification in the newspapers.

Commissioner McCown since the certified mailings were included in the private noticing, the Board determined there was no problem and accepted them as being timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 – Staff report and Exhibit G - Application materials; Chairman Martin entered Exhibits A – G into the record.

Richard stated this is a request for a Special Use Permit for “Storage, Processing, and Material Handling of Natural Resource” Cuttings Storage Facility located 2.5 miles northeast of the end of CR 215 on 27,000 Acres and the zoning is RL (Resource Lands)

The Building and Planning Department is in receipt of a Special Use Permit (SUP) application for “Storage, Processing, and Material Handling of Natural Resource” for a **Cuttings Storage Facility** on a 27,000-acre property owned by EnCana Oil & Gas USA, Inc. The Subject property is located at the end of County Road 215, northwest of Parachute. This area is formerly known as the UNOCAL property where oil shale processing occurred. More specifically, the location of the proposed storage facility is approximately 2.25 miles northeast of the guard gate.

This request was heard by the Board of County Commissioners for a possible referral to the Planning Commission. On July 5, 2005 the Board voted not to refer this item to the Planning Commission. This decision was based on the historic industrial use of the property, the relatively remote location, and the size and impact of the request.

The drilling of natural gas wells generates drill cuttings as formation materials are brought to the surface while the drill casing advances. The cuttings are typically stored in a reserve pit. The application for this storage facility will store this type of cuttings. Cuttings placed on the site will be stabilized/solidified prior to transportation to the facility. Stabilized cuttings will not generate water nor present an entrapment hazard to wildlife. At a maximum, 10 cuttings transport truck trips per day in and out of the facility are proposed. Periodically, a small dozer will spread the cuttings in a 12 inch lift. Cuttings will be compacted by track walking the entire surface with the placement dozer

The proposed 1 acre cuttings storage facility is on top of a spent shale/retort pile which already contains solid waste materials generated by Unocal from oil shale mining and processing operations. The expected life of the storage facility will be 1 to 3 years.

Due to the scope of work and the amount of time workers will be on site, water and sewer service are not required for this application.

The proposed site is located in an area of historic industrial activities with private and public roads adequate to serve the proposed use. The proposed maximum of 10 trips per day will not create traffic or road conditions that will require road improvements.

North Parachute Ranch is at the end of a County Road that is gated and manned with a guard shack, which is in operation 24 hours a day. The facility is 2.25 miles northeast of the gate, and is not visible to the public. The cuttings storage facility is in an area isolated from adjoining uses that could be impacted.

The facility is designed to protect groundwater and surface water resources. The facility will be surrounded by a soil berm and will be lined with geo-textile fabric liner. Berming will be used to divert any storm water run-off.

The facility will be on top of an existing shale pile that was created from oil shale exploration. Adjacent uses are industrial and the proposed storage facility will not impact surrounding uses adversely. Cuttings placed on the site will be stabilized/solidified prior to transportation to the facility. Periodically a small dozer will level and compact the cuttings. It is anticipated that these activities will not create vapor dust, noise glare or vibration that would affect adjacent property owners.

The Department of Wildlife has identified the area as a rangeland for mule deer, elk and turkey. The limited size of the facility will not impact or block wildlife migration routes. Cuttings placed on the site will be stabilized/solidified prior to transportation to the facility. Stabilized cuttings will not generate water nor present an entrapment hazard to wildlife

It is anticipated a total of 10 trucks hauling the cuttings will travel to and from the site daily. The facility will reduce dependency on truck travel outside of the North Parachute Ranch by storing the cuttings on site. At times, the dozer operator will travel to the site to move and compact the pilings.

The site is isolated from abutting uses; the nearest residence is more than three miles from the site. The remaining uses on the site are industrial in nature that will not be damaged by the proposed operation

Mitigation measures will be provided by berming and lining the facility with geo-textile fabric. All cuttings will be stabilized/solidified prior to being trucked to the storage facility.

The applicant is proposing the following rehabilitation measures:

1. Final grading of the cuttings surface.
2. Folding the exposed base liner from the interior of the perimeter berm over the cuttings.
3. Installation of a top liner over any exposed portion of the facility.
4. Use berm soil to cover the cuttings.
5. Placement of 12 inches of topsoil stripped and stockpiled prior to facility construction.
6. Application of vegetation seed mix and nutrients as needed.
7. Compliance with all prevailing COGCC and Garfield County regulations governing final reclamation.

The applicant has not submitted a weed inventory or a weed management plan for the site. Prior to issuance of this SUP the applicant shall provide this information.

Due to the size and location of the site, staff does not see the need for security. It shall be at the discretion of the Board to determine whether security is needed.

The proposed use of the site will not create sound issues. The applicant shall be aware of all sound volume standards and meet all State requirements.

Due to the size of the property, the proposed use, and the pre-treatment of the cuttings, the use will not produce vibration that will affect any adjoining properties.

If the facility creates smoke or particulate matter, the applicant shall be aware of and meet all air quality standards.

The storage facility will not create glare, radiation or fumes.

No flammable or explosive solids will be stored on the facility.

The proposed facility will be bermed and will not be visible from adjacent property.

The storage facility will be bermed and lined to reasonable mitigate foreseeable causes or forces.

The proposed site meets the requirements for storage of heavy equipment.

- The overall lot size is 27,000 acres
- The nearest residence is over 3 miles away
- The equipment in or use on the site is not visible from any adjoining property
- Due to the remote location, repair of equipment will not generate noise, odor or glare beyond the property boundary
- All equipment loading will be conducted on private roads

The applicant is proposing best management practices in the form of berming and lining of the site to meet EPA standards. Any other practices will be met for federal or state compliance prior to operation of the facility.

Jimmy Smith - storage to put those rock drillings in the pit. To keep the pads small, there's not room on the existing pad to do that. This is essentially stabilized rock.

STAFF RECOMENDATION: Staff is recommending the board approve the Special Use Permit to allow a Cuttings Storage Facility with the following conditions.

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless explicitly altered by the Board.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
3. The County reserves the right to retain outside expertise, at the expense of the applicant / operator of the facility, in order to conduct tests or analyses of the physical nature, water chemistry or groundwater properties on or away from the site.
4. That this facility is for the sole use of the applicant. If any other entities are to be added as users, then they would be subject to an additional SUP as well as rules and regulations as administered by the COGCC.
5. The applicant shall submit a weed inventory and control plan of the subject property
6. The applicant shall comply with all standards as set forth in §5.03.08 "Industrial Performance Standards" of the Garfield County Zoning Resolution of 1978 as amended.

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

Motion carried.

Discussion

Condition 3 - The County would not monitor this site and it would be reactionary and if we needed would have this condition in place.

Commissioner McCown moved to approve the Special Use Permit request for a Cuttings Storage Facility on the EnCana property located approximately 2.25 miles northeast of the guard gate located at the end of County Road 215, near Parachute, Colorado with conditions 1 – 7, 7 being added that a warranty deed must be presented to the County Planning Department prior to the issuance of the Special Use Permit. Commissioner Houpt seconded.

Houpt – aye; McCown – aye; Martin - aye

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR A NATURAL GAS COMPRESSOR FACILITY IN THE ORCHARD MESA AREA. ENCANA OIL AND GAS USA, INC. OWNER. REPRESENTED BY: WAGON WHEEL CONSULTING – RICHARD WHEELER

Surface Lease Agreement and the fee owners own the mineral rights but asked if the BOCC in the words of the CODE shall be filed by the owner of the parcel. In this case

Commissioner Houpt – discussed during the pipeline regulations and the Board decided this should be heard.

Richard Wheeler, Jimmy Smith, Carolyn Dahlgren and Jan Shute were present.

Discussion was held on the

Property owners – William R. Patterson, Rodney C. Power, Ronald E. Tipping, Maria E. Tipping being the lessor and hereby leased to EnCana Oil and the lessee.

The Board decided to go forward and accept notification.

Carolyn asked that this be part of the record.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 – Staff report and Exhibit G - Application materials; Exhibit H – copy of the executed Surface Lease Agreement. Chairman Martin entered Exhibits A – H into the record.

This is a Special Use Permit for "Storage, Processing, and Material Handling of Natural Resource" Natural Gas Compressor EnCana Oil and Gas (USA) Inc. Southeast of the intersection of CR 300 and HWY 6 – Orchard Mesa on 6 acres. ARRD (Agricultural Residential Rural Density)

The Building and Planning Department is in receipt of a Special Use Permit (SUP) application for "Storage, Processing, and Material Handling of Natural Resource" for a **Natural Gas Compressor** on a 6 acre property leased by EnCana Oil & Gas USA, Inc. The property is located approximately 200' south and 1700' east of the intersection of CR 300 and HWY 6 – Orchard Mesa Area. The Proposed compressor station will connect to a pipeline that is 12" in diameter and less 1000' in length.

As required in §9.03.04 of the Zoning Regulations, this request was heard by the Board of County Commissioners for a possible referral to the Planning Commission. On July 5, 2005 the Board voted not to refer this item to the

Planning Commission. This decision was based the historic industrial use of the property, the relatively remote location, and the size and impact of the request.

Under the new pipeline regulations, compressor stations are considered an appurtenance. The county would only review pipelines and appurtenants if the line is greater than 12" in diameter and over two miles in length or any pipeline that is over five miles in length regardless of the diameter. In light of the new regulations, this compressor would not be under the purview of the County. EnCana originally submitted this application prior to the Board approving the pipeline regulations and has decided to continue with the SUP process.

The applicant has submitted all State and Federal associated permits with the application materials for this Special Use Permit.

EnCana Oil and Gas USA, Inc are proposing a compressor station facility to provide dehydration, hydrate formation protection, and compression for produced natural gas. Gathering systems will transport gas from the wells to the proposed station. Once compressed, the natural gas is delivered to a higher pressure system and transported to a location where it is conditioned for sales. The station will be in operation 24 hours a day 365 days a year for 20 years. A complete explanation of the project is found in the Special Use Application materials under the heading of Project Description.

Once construction is complete, the station will not require water or sewer service. The system will be remotely monitored 24 hours a day by EnCana. This requirement is not applicable to the application.

Garfield County Road and Bridge Department has issued a driveway permit to EnCana for ingress and egress to CR 300. The completed compressor station will generate very little traffic. In light of the access permit and limited trips that will be generated by the use, no additional road improvements are necessary.

The proposed facility is adjacent to an existing gravel pit. The facility will be similar to compressor stations that are currently in operation along the I-70 corridor. A six foot high fence will be installed around the perimeter of the facility, to insure safety and security. Although the site will be visible from adjoining property, it will be compatible with existing uses and will not detract from the "neighborhood character"

The facility will not require the use of onsite water. There will be no depletion or pollution of surface run-off, stream flow or groundwater.

The proposed compressor will be run by a combustion engine that will have an exhaust system that is muffled to mitigate any unlawful noise. Any exhausted air shall meet all State and Federal guidelines. The applicant has submitted proper documentation of all State permits.

The applicant has not submitted any information concerning impacts to wildlife. Prior to issuance of this SUP the applicant shall identify any impacts to wildlife and submit a mitigation plan. During the construction phase, vehicles and equipment will be parked on the facility site and will not be allowed to block or hinder normal traffic. Certified flaggers will be utilized to insure safety as part of the Traffic Control Plan. Following completion, traffic flow to and from the facility will be 2 vehicle (light-truck) trips per day

The site is isolated from abutting uses; the nearest residence is more than ¼ of a mile from the site. The remaining use near the proposed site is a gravel operation plant that will not be damaged by the proposed operation

The applicant is proposing a six foot high fence around the entire perimeter of the site that will provide safety and security.

The applicant is proposing the following rehabilitation measures:

1. Removal of all surface equipment
2. Restoration and re-contouring of grade to approximate original conditions
3. Replacement of stockpiled topsoil
4. Compliance with all prevailing COGCC and Garfield County conditions governing final reclamation

The applicant has not submitted a weed inventory or a weed management plan for the site. Prior to issuance of this SUP the applicant shall provide this information.

It shall be at the discretion of the Board to determine whether security is needed.

The proposed use of the site will create noise. The applicant provided information stating the noise levels will be below what is allowed by the State. The applicant shall be aware of all sound volume standards and meet all State requirements.

The applicant has not submitted any information concerning ground vibration. Prior to issuance of this SUP the applicant shall submit information that no vibration will be perceptible at the boundary line of the facility

If the facility creates smoke or particulate matter, the applicant shall be aware of and meet all Federal and State air quality standards.

The storage facility will not create glare, radiation or fumes that will substantially interfere with adjoining property. Once again, the applicant shall be aware of all State and Federal guidelines and provide any mitigating measures prior to issuance of this SUP.

Hazardous materials such as lubricating oils, glycol, and methanol will be contained on site and will comply with CEPA rules and regulations. As noted earlier, the site will be surrounded by a six foot high fence

The proposed facility is adjacent to an existing gravel pit. The facility will be similar to compressor stations that are already in operation along the I-70 corridor. A six foot high fence will be installed around the perimeter of the facility in order to insure safety and security. Although the site will be visible from adjoining property, it will be compatible with existing uses and will not detract from the "neighborhood character"

No material wastes are proposed.

No heavy equipment storage, other than the machinery that will be enclosed in the compressor building is proposed on this site.

The proposed site is six acres and no additional storage is proposed.

The applicant has not submitted any lighting plans. Should outdoor lighting be used, the applicant shall ensure that all lighting is downward and inward facing towards the building and no light will trespass on adjoining property.

The applicant has submitted a Storm Water Management Plan. EnCana has previously applied for a SWMP for this site and the CDPHE has assigned a permit (COR-030000).

STAFF RECOMMENDATION: Staff is recommending the board approve the Special Use Permit to allow a Natural Gas Compressor Station Facility with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless explicitly altered by the Board.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.

3. The County reserves the right to retain outside expertise, at the expense of the applicant / operator of the facility, in order to conduct tests or analyses of the physical nature, water chemistry or groundwater properties on or away from the site.
4. That this facility is for the sole use of the applicant. If any other entities are to be added as users, then they would be subject to an additional SUP as well as rules and regulations as administered by the COGCC.
5. The applicant shall submit a weed inventory and control plan of the subject property.
6. The applicant shall comply with all standards as set forth in §5.03.08 “Industrial Performance Standards” of the Garfield County Zoning Resolution of 1978 as amended.
7. The applicant shall identify all wildlife and possible impacts the compressor station will have and propose a mitigation plan.

Applicant: Jimmy Smith – this facility is located adjacent to Hwy 6 and County Road 300, approximately 2,000 feet back to east of CR 300. A grading permit was applied for and received. The revegetation program was included with the grading plan. The facility location was at the landowner and moved approximately 2000 feet and his intended expansion of his gravel pit. The facility is intended to compress the gas and then sent into two streams, unconditioned gas could be put in the 24 inch, high pressure gas, called blending and the remaining gas will go in the existing 12 inch line into Rifle. The gas will be sent potentially into two streams, a portion of the gas which is unconditioned gas could be put into the existing EnCana 24 inch pipeline which goes to Logan’s wash and TransColorado, only a small portion of the gas can be done that way, it’s a high pressure gas and is called blending. The remaining gas will go down a 12 inch line existing and goes into an existing facility that EnCana has at the town of Rifle west of the town. The facility is not under construction.

Commissioner McCown – this will be in a building.

Jimmy – yes, as stated in the application, initially bring the compressors on line with gas power engines with every intention of electrifying those; EnCana intends to do that for two reason: 1) the proximity to electric lines and negotiations are currently approved by Xcel to deliver electricity to that, however the right of way for that are part of negotiations continuing now. The emission of noise from this facility was electrified will virtually be zero.

Commissioner McCown – with the internal combustible engines that you are going to put up there now, will the cooling fans and the exhaust be orientated so that it’s toward I-70 away from any houses in the area?

Jimmy – the exhaust facility will go up through the building and the cooling fans are oriented southward toward the gravel pit and the cooling fans are blowing air back to the north, so the sound out toward I-70.

Commissioner Houpt – expanding on Larry’s; this is very visual location and a long term facility and in the past we’ve talked about camouflaging this type of a facility in a barn structure, something that looks more agricultural. Is this something that would work? Some argument made that it has industrial use around it but there are residential.

Jimmy – concept of a barn; couldn’t honestly answer that because not being a civil engineer how that would work on a compressor facility with the exhaust needing to exit through the roof of the building. I can visual in my mind what that would like but you would be talking basically a 6 acre barn to eliminate all visual impact and theoretically no the barn concept would not work.

The compressors will be housed in a pitched roof building but with the piping I don’t think we could get away with the concept that it is an oil and gas operation.

Chairman Martin – this may be an interesting architectural issue. We may need to expand that and look into that if it could be a standard.

Jimmy this is a standard steel building. The Tipping have the gravel pit in place now and proportion in use the gravel pit is 4 times larger than this site would be and a person driving I-70 would first see the gravel pit before they would see the oil and gas site.

The barn concept was something that Commissioner Houpt and Chairman Martin voiced an interest in exploring for the future.

Commissioner McCown – how close to Hwy 6 and the setbacks off of Hwy 6?

Jimmy Smith - 200 feet south of the centerline of the railroad tracks and 250 south of the edge of Highway 6 and about 2000 feet east of CR 300.

Commissioner McCown – It’s about as far in the north east corner of the property.

Martha Berry – 1470 CR 300 – this site happens to be in my neighbor and as far as the gravel pit, we would have protested had we known it was going to go on and on – we thought it was temporary. They start crushing gravel at 5:45 am every morning and I hear it very clearly out of my bedroom window, so it is industrial but resent the fact that you suggest a Compressor station because of the gravel pit – lives across the river – hear the noise when they blow the gas. As for 20 years is okay because there’s already a gravel pit there therefore there’s an industrial site already created. I live directly across the river and heard the guys on the gas wells while they drilling, I could hear their voice; I hear the gas when they blow off the pressures at night now and it wakes me up, my life is changing dramatically because of this and I don’t want my life to be impacted like Sid Landau’s life. So I’m asking for berms, insulation, and by the way there’s about 46 to 50 head of elk that go by regularly right past that compressor station and we haven’t seen for them for most of the summer – they live on the river and the DOW kept track of them over the years. We are distressed and we know we can’t change this but we are asking EnCana to do everything possible to mitigate the impact on our residential area because we are rural residential. We are directly SE of the compressor station on the south side of the river. We have a straw bale house which is fortunately quite soundproof if every window is closed. We’re asking you to go beyond the regulations.

Commissioner Houpt – are you concerned about visual as well as noise?

Martha – yes, the whole area has turned industrial, we have 200 trucks go by our driveway everyday and driving down CR 300 there are trucks parked on the side of the road, heavy haulers waiting to be flagged, it’s an industrial area now. I am reminded often that the wells will be short lived but the compressor station will be there to stay. This area was traditionally ranching.

Joe Casteel – Carbondale - my family has owned the property adjacent since the late 50’s. Trying to work with EnCana on the problem with access to our acreage because we own the adjacent acreage and to get into this property all of a sudden after all of these years, the other property owners are balking and seem not to want to allow access to

our property which we've had over the years and recently the Road & Bridge Department came in and said Bud Strong's road that he's had down there since way back in the 50's, is no longer a valid access out on the County Road. Not objecting to this facility as much as to something that has developed with all the property owners and everybody else seems to be benefiting from this and all of sudden we're assuming the pain for all this development that's going on and asking to on a public record that they will work with us, obtaining public access to our property. This visual and sound effects are a problem.

Commissioner McCown – your historical access to your property, you share with the Strong's, where is that located in relationship to the gravel pit and to this particular compressor citing?

John E. "Bud" Strong – is in favor of the compressor site and the gas lines and everything else that we can do for our country and for our own sakes to keeps us going in this world. My property line is about 30 – 40 feet from the compressor station and concerned about the decibels of noise. Asked EnCana what he can do with his property if this is going to be industrial.

Chairman Martin – you can have all the uses the zoning allows - use by right – anything outside of that you have to come before this board to ask for permission to do so.

Commissioner McCown – what do you want to do with it Bud?

Bud Strong - like to get it classified as industrial; like to make the same usages as EnCana for storage on some of their stuff so they can stop hauling it up and down I-70.

Chairman Martin – you'd have to go through zoning and get it changed.

Commissioner McCown – the SUP would allow for various uses.

Chairman Martin – talk to the neighbors; the surrounding area as well.

Jimmy Smith responded to the concerns of the neighbors and appreciates the questions and the overall for the compressor – EnCana made this commitment due to the proximity of the neighborhood and will electrify this station and it needs an agreement with Excel and Private landowners and as much as 18 weeks for electrical equipment – initially gas driven compressors and will be meeting state standards but the earliest date this facility will be electrified.

Berm and buildings – insulated to a low hum – outside the building no one would hear it. Discharge for storm water, may or may not allow berms, this facility will allow the storm water to go away from Strong's. Mr. Castell & Jimmy have been meeting with the access agreements – will continue to cooperate and expect same with Mr. Tipping with GJ Pipe. Agreement with Mr. Tipping and can't just convey to Casteel but EnCana very actively trying to assist in negotiations – no legal way but trying to assist. Other option to access across the railroad – permit is available – very expensive – EnCana has promised and will help him get into his property. Committed to working with some kind of terms. We are currently working with Mr. Casteel on his electric line - the compressors were moved eastwards and more than 50 feet, guessing 150 feet.

Commissioner Houpt – because of the concerns today, it is important to think about the visual and noise impact. Talked about farm like structures and don't want to see our residential/agricultural reclassified – this is not short term by the people living there. Why is it problematic; why didn't we revisit the pipeline regulations and need to get that back on our agenda at a later time because we will not hear this type of facility again.

Commissioner McCown – the barn look, to me we are singling out an entity to create a visual picture that the neighbor next to them could build the same kind of a compressor structure absent the compressor and we would have no input in. I don't know how we can require one entity to build a structure to look like a barn and then the residential immediately joining that property can build a shed on their property and call it a garage and it would look just like a compressor station, I don't think we can go there, it would be a tremendous in-balance as how we're applying things. I don't want to see everything in Garfield County look like barn.

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

Houpt – aye; McCown – aye; Martin - aye

Commissioner McCown moved to approve the Special Use Permit request for a Natural Gas Compressor Station Facility operated by EnCana Oil and Gas USA, Inc, located southeast of the intersection of Hwy 6 and County Road 300, in the Orchard Mesa Area with Conditions 1 – 7 add Number 8 to state that immediately upon available of electricity to this site the compressors will be driven by electric motors. Commissioner Houpt – second.

Commissioner Houpt – I think its very important as you move forward with more production and especially considering the areas that your moving into that you recognize the seriousness of the concerns you are hearing today and you do absolutely everything to make sure you work with the neighbors; I don't agree with the staff report when it says its in an isolated area or an industrial area, I think we still need to protect those areas that are surrounding by residential locations and I appreciate the distance you all have gone recently in making sure you work with the surrounding areas, but there's going to be more scrutiny and more concern as this continues to grow so I hope you will heed everyone's concerns and work with them on this.

Commissioner McCown – I guess I can't be too critical of Richard's evaluation in this area, there's a commercial site immediately across Hwy 6 and a gravel pit adjacent to this operation so at first blush it would appear that there's industrial activity taking place in that area.

Chairman Martin – we remind everyone that the applicant's testimony and considerations that he has offered will also be part of the conditions of approval.

Houpt – aye; McCown – aye; Martin – aye.

CONSIDER A SPECIAL USE PERMIT FOR STORAGE AND MATERIAL HANDLING OF NATURAL RESOURCES FOR TREATED PRODUCED WATER STORAGE POND ON GRASS MESA KNOWN AS LAKE FOX STORAGE POND. APPLICANT: ENCANA OIL AND GAS (USA) – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, Mark Thrush, project engineer, water specialists with EnCana, and David Grisso were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D –Special Use Permit Exhibit F –Staff

memorandum; Exhibit F – Email from the County Oil and Gas Liaison and Exhibit G – Letter from the Grass Mesa Homeowners Association.

Chairman Martin entered Exhibits A – G into the record.

Fred stated the Applicant requests a SUP for “Storage and Material Handling of Natural Resources” for a produced water storage pond. The subject property is approximately 1.5 miles Northwest of County Road 319 on Grass Mesa on approximately 2 acres of a 40-acre parcel located in the ARRD (Agricultural / Residential / Rural Density)

The Applicant requests a Special Use Permit approval for a “produced water” storage pond to store treated produced water delivered from the Hunter Mesa water treatment facility delivered via an existing 8” pipeline. This water, once fully recycled, is to be re-used in the drilling process for natural gas wells in the Grass Mesa area. The size of the pond is approximately 460’ x 140’ which is equal to an approximate area of 1.47 acres.

In general, EnCana proposes to use this pond (already constructed) to store treated / recycled water to be used for continued well drilling and completion work in the Grass Mesa area where recycling water used in the drilling process reduces the demand on fresh water supplies. At present, a large amount of the water produced from EnCana drilling, completion, and production operations of natural gas wells in Garfield County is processed and stored at the Hunter Mesa Facility to provide a supply of treated water that is reused in the drilling process.

The Applicant proposes to use this new water storage pond (also referred to as the “Lake Fox Water Storage Facility”) to augment EnCana’s current capacity at EnCana’s Hunter Mesa facility located in the Grass Mesa area south of Rifle, Colorado which presently processes and stores water for drilling operations.

The water at the Hunter Mesa facility uses an electronic water treatment system that lowers the Total Dissolved Solids (TDS) of the produced water supply to well below 3,000 parts per million (ppm) as well as a significant Reverse Osmosis system. The proposal includes using an existing 8” pipeline to deliver the treated water from the Hunter Mesa facility to the proposed Lake Fox facility.

The proposal includes the construction and installation of an irrigation pump adjacent to the pond to be used to transfer water to and from water-hauling trucks and to send water to well drilling sites through 3” and 4” polyethylene pipes. This pump is powered by a natural gas powered engine and housed inside a building with a proposed footprint of 9.5’ x 10’ (95 sq. ft.) which does not require a building permit from Garfield County but, if served by electricity, would need an electric permit from the State of Colorado. The location of the building is on the west end of the pond by the access road.

At maximum usage, the facility is expected to require an average of approximately 10 water tanker truck trips per day into and out of the new facility. The majority of these trips will be on existing private roads that already service natural gas operations in the Grass Mesa area.

As you will recall, in July, 2004, the Applicant submitted an application for this same project. When Staff conducted the site visit, the facility (and associated pipeline from the Hunter Mesa facility) had already been constructed. The application also did not include any information regarding the pipeline that was to supply the facility with the water from the Hunter Mesa facility. As a result, the Applicant withdrew the application in order to amend the request to address the issue of the pipeline.

Most recently, Staff presented the Application to the Board in order for the Board to determine if a referral from the Planning Commission was necessary. The Board decided not to refer the application finding that 1) the facility (water storage pond and pipeline) has already been constructed, 2) the facility is intended to reduce the need for water tanker trips in the Grass Mesa area delivering water to the various drilling sites, 3) the facility could also serve as a valuable water source for fighting wildfires in the area, and 4) the Board has recently reviewed several similar facilities and is familiar with the associated issues without referring them to the Planning Commission.

Generally, the property is located on the southern portion of the Grass Mesa south of Rifle, Co. It is a 40-acre parcel surrounded on three sides by BLM and a private 40-acre property to the north. The map below shows the property outlined in the red box.

The subject property is zoned ARRD (Agricultural / Residential / Rural Density). The type of uses requested falls under the definition of “Storage and Material Handling of Natural Resources” which are contemplated as special uses in the ARRD zone district. It’s surrounded by BLM (zoned Open Space) on three sides with one private party adjacent to the north of the property. The area surrounding the proposal is pre-dominantly rangeland with similar, oil and gas, type land uses.

1. North: Grass Mesa lots (ARRD)
2. South: BLM (Open Space)
3. East: BLM (Open Space)
4. West: BLM (Open Space)

The access to the subject area is a private road built by EnCana which primarily travels through BLM and private property. This private roadway is accessed from Grass Mesa Road. Because this is a private roadway, Garfield County has no jurisdiction to impose county road regulations / standards as a result of impact from truck trips / traffic delivering water to and from the pond.

Pursuant to Section 9.03.04 of the Zoning Resolution, an application for a Special Use Permit shall be approved or denied by the Board of County Commissioners after holding a public hearing thereon in conformance with all provisions of the Zoning Resolution.

The storage pond does not require the provision for water and/ or sanitation service for employees / visitors in order for the pond to operate as it is primarily an unmanned operation.

The road system used in the Grass Mesa area is predominantly a private road system owned and maintained by residents in the area and not Garfield County. The primary benefit of the storage pond with its associated 3” and 4” polyethylene pipes is to reduce the need for large water hauling trucks hauling water across these roads to and from well drilling sites in the Grass Mesa area. In addition, because water sent to the pond will be via an 8” pipeline from the Hunter Mesa water treatment facility, a significant amount of heavy truck traffic will be eliminated from impacting the County road system (particularly Mamm Creek Road.) The Road and Bridge Department did not provide any comments on this application. Staff finds that this facility reduces current heavy truck impact not only to the private road system in Grass Mesa but also on the County’s road system which reduces Co2 emissions, PM10 (dust) generation, and increases safety for the general public traveling these roads.

The pond (albeit already constructed) is located in a relatively remote corner of the privately owned land in the Grass Mesa area which consists of large 35+ acre tracts created through the State’s exemption process and is not a

subdivision approved within the regulatory context of the County’s subdivision regulations. The pond is located on a 40 acre tract at the most southern portion of this area and surrounded on three sides by BLM with the nearest residence being approximately 1,000 feet to the northeast of the site.

The pond will not generate any measurable impacts such as noise, vibration, dust, fumes, etc. as it will be standing water. The irrigation pump is natural gas powered and does generate noise and emissions. The Applicant has enclosed this pump in a building intended to protect the equipment from the elements while providing significant noise reduction. During the Staff visit, this pump was working but the door to the pump house was propped open. This door needs to be kept shut to achieve the desired affect of noise dampening. While the property is elevated higher than most other privately owned properties in the area, the pond is actually only most visible to the adjacent property owner to the north. The 3” and 4” polyethylene pipes placed in the ditches along the road ways in Grass Mesa are visible but are not buried due to their temporary nature.

Presently, the Applicant has not installed any screen fences or landscape materials on the periphery of the pond (top of the berm). Should the Board approves the request, Staff suggests, as a condition of approval, the Applicant be required to install natural screening vegetative landscaping along the outside of the fence on top of the berm along the north and east and west sides of the pond to minimize the visual impact of the pond from the views from the north. This type of landscaping shall be approved by the County Vegetation manager and shall be installed prior to the issuance of any Special Use Permit. Further, no lighting shall be allowed as part of the pond operation. Any lighting requested for security / safety purposes shall be of a shielded design, directed downward and inward towards the property and motion censored.

Pursuant to Section 5.03.07 of the Zoning Resolution, a permit for Industrial Operations requires the submittal of an impact statement on the proposed use describing its location, scope, design and construction schedule, including an explanation of its operational characteristics. The impact statement is required to address the following:

The application states that the facility is designed to protect groundwater and surface water resources. The pond itself is lined with an impermeable high-density polyethylene (HDPE) liner. There will be no use of either groundwater or natural surface water on the facility. The facility design will preclude any pollution to enter surface run-off. There will be no sewage or solid waste generated on the site.

Staff is concerned that the water being sent to the facility from the Hunter Mesa facility is “treated” produced water. The application only states that it is electronically treated to have less that 3,000 part per million of total dissolved solids. Staff is concerned about other possible contaminants in the water that, if leaked, could impact groundwater that provides drinking water to residents in the Grass Mesa area.

As a result, should the Board approve the SUP, Staff suggests that the Applicant should be required to install a groundwater monitoring well down gradient of the pond in order to annually test groundwater to ensure groundwater resources have not been impacted by any potential leakage from the pond.

The proposal states that the water pump at the facility is expected to emanate low-level noise and possibly minimal amounts of vibration. The planned pump building will aid in mitigating this noise and vibration. The sound level of noise emanating from the facility will not exceed the 75 decibel maximum set forth in Colorado Revised Statute 25-12-103. Given the remote location of the new facility, noise should not be a nuisance to area residents. The vibration, if any, should be localized to a small area immediately surrounding the pump. If, in the unlikely event, nuisance noise, vibration, or odors are emanated by the facility, additional measures will be taken to control them.

The Board has consistently interpreted the state statute regarding noise impacts to mean that an applicant is required to demonstrate that the noise generated from the pump does not exceed the levels set out in the statutes which are provided in the matrix below. Further, the Board has also understood that the level that needs to be met is that of the receiving use and not the sender use. In this case, the receiver use is a residential use 1,000 feet away which requires noise not to exceed 55 dba as measured 25 feet from the property’s lot line.

The Statute states “*Sound levels of noise radiating from a property line at a distance of 25 feet or more there from in excess of the dB(A) established for the following time periods and zones shall constitute (prema facia) evidence that such noise is a public nuisance.*” The table below shows the zones and dB(A) acceptable for each zone and particular time.

<i>Zone</i>	<i>7 am to 7 pm</i>	<i>7 pm to 7 am</i>
<i>Residential</i>	<i>55 dB(A)</i>	<i>50 dB(A)</i>
<i>Commercial</i>	<i>60 dB(A)</i>	<i>55 dB(A)</i>
<i>Light Industrial</i>	<i>65 dB(A)</i>	<i>70 dB(A)</i>
<i>Industrial</i>	<i>80 dB(A)</i>	<i>75 dB(A)</i>

The application states the facility will occupy approximately 2 acres of a 40-acre parcel, with the storage pond covering approximately 1.47 acres. According to wildlife distribution maps from the Colorado Department of Wildlife, the site is located on summer rangeland for mule deer and elk and is within migration corridors for these animals. This type of facility is by nature incompatible with continued wildlife access therefore wildlife will be excluded by wildlife-proof fencing. The limited size of the facility will not block wildlife migration routes. The water to be stored at the site is not expected to be an attraction or a threat to waterfowl, but a deterrence system will be installed if waterfowl usage does occur.

Staff sent the application to the Division of Wildlife but has not received any comment.

The facility will be in continuous use and operation 24-hours per day, year-round. However, the majority of activity at the facility will occur during normal business hours. At maximum usage, the facility is expected to require an average of approximately 10 water tanker truck trips per day into and out of the new facility. The majority of these trips will be on existing private roads that already service natural gas operations in the Grass Mesa area. Water trucks will operate primarily during daylight hours and will be traveling to and from well locations in the area. Heavy trucks already travel the roads in the Grass Mesa area, therefore the new facility is not expected to require specific improvements to the existing roads.

Again, the primary benefit of the storage pond with its associated 3" and 4" polyethylene pipes is to reduce the need for large water hauling trucks hauling water across these roads to and from well drilling sites in the Grass Mesa area. In addition, because water sent to the pond will be via an 8" pipeline from the Hunter Mesa water treatment facility, a significant amount of heavy truck traffic will be eliminated from impacting the County road system (particularly Mamm Creek Road.) The Road and Bridge Department did not provide any comments on this application. Staff finds that this facility reduces current heavy truck impact not only to the private road system in Grass Mesa but also on the County's road system which reduces Co2 emissions, PM10 (dust) generation, and increases safety for the general public traveling these roads.

The storage facility does not differ significantly from the surrounding oil and gas exploration and production related land uses. The location is relatively remote. There is an existing residence approximately 1,000-feet northeast of the site, with other area residences lying at least 1/2-mile from the site. A water storage pond presents relatively benign effects in terms of noise, odor, dust, and visual impact and sufficient distance exists to provide protection to surrounding properties from the minimal impacts of this facility. Staff suggests that landscaping be installed to better mitigate visual impacts of the facility.

The application states that the expected life of the Lake Fox Water Storage Facility will be 20 years. The application contains a "site rehabilitation plan" that includes:

- 1) Removal of all surface equipment (pump and pump building) and pond liner material;
- 2) Restoration and re-contouring of grade to approximate original conditions;
- 3) Replacement of stockpiled topsoil; and
- 4) Compliance with all prevailing Colorado Oil and Gas Conservation Commission and Garfield County regulations governing final reclamation.

The Application contains a copy of the security for this facility posted with the COGCC for E&P Waste Facility for \$50,000. Rather than require a separate security in the past, the Board has accepted this security by the State.

Staff has identified certain conditions of approval which, should the Board approve the proposal, will be memorialized in a resolution of approval. The purpose of the conditions would be to mitigate identified impacts in the proposal.

Pursuant to section 5.03.08 of the Zoning Resolution, all Industrial Operations in the County shall comply with applicable County, State, and Federal regulations regulating water, air and noise pollution and shall not be conducted in a manner constituting a public nuisance or hazard. Operations shall be conducted in such a manner as to minimize heat, dust, smoke, vibration, glare and odor and all other undesirable environmental effects beyond the boundaries of the property in which such uses are located, in accord with the following standards:

The application states that the only source of noise at the site will come from the water pump housed within a building. The pump is expected to produce low-level noise, but the building structure is anticipated to reduce noise from the pump. The sound level of noise emanating from the facility will comply with the maximum levels set forth in Colorado Revised Statute 25-12- 103. Again, the door to the pump building needs to remain closed at all times to achieve the desired noise dampening affect.

The proposal indicates the water pump at the facility is expected to emanate minimal amounts of vibration. The pump building will aid in mitigating this vibration. The vibration, if any, should be localized to a small area immediately surrounding the pump. If, in the unlikely event vibration is emanated by the facility, additional measures will be taken to control them.

As stated in the application, an irrigation pump is proposed to be installed at the facility and will be used to transfer water to or from water-hauling tank trucks at the facility. A natural gas powered engine will drive the pump. This engine will emit air pollutants, but these emissions will be relatively minimal due to the characteristics of natural gas combustion. An air emission permit will be obtained from the Colorado Department of Public Health and Environment Air Pollution Control Division for this engine and as such, the operation of the engine will comply with State and Federal regulations. Should the Board approve the SUP, Staff suggests the Applicant provide this permit as a condition of approval.

An irrigation pump is installed at the facility and will be used to transfer water to or from water-hauling tank trucks at the facility. A natural gas powered engine will drive the pump. This engine will emit air pollutants, but these emissions will be relatively minimal due to the characteristics of natural gas combustion. An air emission permit will be obtained from the Colorado Department of Public Health and Environment Air Pollution Control Division for this engine and as such, the operation of the engine will comply with State and Federal regulations. Given the remote location of the new facility, noise will not be a nuisance to area residents. The vibration, if any, should be localized to a small area immediately surrounding the pump. If, in the unlikely event, nuisance noise, vibration, or odors are emanated by the facility, additional measures will be taken to control them.

There is no planned storage of flammable or explosive solids or gases at the facility. In the event that storage of such materials is required in the future, the storage conditions shall comply with all local, state, and federal regulations.

The site is surrounded by a field fence (wood posts with wire mesh panels). Adjacent property characteristics and surrounding land uses are such that a visible barrier fence should not be necessary, however may be added, dependant upon the discretion of the County Commissioners.

Should the Board approve the request, Staff suggests this be included as a condition of approval.

No heavy equipment is proposed to be stored on-site.

The facility will occupy approximately 2 acres of a 40-acre parcel, with the storage pond covering approximately 1.44 acres.

No permanent lighting is planned for the facility. If the use of lighting equipment becomes necessary for future operation of the facility, it will be installed so that it is pointed downward and inward to the property center and shielded to prevent direct reflection on adjacent property and shall be motion detecting lights.

The application states that the facility is designed to protect groundwater and surface water resources. The storage pond is lined with an impermeable high-density polyethylene (HDPE) liner. There is no anticipated potential water pollution hazards associated with this facility. Staff is concerned that the water being sent to the facility from the Hunter Mesa facility is “treated” produced water. The application only states that it is electronically treated to have less than 3,000 part per million of total dissolved solids. Staff is concerned about other possible contaminants in the water that, if leaked, could impact groundwater that provides drinking water to residents in the Grass Mesa area. As a result, should the Board approve the SUP, Staff suggests that the Applicant should be required to install a groundwater monitoring well down gradient of the pond in order to annually test groundwater to ensure groundwater resources have not been impacted by any potential leakage from the pond.

STAFF RECOMMENDATION

Staff recommends that the Board approve the Special Use Permit for “Storage and Material Handling of Natural Resources” for the Lake Fox water storage facility owned by EnCana Oil & Gas (USA), Inc 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. 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.
 5. The Applicant shall comply with all Local, State and Federal Fire Codes that pertain to the operation of this type of facility.
 6. Any signage installed on-site shall comply with the County’s sign regulations.
 7. Any changes to the Special Use Permit will require a new Special Use Permit.
 8. Rehabilitation of the property, when the use terminates, shall consist of the following:
 - a. Removal of all surface equipment (pump and pump building) and pond liner material;
 - b. Restoration and re-contouring of grade to approximate original conditions;
 - c. Replacement of stockpiled topsoil; and
 - d. Compliance with all prevailing Colorado Oil and Gas Conservation Commission and Garfield County regulations governing final reclamation.
 9. Groundwater resources shall be protected at all times. In the event of potential violations with respect to water pollution, the Applicant shall be required to provide proof of compliance with applicable Federal, State and County laws, regulations and standards. Specifically, the Applicant shall install a groundwater monitoring well down gradient of the pond in order to annually test groundwater to ensure groundwater resources have not been impacted by any potential leakage from the pond. The Applicant shall furnish the results of such testing to the Building and Planning Department and the Grass Mesa Homeowners Association and which said results shall contain a professional opinion as to any impact to ground water. This annual test shall be conducted for the life of the facility.
 10. The Applicant shall install natural screening vegetative landscaping along the outside of the fence on top of the berm along the north, east and west sides of the pond to minimize the visual impact of the pond from the views from the north. This type of landscaping shall be approved by the County Vegetation Manager and shall be installed prior to the issuance of any Special Use Permit.
 11. Any lighting proposed to be installed at the facility shall be of a shielded design, directed downward and inward towards the property and motion censored.
 12. The Applicant shall install a waterfowl deterrence system prior to the issuance of the Special Use Permit.
 13. The applicant shall lower the height of the dam to less than 10 feet and remove the spillway to satisfy the requirements of the State Engineer’s Office and the Colorado Oil and Gas Conservation Commission regarding the allowable height and spillway regulations related to Centralized EPA Waste Facilities.
 14. No operation of the facility shall be allowed until all of these conditions have been met.
- Fred moved onto some of the issues for the Board’s attention. 1) site plan that was shown, 2) the depth of the pond and the spillway issue. The proposed Dam is 12 feet from the bottom of the dam and the spillway which is part of the approved by State Engineers Office Water Resources – you can get a deeper dam, you have to have approval of that as it is a jurisdictional sized dam; the second point is the production waste facilities which the Board has

seen in the past, these are evaporation ponds. E&P waste facilities cannot have spillways according to recent discussions that Doug has had with the COGGC; also Doug's comments were attached in the staff report.

Lastly, we have suggested that in order to meet those two things, they would have to lower the height to 10 feet and eliminate the spillways. With water quality, in the staff's review this is one of the bigger issues to deal with. There is more residential area we're dealing with rather than some of the other ponds the board has seen in the recent past.

Commissioner McCown – would be having this conservation is this was fresh water?

Fred – no. Commissioner McCown - At what point does production water even though it's treated become fresh water? Fred – it never becomes fresh water, it still E&P waste, and it's just treated. Commissioner McCown – how is the treated water allocated for a discharge permit by the State? The applicant will have to answer this question.

Commissioner McCown – this water has to be of a certain level of quality but it still not considered fresh water?

Fred – it still wouldn't be fresh water still. Commissioner McCown – in theory the water can be treated to a level above the fresh water standards and it's still never considered fresh water. But they can still get a discharge permit back into the State of Colorado waterways. Fred – yes, it's a definitional issue.

Chairman Martin – there's a conflict between the Division of Water Engineer and the Oil and Gas Commission in reference to produced water, the rights and uses, etc. and that is being answered as we speak because it's under one agency and they're trying to wrestle with that idea and come to some terms and then give it to the industry as well as the users of the water, both agricultural and municipalities.

Commissioner Houpt – Doug raised numerous concerns and split a lot of the water quality and spillway issues out, did you as you wrote these conditions that address this, do you feel that you address all of Doug's concerns. Fred – yes, the one that I didn't spend a tremendous amount of time was the engineering standards. These are similar for ponds by EnCana but no statement that these standards are applied to Lake Fox when it was construction so there's a question did they meet those same standards when they built this.

Applicant:

Jimmy explained how this pond was constructed prior to the application for the SUP under the belief that the pond was regulated by the OGCC, which it is but also the County has the right to impose land use regulations and therefore the application was made at that time. The pond does have (hesitate to call it fresh water because of a definition issue as mentioned and what is the definition between fresh and potable – a terminology issue) but the water is there with the intent of holding the liner down; the application that has been made with the State is contingent and will not be issued until the County has approved the SUP, so there are options as to the spillway, option to the height of the berm and should be noted that the drawing reflects a 16 feet on cut but the fill is the 12 feet issue on the east side. Those permits are still outstanding, and will be obtained by EnCana, several options and which type of permit and which regulatory authority those will come from, there's precedent been set recently by other companies where there were differences made or waivers made in regulations in certain instances and whether or not that would apply remains to be seen by the other agencies. The main thing about this pond and the water stored in the pond is this is treated water and actually better quality than the Colorado River and the fact that EnCana's intent is to treat the water in the neighborhood of 300 parts per million total dissolved solids and the Colorado typically runs from 500 to 800 parts per million and that's why they were able to get a discharge permit into the Colorado River because it is higher quality water. Whether it's fresh or produced can't say what you would want to call it. It should also be noted that Fred talked to, the 3 and 4 inch poly lines – those are temporary lines that are typically gathered back up and taken up during the winter time when no drilling activity, Only the permanent facilities that are buried would remain. What would happen if those lines were to breached or have a leak, EnCana can and is contemplated getting a discharge permit from the State for that water as well. That's a very simple process particularly where you've got this quality of water. The monitoring of the water is contiguous and Mark can speak to that, the RO system installed at the Hunter Mesa facility has electrical monitoring on a continual basis to ensure the quality of water reaching this facility remains at that level or within that acceptable range.

Mark Thrush - thought Jimmy did a good job of explaining.

Chairman Martin – in reference to a breach, how would you know until there is damage to a property owner down below it, is there a monitoring system that will let you know on the flow? Flooding for example.

David Grisso – we've used those lines with strictly Colorado River water before. We've had those lines break before where somebody shut a valve and this is all Colorado River water in those lines and once again we've discovered it and repaired it without any flood damage. That line is only 3 inches; we haven't had any damage yet. That first summer we ran it I think we had four line ruptures on that fresh water line. We have people up there around the clock; (2) operators actually there when that's system's running; its their job to make sure the water is going where it is supposed to go, run the pump, communicate to the plant below, run more water, etc. That system is only operated when we're up there. During the winter stipulations, December 1 to March whatever day the BLM determines, that system not operated, drained and the surface lines are removed.

Commissioner McCown – on the pump location and the actual theory behind the pump, is it simply to load trucks or is that 4 inch line pressurized, given the elevation differences if this were an irrigation impoundment, there would be enough pressure to handle everything down below that.

David – it's to do two things; to assist the trucks in loading quicker and you have to get it out of the pond and yes, once you start it over the lip of the pond it pretty much delivers itself but you've got to get it out of the pond.

Commissioner McCown – Mark, if this line should breach, would it be any different than the Colorado River line breaching as far as any contaminants or would flooding damage be the only thing that we would be concerned about?

Mark Thrush – we are monitored by the Colorado Department of Public Health and Environment to maintain water quality and those water quality standards right now stipulate that we need to be in a standard better than the Colorado River and so in staying with those standards now, there is no contamination issues, as much as a flooding issue and David addressed that.

David – the reason we're not operating that system is, when we starting planning this RO system we committed not to do anything with the lines from Hunter Mesa all the way to Grass Mesa and on top to make sure they stay in a quality equal to the Colorado River.

Mark Thrush – The manner in which the discharge permits work with the Colorado Dept of Health and Environment is a sample has to be taken at the point of discharge so if a discharge were to occur, line a line break for instance, a sample would be taken and analyzed to see if it meets with the discharge permit.

Chairman Martin – if there were a breach would it siphon off all the water out of that pond without you guys knowing it and at that point we have one mess down below.

David – no, as soon as it empties a line until someone can either shut the valve or the line's just empty, now the lines only run ½ way across Grass Mesa – use to be they ran all the way down to the end but we found that was causing most of our problems.

Jimmy – that pump does not run on a 24 hour basis as David said, so whenever water was being pump there would be someone in need of that water and would be watching for that water to be delivered at that time so its not a system that is running on its on automatic with continual feed of water whether its needed or not. A man would turn that pump on and off.

Commissioner Houpt – asked Jimmy to respond to staff's question on what standards were applied with the construction of the Fox Lake.

David – the standard that was stated to us was the measurement goes to the original grade and the cut into the natural elevation is not measured in the height of where the damm can be, its unregulated if its below 10 feet over original grade; when we constructed it there was a mistake made and it was brought 12 feet above original grade and what the State recommended to us the same gentlemen that Doug states in his letter recommended that we make the spillway down to bring that into compliance and that's what we did and then we lined that spillway and then we hold our level at 2 feet of feed board below the top of that spillway with fresh water from the Colorado River.

Jimmy – also, the engineering standards that you spoke of, whether they're stated or for sure implied, all ponds by EnCana construction meets those standards and tested to ensure that as far as compatibility of the soil, the liner that's put into the pit meets the standard, in this case above what's required for this type of water source. The engineering standards that were used to construct this pond were the same as other facilities that EnCana does construct and testing could verify that.

Commissioner McCown – could this water be allowed to be used for fire fighting?

David – yes, same as the water that was in there previous. The reason there's no water in it now is we isolated that system once we started the RO unit.

Mark Thrush – added that if we were to make that available to fire again, to follow all the state guidelines we would need a discharge permit and that is something we would need to do before going ahead and using this water.

Jimmy – the other thing, the dependable of that water being available for fire fighting may or may not be there, depends on availability due to the drilling activity and whether or not the pump was running or whether was in the pond. It would not be something the community would want to count on 100%.

Commissioner McCown – but you'd have to admit that during our normal fire season, that is during the normal drilling season on top of Grass Mesa.

David – we found that one of the trailers that they have up can be filled even when the pump is not running because the volume is in the line and like you said the hydrostatic on that line.

Chairman Martin – even though we don't have any jurisdiction in reference to the roads and the barrow pits, have you entered into any agreements with the Grass Mesa Homeowners Association on maintenance of bar ditches where you have your pipe.

David – where we access our producing wells, yes we do 100% of maintenance on Grass Mesa.

Public Testimony:

Adele Hubbell – adjacent landowner and would suggest that the monitoring well be between her well and the spillway – the distance if 500 to 700 feet and thought EnCana was putting a second pond above – like to see water up there – any humidity is fine and thanked EnCana for putting up a berm on the last week, hoping they will put grass and berm

Commissioner McCown – monitoring well ½ way between the pond and your well – and still stay on their land?

Adel – thinks so.

Bret Closs – Grass Mesa – discharge permit – no discharge of anything breech in the line – the treated water only if it's discharged – can send untreated discharge water all day long as long as not in Mamm Creek; the issue is not being addressed. When the County regulations once those trucks run there it is a industrial – the water lines that use to run - the water lines are coming by his house – 10 trucks per day – considering 200 vehicles going by his house – to me is the traffic generated – industrial support of this reservoir. He doesn't hear these being addressed. Noone can convince him that it's not industrial use.

Commissioner McCown – so in your opinion, for the betterment of the neighborhood if we drain that pond and they hauled all that water from the bottom of the hill, would that be a better situation for the neighborhood?

Bret Closs – No, but if you could ...

Commissioner McCown – let me finish, they have an industrial operation at the bottom of the hill, that's permitted and they have a pond there, it would work there, but they just don't have any way to hold it at the top of the hill, so they would be hauling it ½ the distance. This is miles that go past your neighbor's house with trucks. You're saying you had 200 go by yours, if you multiple that by 2 of the length of traffic that they have to drive, the miles of roads they have to travel; you're doubling of neighbors that would be impacted.

Bret – depends on where they're going – what about the industrial support facility – what other use could it possibly be?

Garland Anderson – Grass Mesa – all points are valid – another overlapping issue to be addressed – issue – do have a reference and a number of places, originally when this concept came up – putting in this facility into a residential neighborhood – zoned residential and he pays residential taxes – the original issue covenants and restrictions on what you can and cannot do on 40 acre lots – now they are doing their business – came and asked – very beneficial for fire – fresh water out of the river and pushed the envelope allowing – now full cycle and things have changed. Now no longer river water that was acceptable for leakage, now it's treated water and still has the possibility that can have any number of malfunctions and can ship up produced water and has that potential damage. If everything goes right yeah – but that's not real life – mechanical, electrical, personnel failures – all day – point is that this pond has the possibility of receiving water that is untreated and goes against – we agreed to fresh water out of the river. Issue – gentlemen's agreement – now pumping 24 wells of methane running thought osmosis – bad news bear – changing – junk, buildings, but here they went and now they broke

their agreement. Issue – agreement was fresh water and this has the potential of receiving untreated water – concern.

Bret Closs – if it comes to see that this is an industrial operation – change to zoning – this operation is not permitted by the agreement they have – BLM, Natural Resources OGCC. Giving the opportunity to do it and should be regulated to its fullest extent – opportunity to regulate it and wish the BOCC would.

Fred – standards – Bret Closs – industrial facility vs as material handling – and how to deal with it. It's in our land use code we don't define as an industrial but we do define storage, material handling and in fact more – a better scenario or – what the BOCC can regulate – 2nd - is how to treat it – all of those that include industrial support – its better to regulate these – from a land use perspective – 2 sections – Fred dealt with ind 5.03.7 - 5.03.8 Fred used. These things are in there and are required to be addressed the same as for an industrial support facility.

Commissioner Houpt – does it answer Bret's question?

Bret Closs - No. Items not covered, understands Fred explanations – the traffic issues and impacts are not addressed. Won't lessen the traffic – do not have a drilling plan to start at one end and – trucks all go by his house – it's the traffic issues generated by the industry. Traffic has to be addressed – 200 vehicles going by his house – now 300 vehicles. They have 3" lines they buried numerous times – 3 inch doesn't handle volume – now 4" pipes on the ground. Inefficient – it's going to be trucks – they don't have lines to every well.

Fred – what would the trip count be if this storage pond was not built and you were trucking water from Benzel or Hunter Mesa through that area?

David – we emptied that pond of river water around the 1st of April with trucks and it has not been used since, to the activity that Mr. Closs sees is all trucking as Larry said; the reason he sees so many is because most of the activity has been south this year, which goes past Hubbell, Closs, and a couple other properties so to say how many trucks, detailed answer, Bret brought up one of my mistakes, the 3 inch line. It was not big enough and that's why we've been putting in the 4" lines and we plan on using both this year. At the end of last year we tested using both lines and it was enough pumping to supply a big pad, that's why we told the Board this year we're going to lay these 4" lines in addition with the already buried 3" lines. He's right, there's not buried lines to every pad that's where the 4" lines come in and in a couple of rare spots we even run 6" up on the BLM, we've run 6" up off of Grass Mesa going up onto the BLM knowing the 3 and 4 inch lines by themselves were not enough. This is a planning issue – trying to do is trickle into these frac pits and frac tanks all the time and then when they specifically need it then we direct the flow to that area. It's a balance issue.

Commissioner Houpt – when you talk about traffic and your application talks about 10 trucks so I'm assuming this will be 10 water trucks per day max, is what the application says. But when you're talking about the impact of traffic in a rural residential area, do you see benefits of planning, we've been talking about this with Roan Plateau about the concept of rolling production so you start in one area and that's the area that's impacted and then you move to another area so you don't have trucks going everywhere at the same time and you don't have roads being built at the same time, but there's a plan and order to the process you're doing – if that would work for it would make more sense by the people being impacted.

David – a point, those surface lines are picked up before the winter. Be aware those come up before December 1st every year. As far as Bret stated we're only using 1/2 the systems – we disconnected the line at Section 27 which is about where Grass Mesa road runs east and west, because we were having trouble operating the entire system at once, we disconnected also, we're not drilling north of this area this area, so most of our drilling is concentrated to the south and west; so we're not just going to pump to the south and truck to the north, it's where we're concentrating our efforts this year and it makes our water system more efficient.

Commissioner Houpt – plan in place for not having scattered drilling.

David – no drilling on the northwest for 2005 or 2006 so we do have a 3-year plan in place but obviously it changes but we have focused everything to the south and west this year on Grass Mesa.

Commissioner Houpt – why would you have to truck water in up that road if it's coming south?

David – we have no water in the pond. Why would we permit 10 trucks a day? The CMB wells are in the southeast of the East Hunter Unit on Divide Creek. The CMB water is produced in the East Hunter Mesa unit which is roughly near the Divide Creek near the old WestStar compressor station, it is put into a 12 inch line and brought to the Hunter Mesa water treatment facility through pipeline, treated by the RO and produce only what our capacity is on our reverse osmosis then it is dumped into our north pond and part of Garland's concerns and he invited Garland to a tour in case somebody has a bad day like he state, we actually have safeguards in place the same water going to the Colorado River goes to Grass Mesa, it comes out of the same pond, so there's no way for produced water physically to get into that north pond and can show that to anyone through a tour. Then it comes into a separate system, goes to a holding tank, is pulled through the RO and discharged into the north pond. The 10 trucks are permitted for Lake Fox, if we can't keep up with the pipelines up on top, the distributions lines with 10 trucks if we had to. More than likely if we're doing our job right, we won't need any trucks at all but we had to state in there that we possibly may need some trucks now and again. We looked at worst case scenario. We will be reclaiming that other pad site like the one right above Adel. They will get the same people up there to assess that and revegetate, the pond. They take care of that, they decide what kind of plants to put there at our Benzel pit we have Pinon pine and we put a temporary system until Planted Earth decides they don't need tiny tank to water the plants. Planted Earth guarantees.

Bret Closs – David, the 3-year drilling plan – what does this mean?

David – means that we have a 3-year drilling plan, that doesn't mean that we'll be done in 3 years but we have a proposed drilling plan that we hope to keep to, obviously that doesn't always work out, the last two years they couldn't drill the number of well that we wanted to each year, so this has set us back. We try to be more realistic, this year we're targeting 36 wells on Grass Mesa.

Bret Closs – does the fact that you propose to use this for 20-years mean that it's a 20-year drilling plan instead of 3-years? Can I anticipate your 10 trucks a day 24/7/365 a year for 20-years?

David – the life of the pond is stated to the quality of the liner, when we fill out the permit it asks for the life of the liner and it has a 20-year liner it in, can't answer that EnCana's going to be drilling for 20-years. We do have a 3-year drilling program projected for Grass Mesa. If I had to tell you honestly I don't believe it will take us that long to drill that up, but I can't answer that.

- Jimmy – in regards to the State permit that was an issue before, that State permit will be obtained and the State will tell us what we have to do with the dike whether to lower the dike or remove spillways or whatever is requested.
- Chairman Martin – that is the pond permit, not the discharge permit.
- Jimmy – that is correct. The discharge permit is another thing we will look into.
- Doug – wanted to clarify a comment in the email to Fred. The groundwater well is a good suggestion, that was not where I was going – my comment was geared toward Mr. Anderson's concerns about would we ensure that the water going into the pond meets the standards that EnCana has said and I've visited a lot with these folks about how that whole system works and thought it was important that they provide that detail and what kind of safeguards were there, the residency time in the ponds that will allow them to catch an issue before it gets to Grass Mesa, that this be addressed in this application so that you understood that as well as the public understood some of the safeguards that go into assuring that water is clean before it gets up there.
- Commissioner Houpt – and after it gets in there, it's not a bad idea to have a monitoring well for peace of mind for neighbors too.
- David – I agree with Larry, that area is still heavily vegetated so where we say a specific site for a monitoring well, we probably ought to visit the site so we don't tear down a bunch of trees to drill a well ½ way between our property and their house – this acts as a buffer between their house and our property.
- Chairman Martin - No brand new highway between the two; I would not be for that if that's what it took, but a monitoring well to monitor the ground water contamination is a very important issue.
- Commissioner McCown – given the testimony heard today and realize they are relatively cumbersome to come by from a paper work standpoint, but what would be the chances of a discharge permit that would also let you discharge that water into East Mamm or West Mamm or the different drainages off of Grass Mesa, would that cover the break fear knowing full well that the EPA would require a certain level of water to be in that discharge permit – would that quell the fears that the homeowners may have on the quality of water going up on that hill? Right now your permit is limited to West Mamm Creek, what if you expand that to go further west that would let you discharge into another drainage?
- Mark Thrush – expanding the discharge really in my mind knowing what goes into the discharge permit, it could definitely be done but it wouldn't provide me any sense of security knowing that I could go one drainage to the other because the permits would be similar and water quality will be standard across all of the ...
- Commissioner McCown – I know that but the homeowners on Grass Mesa have that level of confidence that you have, knowing that you had a discharge for Ramsey Gulch, if you had a discharge permit for that gulch that would go cross-gradient all the way across Grass Mesa from Mamm Creek to Ramsey Gulch and if a discharge permit were allowed in that area, the State would have a high level of confidence that the quality of that water is still good whether its been up there in the pond, stayed overnight, a line broke, whatever, there's still nothing wrong with that water.
- Mark Thrush - that's what we had mentioned before.
- Jimmy – that is right, the potential problem there may be but not sure of the exact answer to it, but it may be the ownership of where the water came from, is it unit water, who it belongs to, it could be a legal issue.
- Commissioners McCown – well, that's going to be a big fight before it's all over Jimmy but I just, to me I know it's the same water.
- A motion was made by Commissioner Houpt and seconded by Commissioner McCown to close the public hearing; Martin – aye; McCown – aye; Houpt - aye
- A motion was made by Commissioner McCown to approve the Special Use Permit for storage and material handling of natural resources for the Lake Fox Water Storage Facility, that the 14 conditions as recommended by staff apply and I would like it on the record that on the monitoring well as long as its down gradient of the pond it does not have to leave the property of EnCana and encroach on the vegetation of the neighbors.
- Commissioner Houpt –can we add another condition just reiterating what was in the application that there will be no more than 10 trucks per day to and from the site and put hours of operation from 8 – 5 M....
- Commissioner McCown – no we can't put hours of operation, we can limit the number of trucks because drilling operations take place 24 hours a day, they can't shut down the drilling operation, they may need to run it at 2:00 a.m. to get water from that drilling rig. They've already testified and I assume the 10 trucks a day if this passes applies once the pond is filled and they're water distribution system is in place, but I don't think we can limit the hours of operation.
- Commissioner Houpt – but one of those trucks can be filled to help out in the evening hours.
- Chairman Martin – it would take more than one truck to do a well, especially when doing your mud and its going to be a series of trucks that are going to supply that water. It is a safety factor and production that you can't stop. Once started you've got to complete it.
- Commissioner McCown – the 10 trucks is in there, that's been testified to as a condition.
- Chairman Martin – the other thing is I don't know if we can go ahead and try and supersede the oil and gas commission rules that we can limit the hours of operation and construction of a well, I think they may supersede us and if we put that in there for that water production...
- Chairman Houpt – well this isn't a well, this is just a storage facility.
- Chairman Martin – to again, to help the production and cut down the traffic is what the idea was and if we limit it to 10 trucks.
- Commissioner Houpt – well maybe they can use other facilities during those late night hours, it just seems ...
- Chairman Martin – its just trucks and that's more of an impact. Because if you can't pump the water, you're going to use trucks to get the water and you're going to take as many trucks as you can to get by and if they're going south and pass Bret's house, which they have to do if they're going south, that's the only road there, they have to turn and come onto that road and he's the last house on there.
- Commissioner Houpt – well then there's got to be a way to leave trucks up there so that at 2:00 a.m. you don't have 5 trucks going past Bret's house and up the reservoir to go south. This isn't answering my concerns.
- Chairman Martin – well I don't think we can leave the trucks parked up there and then get your manpower because those trucks are being use elsewhere, they're a subcontractor as well, not subject to being parked there. That's the reality of the industry.

Commissioner Houpt – it looks like it should be a really nice benign location but because of where its situation it creates more traffic issues.

Chairman Martin – well it is and I chose to live in town even though I'd like to live in the country and at 400 trucks a day would be a welcome relief to my neighborhood where thousands go by.

Commissioner Houpt – you live in town.

Chairman Martin – that's what I'm saying, I would like to see it like it was in 1967 – 1968 but I can't do that, unfortunately the neighbors changed and I'm very sympatric to the traffic, I've been up there and watched it etc., they're estimate of 200 truck going pass Hubbell and Bret's house is not an exacerbation on certain days, not everyday. Once they're in operation, they're going to so on the friendly amendment, you're not taking it. Are you taking any of the friendly amendment?

Commissioner McCown – well the 10 trucks a day was testified to but no time restrictions.

Commissioner Houpt – No. 15 would be no more than 10 trucks per day. I'll second the motion.

Commissioner Houpt – I have more discussion. Many concerns with this and I appreciate the discussion that's taken place today and the efforts of everyone that responded to this to the thought process and I think there's some good conditions placed in here, the problem I'm having the industry as a whole is impacting the County is that there isn't enough solid planning going on and consideration of impact and I think there has to be a point where you say okay instead of sitting down and saying how we can make this work at 2 am, sit down and say before we start drilling in certain locations again, how can we mitigate impacts; I'm not seeing you know you sold this idea on the fact that it was going to cut down of truck traffic but because of the location of drilling for the next 3-years it really doesn't play a huge role in that and so I'd just like to see more comprehensive planning with all the facilities that are approved.

Commissioner McCown – I'm inclined to disagree with you, once this is approved and the pond is filled and able to be used, I think it will reduce the traffic, I think that is still the intent and I think it will still happen, Mr. Clouse has not seen that this year because the pond hasn't been utilized so everything is in fact being trucked and to me if you reduce the traffic down to 10 trucks that come out of this pond and the rest of it is piped, that's a significant reduction. Now that is not to say that they're can't be another vehicles moving on Grass Mesa, that directly applies to the use of this pond,

Commissioner Houpt – I know it does and all of the drilling for the next 3-years is in the southwest portion of Grass Mesa.

Commissioner McCown – that's right there where that well is, or where this pond is going to be. Its as far south as you can get.

Commissioner Houpt – agreed, okay. I can see the visual, but I do think it's really important that be the focus from now on in this county to make sure planning is in place with people whose lands are being impacted.

Chairman Martin – If I had a magic wand then I could make all the impacts go away I would definitely use it and it would be worn out.

Commissioner Houpt – I think we can.

Chairman Martin – we don't have it and we're trying to cut down the impact in the long run will it help it immediately, Bret, no, you know that. Mrs. Hubbell and the industry knows that.

McCown – aye; Martin – aye Opposed – Houpt – mainly because I think there's a whole lot that hasn't been completed at this point and I appreciate what you have accomplished.

Chairman Martin – It's not the perfect solution, but it is a part of the solution, I think its time to be a good neighbor and live up to what it is and try to mitigate some of the other impacts without being told you have to.

CONSIDER A SPECIAL USE PERMIT FOR PROCESSING AND MATERIAL HANDLING OF NATURAL RESROUCES FOR A NATURAL GAS COMPRESSOR AT THE NORTH PARACHUTE RANCH. APPLICANT: ENCAN A OIL AND GAS (USA) INC. – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, and Jimmy Smith were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D –Special Use Permit; Exhibit E – Letter from the Town of Parachute dated 8-8-05; Exhibit f – email from the County Oil and Gas Liaison dated 7-20-05; Exhibit G – memo from the County Road and Bridge Department dated 7-20-05; Exhibit H – Staff memorandum; Exhibit I – email from the Grand Valley Fire Protection District; and Exhibit J – memo from County Vegetation Manager dated 8-10-05. Chairman Martin entered Exhibits A – J into the record.

Special Use Permit for “Processing and Material Handling of Natural Resources” for a Natural Gas Compressor Station by EnCana Oil & Gas USA, Inc

The subject property is located at the end of CR 215 northwest of Parachute (UNOCAL Property) on 27,000 acres zoned Resource Lands (Gentle Slopes and Lower Valley Floor)

The Building and Planning Department received a Special Use Permit (SUP) application for “Processing and Material Handling of Natural Resource” for a natural gas compressor station (the Compressor) on a 27,000-acre property owned by EnCana Oil & Gas USA, Inc located at the end of County Road 215 north of Parachute which is also formerly known as the old UNOCAL property where considerable oil shale processing occurred in the 1980s. The Compressor is located just beyond the private gate at the end of County Road 215 adjacent to a recently permitted produced water storage facility.

More specifically, the Applicant, represented by Wagon Wheel Consulting, requests approval for a Compressor which is presently under construction. This compressor will serve as a collector point where gathered natural gas is sent for dehydration and compression of gas collected in the North Parachute Ranch. Gathering systems in the area transport natural gas from wells to the proposed Middle fork Compressor Station. Once compressed, the natural gas is delivered to a higher pressure system and transported to a location where it is conditioned for sales.

Processing

The application indicates that natural gas producing wells require a gathering system operate at a low enough pressure that optimizes well performance and deliverability. Without the boost in pressure from a compressor station, most wells would not be able to produce into a high pressure system. The wells would not flow. At the time when the natural gas is delivered to the compressor station, free liquids including hydrocarbons and water are separated using conventional separation equipment. This separation is critical to prevent damage to compression equipment. The hydrocarbon liquids are measured and combined with other liquids and sold. The water is then hauled to an approved water treatment and disposal facility.

The application describes the dehydration process where once the gas is compressed; it is then dehydrated using a triethylene glycol (TEG) dehydration system. As the gas is contacted with lean TEG, the water is absorbed by the glycol, thus removing it from the gas. The glycol and water (rich) solution is sent to a re-boiler where the water is driven off as steam. The lean TEG is then sent back to a contactor for a continuous removal of water from the gas stream. Once dehydrated the gas is then delivered to a common high pressure line and sent to a facility for more conditioning. Once conditioned, the gas is then sold and delivered to markets in the area.

Associated Pipelines

In order to send gas to and from the compressor, the Applicant intends to construct three segments of pipeline. The first segment consists of a 10" pipeline (having a length of 1.2 miles) and will bring gas from the existing gathering line network on the NPR to the compressor facility. The discharge pipeline consists of two segments (12" in width and having a length of approximately 1 mile); the first segment will leave the compressor and connect to an existing pipeline owned by EnCana purchased from American Soda and then the second segment will run from that line to the Roan Cliff Interconnect which is an existing pipeline connection that delivers natural gas to the Rifle Compressor Station. The total pipeline length of the three segments is approximately 2.2 miles and ranges in width from 10" to 12".

As you will recall, at one time, the County did not "regulate" compressors as a stand-alone land use due to a previous determination of the Colorado Oil & Gas Conservation Commission (COGCC). However, more recently, the COGCC officially acknowledged that local governments could regulate compressors through their local zoning frameworks. As a result, EnCana began construction of the subject compressor under the COGCC's former position which is why Staff discovered the project "under construction" on a site visit for another project. So, technically, EnCana could continue construction without a land use permit since construction had already begun under the previous COGCC determination. However; they wish to obtain the proper Special Use Permit for the facility. It should be noted that proper building permits were sought through Garfield County at the correct time for the project.

New Pipeline Regulations

As you are also aware, under the newly approved pipeline regulations this summer, this compressor would require County review if the pipelines to which the compressor station is appurtenant to are greater than 12" in diameter and over 2 miles in length or any width of pipeline over 5 miles in length. However, in this case, there is 1.2 miles of a 10" pipeline and 1 mile of a 12" pipeline. As a result, these pipeline segments and compressor would not require any review by the County.

Referral to Planning Commission

In light of the above, Staff brought the application to your attention so that you could determine if a referral to the Planning Commission was necessary. You did not refer the application to the Planning Commission due to 1) the limited nature of potential impacts to surrounding properties, 2) the remote location of the property such that it is situated at the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic, and 3) the fact that the site itself will be situated in an industrial area already characterized by intense industrial activity from the oil shale exploration / processing activities.

The proposed site where the Compressor is located is situated on flat river basin land that is situated at the general confluence of the West, East, and Middle Forks of Parachute Creek. The Compressor is located on approximately 4 acres of the total 27,000 acre parcel owned by EnCana. The area where the Compressor is to be located is surrounded by steep slopes and canyons forming the general confluence of the three creeks. Much of the area near the Compressor has been denuded by the former oil shale operations and continues to be a location which contains staging areas for heavy machinery, large water hauling trucks, drilling rigs, and pipes associated with natural gas exploration. Dense mature riparian vegetation exists along the creeks as they pass through the area.

The subject property is zoned Resource Lands (Gentle Slopes and Lower Valley Floor). The type of use requested falls under the definition of "Processing and Material Handling of Natural Resources" which are contemplated as special uses in the Resource Lands (Gentle Slopes and Lower Valley Floor) zone district.

The property also now known as the North Parachute Ranch was the area where a majority of the oil shale exploration and development occurred. The compressor is located on approximately 4 acres of a 27,000 acre property which is surrounded by properties also owned and utilized by the energy industry such as Chevron, Exxon/Mobile, Williams Production RMT, American Soda, etc. Neighboring uses on those lands include rangeland grazing, farming, and resource extraction (natural gas drilling).

1. Town of Parachute: Posed three questions including: 1) Would the application be subject to any road or traffic impact fees, 2) If so, are any of the funds collected dedicated to expansion of the I-70 interchange at Parachute, and 3) Does the County review the direct impact of the local jurisdiction? (See Exhibit E).
2. Garfield County Road and Bridge Department: Garfield County has no comments or requests for this

application. The road to the new compressor site is an existing road that meets the County's standards and does not foresee a major increase in traffic flow after the construction period and the compressor is online. (See Exhibit G).

3. Garfield County Vegetation Management: See Exhibit J.
4. Garfield County Oil and Gas Auditor: In the "Impact Statement" section and elsewhere where appropriate, I would recommend that the applicant indicate that they will also comply with the COGCC's noise limits in addition to the CRS citation provided. Currently, both sets of limits are consistent, however, there is the potential that the COGCC may revise their noise rules and inclusion of a reference to the COGCC rules will ensure compliance with both. (See Exhibit F).
5. Grand Valley Fire Protection District: No objections to the use. (See Exhibit I)

The proposed Compressor is considered to be an unmanned facility. The operation of the facility requires no water or sanitation services since it is an unmanned operation.

The application states that the Compressor, once constructed, is expected to generate an average of 4 pick-up trips per day into and out of the facility. Most of this truck travel will be coming from and going back to drilling sites on the North Parachute Ranch property on private roads constructed by the industry or from Parachute on CR 215.

The Garfield County Road and Bridge Department has no comments or requests for this application. The road to the Compressor site is an existing road that meets the County's standards and the County does not foresee a major increase in traffic flow after the construction period and the Compressor is online. No improvements to CR 215 are necessary as a result of this Compressor.

The property is located in an extremely secluded portion of the property which is practically screened by adjacent steep topography and is located approximately 3 miles from the nearest residence. It cannot be seen from CR 215. As noted earlier, the proposed use will have relatively limited impact to surrounding properties. It is situated in a remote private location on the property such that it is situated at the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic. Further, the site itself is situated in an industrial area already characterized by intense industrial activity from the oil shale exploration / processing activities. No screening is necessary as it is already screened by steep topography. While no lighting is proposed, any future lighting shall be directed inward and downward towards the site. The Applicant plans to paint all the equipment beige in order to better blend in with the surrounding environment.

Pursuant to Section 5.03.07 of the Zoning Resolution, a permit for Industrial Operations requires the submittal of an impact statement on the proposed use describing its location, scope, design and construction schedule, including an explanation of its operational characteristics. The impact statement is required to address the following:

The facility site has been designed to insure protection of ground water and nearby streams through the development and implementation of a Storm Water Management Plan specific to the area which is contained at the rear of the application. Staff notes that while this plan is specific to the Compressor site, EnCana has also submitted a larger Storm Water Management Plan for the general area. Further, containment facilities are designed into the facility for any hazardous material stored or used during operations. There will be no sewage or solid waste generated on the site.

Compressors produce considerable volumes of noise and vibration but whose acceptable levels are regulated by the Colorado Revised Statutes. The application states the Compressor is initially planned to be powered by natural gas which will not exceed the noise or vibration limits set forth by the State of Colorado Revised Statute 25-12-103. EnCana plans to convert the new compressor to electric powered motors as produced natural gas volumes increase and as economics warrant and those negotiations are underway with Excel Energy to provide three phase power service to the proposed facility site.

Noise generated will have very little impact on adjacent properties since the compressor is located in a canyon-like area that will prevent any sound from traveling as well as being located well within the boundaries of the subject property far from adjacent properties. In any event, EnCana shall adhere to the noise standards specified by the Colorado Revised Statutes and the Colorado Oil and Gas Conservation Commission rules. Given the remote location of the new facility, Staff agrees that noise will not be a nuisance to area residents.

The site is located within winter rangeland for mule deer, elk, and turkey as identified on the Division of Wildlife's wildlife distribution maps. Staff referred the application to the Department of Wildlife (DOW) which provided no comments on the proposal. The Applicant plans to fence the entire site to minimize conflicts with wildlife.

As noted earlier, the Compressor, once fully operational, is expected to generate an average of 4 pick-up trips per day into and out of the facility because most of the monitoring of the Compressor's performance will be done remotely. Also as mentioned above, most of this truck travel will be coming from Parachute on CR 215 which can accommodate the trips according to the Road and Bridge Department.

The Garfield County Road and Bridge Department has no comments or requests for this application. The road to the new compressor site is an existing road that meets the County's standards and does not foresee a major increase in traffic flow after the construction period and the compressor is online. No improvements to CR 215 are necessary as a result of this compressor station.

The operations at the facility will not involve any abutting property. The proposed facility will not encroach upon existing setbacks or reduce current separation distances to abutting properties. Staff agrees that the existing facility is located well within required setbacks and is sufficiently separated from adjacent properties in all directions.

The application includes a reclamation plan that would govern treatment of the site once the useful life of the facility (20+ years) has expired which includes:

- 1) Removal of all surface equipment;
- 2) Restoration and re-contouring of grade to approximate original conditions;
- 3) Replacement of stockpiled topsoil; and
- 4) Compliance with all prevailing Colorado Oil and Gas Conservation Commission and Garfield County regulations governing final reclamation.

Staff recommends the Applicant, as a condition of approval, obtain an approved “Weed Management and Revegetation Plan” from the County Vegetation Manager that specifically addresses weed management and revegetation of the site. This plan needs to quantify the amount of surface area to be disturbed by the Compressor construction. Once this is done we will be able to determine an amount for a revegetation security.

The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan. It is the responsibility of the Applicant to contact the County, upon successful revegetation establishment, to request an inspection for bond release consideration.

In the past, the Board has required, as a condition of approval that “*A sufficient monetary security, determined by the Board of County Commissioners, to ensure rehabilitation of the site once operation has ceased shall be provided by the Applicant.*”

The Application contains a Performance Bond for \$50,000 filed with the COGCC for an E&P Waste Facility. However, note this BOND is not specifically for the Compressor and is for E&P waste only such as an evaporation pond. The Board may wish to consider some type of security intended to address proper reclamation, closure and abandonment of such facility.

Pursuant to section 5.03.08 of the Zoning Resolution, all Industrial Operations in the County shall comply with applicable County, State, and Federal regulations regulating water, air and noise pollution and shall not be conducted in a manner constituting a public nuisance or hazard. Operations shall be conducted in such a manner as to minimize heat, dust, smoke, vibration, glare and odor and all other undesirable environmental effects beyond the boundaries of the property in which such uses are located, in accord with the following standards:

Should the Board approve the request for the Compressor Station, Staff suggests the industrial performance standards be considered conditions of approval as they are specifically intended to ensure that any industrial use such as the proposed Compressor function in accordance with the proper best management practices and within the parameters of the State Statutes.

Section 9.03.05 [Periodic Review of SUP]

Pursuant to section 9.03.05 of the Zoning Resolution:

Any Special Use Permits may be made subject to a periodic review not less than every six (6) months if required by the County Commissioners. The purpose of such review shall be to determine compliance or noncompliance with any performance requirements associated with the granting of the Special Use Permit. The County Commissioners shall indicate that such a review is required and shall establish the time periods at the time of issuance of a Special Use Permit. Such review shall be conducted in such manner and by such persons as the County Commissioners deem appropriate to make the review effective and meaningful. Upon the completion of each review, the Commissioners may determine that the permit operations are in compliance and continue the permit, or determine the operations are not in compliance and either suspend the permit or require the permittee to bring the operation into compliance by a certain specified date. Such periodic review shall be limited to those performance requirements and conditions imposed at the time of the original issuance of the Special Use Permit.

STAFF RECOMMENDATION

Due to 1) the limited nature of potential impacts to surrounding properties, 2) the remote location of the property such that it is situated at the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic, 3) and the fact that the site itself will be situated in an industrial area already characterized by intense industrial activity from the oil shale exploration / processing activities, Staff recommends the Board approve the request for a Special Use Permit for Processing and Material Handling of Natural Resources for a Compressor on the North Parachute Ranch with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless explicitly altered by the Board.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
3. That the Applicant shall comply with the fire protection provisions included in the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the International Fire Code as the Code pertains to the operation of this facility.
4. Prior to the issuance of a Special Use Permit, the Applicant shall submit the following items to the County Vegetation Manager for approval prior to the issuance of a Special Use Permit.

- i. The Applicant shall map and inventory the property for the County Listed Noxious Weeds.
 - j. The Applicant shall provide a Weed Management Plan for the inventoried noxious weeds.
 - k. The Applicant shall augment the site reclamation plan by providing a plant material list and planting schedule for the reclamation.
5. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
 6. Vibration generated: the Compressor shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
 7. Emissions of smoke and particulate matter: the Compressor shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards.
 8. Emission of heat, glare, radiation and fumes: the Compressor 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.
 9. Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.
 10. Any lighting of storage area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.
 11. Water pollution: in a case in which potential hazards exist, it shall be necessary to install safeguards designed to comply with the Regulations of the Environmental Protection Agency before operation of the facilities may begin. All percolation tests or ground water resource tests as may be required by local or State Health Officers must be met before operation of the facilities may begin.
 12. The Applicant shall provide a copy of the appropriate bond supplied to the Colorado Oil and Gas Conservation Commission (COGCC) intended to guarantee reclamation of the Compressor site once the life of the Compressor has ended prior to the issuance of a Special Use Permit.
 13. That all proper building permits are obtained for the structures associated with the operation of the Compressor prior to the issuance of a Special Use Permit.

Fred – adhere to all performance standards – odor, glare, noise and are regulated by the State.

Applicant: Jimmy Smith - this facility within a ¼ to ½ mile in any direction, you're actually in a box the way the topography is configured around it and noise is a non-issue. In my visitation to this area when it was under construction, the construction noise once you passed the creek was non-existent and that's also been the contingent of the County Engineer, Jeff Nelson when he visited the site with me as well. The bond was for the pond but in consultation with the state on the state permit they may require us to make another bond however, this site being an old Unocal reclamation may be impossible and the state recognizes that without totally taking out the old surface material and replacing with imported materials, the likelihood of revegetation this site will be slim to none. This is in the old lay down area.

Fred – as far as the location to adjacent to East Parachute Creek, they do have a general storm water management plan for all of this activity and a very specific storm water management plan for this so it's actually two together.

Jimmy – all this was made available to the County through our grading application permit application.

Mildred – asked if all the vehicles were registered in Colorado.

Jimmy – EnCana has specified to all contractors that they do follow state regulations however it's almost impossible for EnCana to enforce and give out citation is not a possibility however we do enforce that issue and is part of the contractual agreement with the subcontractors.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to close the public hearing; Houpt – aye; Martin – aye; McCown - aye

Commissioner McCown moved to approve a Special Use Permit for a Natural Gas Compressor Station for EnCana Oil and Gas USA, Inc with the conditions provided by Staff 1 – 13.

Commissioner Houpt – can we revise No. 5 to say and/or the COGCC regulations?

Commissioner McCown – I don't know what the COGCC trumps statutes or not, I don't think so at this point.

Fred – you may want to cover it by saying whichever is more applicable depending upon when the ruling comes down which may or may not happen or may not change. Larry's point is a good one.

Mark – they'll have to develop the plan with COGCC regs regardless.

Commissioner McCown - right now the statutes is the Bible they have to comply with and I would leave that.

Carolyn – it's really a definitional issue when we're talking residential versus anything else as you know.

Commissioner Houpt – seconded

Houpt – aye; McCown – aye; Martin – aye.

Building and Planning - Planning Commission - Publish for an alternate position to fill a position.
Christina Chaffin – resigned.

ADJOURNMENT

Attest:

Chairman of the Board

SEPTEMBER 6, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, September 6, 2005 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. Presentation of Focus Group Results – Jesse Smith

Jesse presented the results of the 2005 Focus Groups. There were 8 sessions: 1 in Carbondale, 3 in Glenwood, 2 in Rifle and 1 each in Battlement Mesa and Silt. 102 individuals participated and they were chosen randomly from a population that resulted from merging the Garfield County Property Tax Roles and Voter Registration roles. Duplicate names and individuals with mailing addresses outside of the County were purged from the population.

Jesse reviewed the ranking order and weight given by the participants in his reports on file in the Clerk's Office. The information obtained last year was used in the Strategic Planning. This year they did additional focus groups. Jesse showed in his Power Point the top 8 issues. Land Use Planning, Environment & Water, Oil and Gas Development, Road Construction & Maintenance, Social Services Program, Mass Transportation, Economic Development and Law Enforcement.

Growth – all of the above issues are a subgroup of this. The overriding issue was growth. The major concern was that the County manage this growth and infrastructure of roads, land use planning, economic development, housing broth for service workers, seniors and started homes for young families; impacts of growth on Social Services, Public Health and Law Enforcement. They made recommendations on how they felt these issues could be addressed. Their suggestions included: All county roads up to a minimum and oil and gas should be a 50%;long range planning and the way in which we allow land to be developed including new codes and brought up to future levels and make sure people are living up to them; drug problems and how the Sheriff's department with their expertise to handle this; funding of child welfare programs and they realized that the counties can't do this by themselves – it takes the cooperation of the municipalities - inter-jurisdictions cooperation. Proactive – out in front and not trying to catch up. They see oil and gas as being here and staying here and the County work with the oil and gas and work with the rules and regulations especially in reclaiming the land. In 2004 the people through the County could stop the oil and gas but this year they realized they can't.

Youth issues were discussed in every focus groups – it's more of a municipality issue. Real concern about getting these kids off the street and in activities.

Land use planning – they think developers have to pay their own way and charged impact fees to cover the results of development. None unless on an approved septic system and no more ISDS. Like to see County B & P in conjunction with municipalities. Adequately funded on septic and new guaranteed sources of development. No. 1 we need to maintain the rural feel of Garfield County. On water, be proactive – require oil and gas and real estate development to reclaim and support renewable energy and protect watershed. Like to have the county support more water storage.

Oil and Gas see is as here to stay – the EAB is great and appreciated the Commissioners and when a permit with a safety permit like the fact that you are enforcing those. Several suggested we support the Curry bill and restrict the revenues received to road and infrastructure – debt reduction and put away a certain amount of the future. Develop a fund to carry forward and use that for – not for operational kind of programs and depend on it.

County Roads up to heavy road.

Naming systems on roads – they'd like a 3 year maintenance plan and published on the website. Cooperation with the municipalities – coordinate the construction programs and not impacting the neighbors, community and visitors. Child Welfare – cannot allow the state to cut services and the County would need to come in and take these on.

Youth – how to deal with latch key children in the communities.

Mass Transit – a lot of friendly heated discussions. No real agreement on mass transit. One thing they did agree on – work with municipalities for park and ride and well lighted. Walk, ride a bicycle and get into the municipalities.

One other heavy discussion item – undocumented residents – they see this as a real issue – federal issue and county having no input into these rules and regulations. Concern with needs these undocumented workers – housing, social services, multi-families in one structure. Concern is to see programs that would move these to documented citizens and if not send them back. Educational programs help them learn English, citizenship, work with them and help them. It was not prioritized.

This will be put into a report for the public.

Commissioner Houpt –transit workers coming into the oil and gas fields. They see these folks living in truck campers, and no families with them, live in the county and bring their families with them – runs problems with breaking laws and drugs.

Commissioner McCown – they would rather have the families with impacts on schools, housing but no growth.

Building Code – Comprehensive Plan – we have these already. We’re back to educating the public on these issues.

Jesse did not see his role as educating. Maybe public meetings – website –

Commissioner McCown would rather have the public able to access this on the website.

This Friday is the Strategic Planning.

Commissioner Houpt – emphasis on partnerships – hold a session with all the municipalities.

Jesse said they would provide this report to the municipalities.

Ed – the point of the focus groups was to work this into the budget which needs to be presented to the Board on October 10.

Ed – in early August the Board was asked and he tried for the first week in September 9th was the best time.

Chairman Martin – commitment to the County first and that’s our priority.

Friday, September 9th all day and 8:00 – 11:30 Events Center – Strategic Planning – Tuesday, September 13, 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to set September 9th at 9:00 a.m. – 5:00 p.m. and Tuesday, September 13 from 8:00 a.m. to 11:30 a.m. for Strategic Planning Meetings to be held at the Fairgrounds Event Center.

In favor: Houpt – aye Martin – aye McCown – aye;

b. Private Activity Bond Allocation – Patsy Hernandez

Patsy presented the Colorado Housing and Finance Authority (CHFA \$1,897,640 of Garfield County’s 2005 Private Activity Bond Allocation.

Because CHFA’s activity in Garfield County is significant, she requested the Board authorize assignment to CHFA \$1,935,840 of Garfield County’s 2005 allocation.

Included in the authorization includes: Resolution authorizing the assignment; assignment of allocation; Certificate of Garfield County Concerning Assignment of Private Activity Bond Volume Cap Allocation to the Colorado Housing and Finance Authority.

Don stated if the Board wishes to allocate your private activity bond allocation to CHFA then the Board needs to authorize the Chair to sign a letter to Elizabeth Smith indicating that position, sign a Resolution authorizing that action certification under which you will represent CHFA, you have the authority to act in this regard and an agreement with CHFA to sign the allocation.

Commissioner Houpt asked if we don’t allocate this money and the first year we’re limited to 3 years, this year’s allocation is higher than the allocate we got three years ago, is that a better way to grow that fund.

Don – if you don’t allocate the funds they’re returned to the federal government and the state doesn’t get to use them either. Secondly, if you’re going to allocate them for a carry forward purpose you actually under the Statute have to have a specific project in mind and bring in bond counsel to make the appropriate representations on the tax exempt status on that project and then move forward and fund that project in 3 years so it’s not just a simple process as we found in the past.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to allocate the Funds, of the Private Activity Bond to CHFA that the Chair be authorized to sign a letter, the Resolution allowing that assignment and the certificate concerning the assignment of the private activity bond.

Chairman Martin – all three Commissioners have to sign that last assignment.

Commissioner McCown amended his motion; Commissioner Houpt amended her second;

Houpt – aye; McCown – aye; Martin – aye.

c. Discussion Regarding 2006 Annual Raise Percentage – Patsy Hernandez

Patsy and Judy presented the 2006 Compensation Increase request. In 2004 the BOCC approved increasing total employee compensation by 5% and this was added to the 2005 budget. 4% of that increase was used for market and performance increases, 1% was used for equity adjustments to bring a number of positions closer to market.

The request is to approve the same 5% using the same as late year to allow Judy to continue with her work towards bringing Garfield County employee compensation closer to what is paid in the market.

Commissioner Houpt – analysis this with the amounts protected and in terms of compensation that works sufficiently for last year and for all people up to 90% of market across the board.

Easier to hire, train and maintain people.

Ed – focused on a gap of new hires and 2nd and 3rd year employees.

Commissioner McCown – go forward with your budget

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to accept the 5% under the 4% and 1% and go forward.

In favor: Houpt – aye Martin – aye McCown - aye

d. Out of State Travel Request – Lynn Renick

Lynn requested that Michelle McMullen be authorized for out of state travel for the annual users’ conference for the new County accounting software – New World Systems Conference from 10-03-2005 – 10-04-2005 for a total of not to exceed \$1500.00.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the out of state travel not to exceed the \$1494.00 amount.

In favor: Houpt – aye Martin – aye McCown - aye

e. Bond Release for Evergreen Operating Corporation – Mike Vander Pol

Mike submitted the appropriate paperwork and requested the release of Evergreen’s Performance Bond No.

RLB0006990 since it is going to be replaced with the Pioneer Bond. The request would be to release it once the Pioneer Bond is received.

f. Bond Release for Calpine & Natural Gas L.P. – Mike Vander Pol

Mike submitted the request of Lumbermen’s Mutual Casualty Company Bond No. 059089 to release since it is replaced with Platte River Insurance Company Bon No. 40055063

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve both transfers of bond - release of one and replacement of another on both of these bounds.
In favor: Houpt – aye Martin – aye McCown - aye

g. Recognition of Vernon Murray for 1st Place in Grader Competition at the State Fair – Kraig Kuberry
Kraig and Marvin were present from Road and Bridge to recognize Vernon Murray for the 1st place he received in Grader Competition at the State Fair. Went to State and Vernon – scored 76 out of 80 points and won at State. Ribbon for 1st place and a \$1,000 for first place for him to spend as he likes.
Vernon thanked the Commissioners for allowing him to go into the competition.

h. Request to reduce fund balance at Landfill for Paving & Chip Seal – Kraig Kuberry

A Frontier Paving Proposal to furnish and install approximately 803 tons of asphalt at \$49.65 per ton for a total amount of \$39,868.95 and furnish and install an additional approximate 124 tons of asphalt at \$49.65 per ton for \$6,156.60 were submitted for the Board to review and possibly approve.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the improvement at the landfill.

In favor: Houpt – aye Martin – aye McCown - aye

Projected fund balance is \$3.8 million. We do need to construct a new cell in 2006 and expect that to cost \$800,000.

Severance Tax Credits – Ed reported on the discussions with all of the cities regarding the Severance Tax credit program and invited Tim Sarmo from DOLA for one of those discussions. In an effort to assuage us and other counties, the DOLA group has provided a one-time grant cycle for roads and we have available \$1.5 million to apply to one or more troublesome roads related to oil and gas exploration. Meetings with the engineer and road and bridge folks and decided the real target of opportunity should be Dry Hollow and tributary road Chipperfield. Discussions have been held with EnCana to explore participation with them on this and Ed asked if it would be appropriate for us to add to that \$1.5 million by moving the \$.5 million we have for the intersection at 116 and 117 – that we know isn't going to get done this year and probably won't get done next year. The intersection is now controlled by the City of Glenwood so we can't move forward with our drainage program until their financial policies are resolved. These funds could be used this year and reallocate those funds for next year; discussions would also need to be held with the City of Glenwood and find out their intent.

Commissioner Houpt would support moving that \$.5 million if we are going to reallocate it next year.

Commissioner McCown – this board has committed the \$500,000 to address the drainage problems on 4-mile once the City completes the work on the intersection that they projected. That money will carry forward year to year. That is our obligation and we've committed to that. Maxwell Lane as well that feeds into Dry Hollow also needs some serious addressing and if that would make the \$2 million project with the energy companies adding some, that would be money well spent.

The focus groups have commented and this project would work nicely with what they've said we need to do. This is one of the highest impacted roads.

Ed – it's automatic but we have to have a project in mind and make a full presentation to DOLA – September 15th. No match requirement for the \$1.5 million. Ed hopes to make a \$2.5 to \$3 million project out of this.

COUNTY SHERIFF UPDATE – LOU VALLARIO

a) Consideration/approval of Resolution Designating the National Incident Management System (NIMS) as the basis for all incident management in Garfield County Colorado

Lou Vallario and Jim Sears submitted the Resolution and explained the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System and thus this has been carried out. The County will follow the NIMS system; we are doing this now and just formalize it. This is a consistent system throughout the nation.

Ed – training on the 22nd on how this MAC works.

Lou wanted to bring in a county-level MAC for a combined incident, multi incident and broaden it to a larger scope of Emergency Management.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution designating the National Incident Management Systems (NIMS) as the basis for all incident management in Garfield County and the Chair be authorized to sign.

In favor: Houpt – aye Martin – aye McCown - aye

Jesse stated the focus groups targeted a safety vulnerable assessment and a mitigation plan.

Jim Sears said the State is asking all counties to provide an assessment and vulnerability of what's going on in their counties. At a meeting last week, not a lot of guidance and input as to what we use as our perimeters so we've all trying to figure that out.

Lou said in 2003 we did this for Homeland Security and has that version; possibly tweak it with new information.

Update – Animal Shelter – bringing in a consultant from Boulder that does everything from site assessment to needs assessment and clear up to design and build and he will sit down with the committee that we formulated and he can tell us the size, look at the sites, moving forward and a good idea to pay some money and bring in an expert. Targeting for December DOLA grant cycle. The Target for building is 2006.

Request to look at Miller and Antonelli Lane for an increase of traffic control, sign wise. Want a three way stop. Sheriff to make the decision.

Lou – the problem is the manpower to enforce it. Lou will give it to patrol to do an assessment.

Road and Bridge has some numbers and Lou will check with them.

Divide Creek – appreciate the Sheriff's increase in patrol.

COUNTY ATTORNEY UPDATE – DON DEFORD

- f. Executive Session: Litigation Update; Legal Advice Meeney – DDA – Oil and Gas – Windsor, Presco and Petrogulf – water quality control and contract; and status of the Parachute Bridge Pedestrian and direction given to staff; Airport – 4 issues: Precision and T-Hangers – Lease interpretation; zoning violations for Corporate and Legal advice – Chairman Martin has a legal question regarding the hearing this afternoon regarding Bair Chase*

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

Patsy Hernandez, Brian Condie, Shannon Hurst, Dale Hancock, Jan Shute and Mark Bean were requested to be in portions of the Session.

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

COMMISSIONER REPORT

Commissioner Houpt – Met Lindy Marshall who used to work with Senator Allard and now is working with CDOT and I-70 Corridor and will continue working with us on that effort; Colorado Oil and Gas – Noise Regulations on their agenda for tomorrow. We will post this on our webpage – LaPlata, Weld, COGO and others worked on it - Oil and Gas Forum on Thursday.

Commissioner McCown – BLM Roan meeting on Monday, Wednesday, oil shale advisory committee meeting and CSU in Eagle; the purpose was to award a contract to Dennis Stranger to do an economic impact assessment of what may be down the road with oil shale development in Garfield County and hoping you dovetail in with the on-going study that we will be doing; Thursday – North West Oil and Gas Forum; Friday – Strategic Planning Meeting. Post it on the website – big thing was in the agricultural to residential versus light industrial. Low frequency will be new to the regulations

Mark – Don and Mark looked – all noise related to oil and gas to industrial standards – not sure the intent is clear – Houpt – the intent was there is a recognition that during construction you can't keep it at residential.

During construction – from the first day of the drill rig shows up until it's completely installed.

Chairman Martin – Divide Creek – Western District CCI – neighborhood on 29th on Fox Run; CSU Extension – informed what was going to happen; 4 H leader and how Pat's budget and time is affected. State Fair Commissioner Day. Grand Junction – JoAnn Savage on issue; Road and Bridge issue in West Glenwood.

Ed – ribbon cutting on September 14 for the new building.

Shell Presentation – 5:30 – 7:00 p.m. at the Senior Center in Rifle.

Shell meeting in Rangeley and Meeker and Grand Junction.

Apple Pie Days in Rifle on Saturday.

Ex Session Continued

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

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
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Approval for Board to Proceed with Request for DOLA Funds – Dry Hollow Road
- f. Authorize the Chairman to Sign the Amended Final Plat for the Powerline Professional Park Subdivision: Applicant: Western Slope Development, Ltd. – Mark Bean
- g. Authorize the Chairman to sign the Piffer Exemption Plat: Applicant – Eleanor M. Piffer – Fred Jarman
- h. Authorize the Chairman to sign the Subdivision Improvements Agreement and Final Plat for Filing 7 of the Elk Springs Subdivision within the Los Amigos Planned Unit Development. Applicant: Elk Springs, LLC. – Fred Jarman

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – h absent b; In favor: Houpt – aye Martin – aye McCown - aye

REGULAR AGENDA

PUBLIC MEETINGS:

A. RIO GRANDE TRAIL SYSTEM – MIKE HERMES, RFTA

Mike Hermes returned asking for \$50,000 for 2006 for the state trails matching grant. The funds given last year was for 3 miles; the next session is 4.5 miles and connect Carbondale to Asp

Ed said the Conservation Trust will probably be just under \$150,000. Last year we spent \$5,000 on Crystal River; \$50,000 on RFTA; \$50,000 on LoVa plus \$35,000 on administrative activities associated with LoVa. We're taking the project management of that trail.

Commissioner Houpt – we seen trails as one of the priorities of the focus groups and perhaps the County and made a motion to support the \$50,000 for the Rio Grande Trail System.

Chairman Martin – unfair and to select and chose one, we will listen to all presentations.

Commissioner Houpt – want to make sure all the projects are included in the budget documents.

Chairman Martin – amount of money for the Human Services Grants and not every body doesn't get what they ask for because of the limited funds.

Ed – absent any other guidance Patsy and Ed were planning to incorporate the similar amounts in the budget plan.
Commissioner Houpt – withdrew her motion.
Mike Hermes – after this segment they will head toward Glenwood Springs.

B. TOWN OF SILT REQUEST FUNDS TO SUPPORT TRAIL TO NEW HIGH SCHOOL – JANET STEINBACK

Randy Russell, Janet Steinbeck and Larry Dragon were present.

A letter of support was presented for review; it is from the Board to the Colorado State Parks Trails Program for the efforts of the Town of Silt and LoVa Trails to take the lead in construction a pedestrian and bicycle trail connecting the new Coal Ridge High School with the two neighboring communities of Silt and New Castle. The contents of the letter support the issues of safety and congestion and added that it provides a critical link to this trail. A commitment of \$5,000 cash for matching funds will be available as of January 1, 2006 pending final appropriation for engineering and design of this critical trail segment.

Discussion was held with respect to all requests for trails and the amount of funds available to earmark for these projects.

Janet Steinbeck stated that Highway 6 is real narrow with deep barrow in some locations and they are looking for a way to have a regional approach to this trail. Students from New Castle and Silt come to this high school and they just started with 9th and 10th graders and those folks can't drive. We feel when they miss their activity busses they are going to be on the State Highway. CDOT took it real seriously and the feasibility study was done by CDOT at a cost of \$25,000. CDOT will have a maintenance agreement. Money will be available in miscellaneous grants.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to sign a letter of support in the amount of \$5,000 for the trail between Silt and New Castle to support students and other community residents. Ed mentioned that this was discussed with other City managers and this is one of the Tier 2 project.

In favor: Houpt – aye Martin – aye McCown – aye

Larry Dragon stated that he appreciates the support of Garfield County in this trail; it may or may not be part of the LoVa Trail.

C. DISCUSSION OF APPLICANTS FOR HUMAN SERVICE COMMISSION

The following applications were submitted as candidates for the Human Service Commission:

Sandra Barnett; Michele Moore; and Carolyn Tucker.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to appoint Sandra Barnett; Michele Moore; and Carolyn Tucker to the Human Service Commission.

In favor: Houpt – aye Martin – aye McCown - aye

D. ROAN PLATEAU MANAGEMENT PLAN DISCUSSION

Randy Russell provided the update. The cooperating partners have the benefit of working with BLM in refining the plan. The cooperating partners in BLM's Management Plan EIS include the Town of Parachute, Town of Rifle, Garfield County and Rio Blanco County and the State of Colorado's Department of Natural Resources including the State Geological Survey, the Colorado Oil and Gas Commission, Colorado Division of Wildlife, Colorado Department of Parks and Recreation.

Homework assignments were given as part of the refining process. BLM would like the Commissioners to submit their input by September 19th.

Randy submitted a draft of what he thought he heard from the Board.

All updated information, copy of Randy's memo, within the week communicate and submit to Randy – and the Commissioners will submit their written comments. Next meeting set aside an hour to finalize.

Commissioner Houpt will put together her opinion on the Alternative and asked for the same from the other Board members.

Commissioner McCown – cooperators: where we stand on these issues and submit this to BLM but not crafting an alternative. We answer the question as to what affects us and submit that to BLM.

The state did not address anything except their level of expertise

This is a team issue – a board issue and we need to make sure it is just that.

E. OBERHOLTZER LEASE RE-NEGOTIATION – BRIAN CONDIE

Brian Condie and Carolyn Dahlgren presented.

The base lease term if from September 1, 1985 to September 1, 2006 with a 10-year option term available. The current land lease rate is .184710 per sq. ft. yr. His current land lease rate is .127463 per sq. ft. year.

The County must give notice to the Oberholtzer Trust of the lease rate structure it proposes for the renewal term by the 15th of September, 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to send the lease rate of \$7,369.75 to them.

In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC HEARING:

A. DISCUSSION OF THE 4TH SUPPLEMENT TO THE 2005 APPROVED BUDGET AND THE 4TH AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Patsy Hernandez submitted the publication and Exhibits A, B and C.

Commissioner Houpt likes the format and detail included in the presentation materials.

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

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Resolution for the 4th Supplemental to the 2005 Approved Budget and

In favor: Houpt – aye Martin – aye McCown - aye

Public - Citizens not on the Agenda

Rick Roles – Hunter Mesa - the Commissioners know that over the last 12 years we've gone through 3 sheriff's administrations and we've got a federal drilling unit which is a constant problem with truck drivers and traffic. The sheriff's department in all three administrations told us the landowners that they don't have time or the manpower to police the roads and to enforce speed limits on our driveways therefore we have to enforce our own. Two months ago, I chewed a driver out. A dispute over the speed of the driver and the driver filed charges on Rick for harassment. Our local DA said you don't have the right to protect your property. Sheriff's dept when they came to get the statement, took Rick's statement, misquoted me and didn't ask if there were any witnesses which a hired hand was. Has been fighting with the court system for 2 months and they refuse to dismiss the charges but have lowered it to disorderly conduct – not taking a plea for disorderly conduct for protecting his property. EnCana said the man was fired immediately. My problem is getting it to go away. It's a financial burden to Rick and has wasted his monthly budget and had to make two trips to the public defender's office. Has another court date in September and if he gets another Sheriff coming to his door charging him with anything, he will be suing Garfield County because he is through – he's owned property for 50 years and paid taxes every year and never been late. There are 19 wells on his property. They own all the property minerals. He just lives there. All he wants is the speed limit enforced of 5 mph. He's about ready to pad lock his gates and shut every butterfly valve on his property and then I guess it would become a civil matter and EnCana can sue him to open them valves back up.

PUBLIC MEETINGS:

A. AUTHORIZE THE CHAIRMAN TO SIGN A LETTER OF SUPPORT FOR THE ROARING FORK CONSERVANCY GRANT PROPOSAL TO GREAT OUTDOORS COLORADO. APPLICANT: ROARING FORK CONSERVANCY – FRED JARMAN

Fred Jarman and Rick Farland were present.

A letter of Support for the Brant proposal submitted by the Roaring Fork Conservancy was submitted specifically addressing a proposal to Great Outdoors Colorado, work effort intended to establish a strategic watershed plan that will identify and prioritize riparian and wetland areas for protection and accessibility along the Roaring fork River. This plan will facilitate acquisition of open space and natural areas and identify restoration projects that ensure adequate habitat for the Roaring Fork's important fish and wildlife resources. Specific to Garfield County is the lower and final stretch of the Roaring Fork River as it enters eastern Garfield County approximately 6 miles east of the Town of Carbondale terminating at the confluence with the Colorado River in Glenwood Springs. The river runs through Garfield County for approximately 18 miles.

The letter of support encourages Great Outdoors Colorado to fund the Roaring Fork Conservancy Prioritization of Riparian/Wetland Areas for Open Space or Natural Area Acquisition project as it will serve as a valuable resource to better guide land use decisions in the future in unincorporated Garfield County and serve as a catalyst for future watershed collaboration between private, non-profit, special interest and governmental agencies focused on protection of the Roaring Fork Watershed.

Fred said the letter speaks to one of the most interesting points is the 18 miles and 12 of those miles has the highest quality trout habitat that Colorado has to offer. The focus groups comments had pinpointed land use planning and scarce water usage. Two other points the Board has supported minimally financially the stream flow survey and water quality monitoring.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chairman to sign the letter of support for the grant proposal submitted by the Roaring Fork Conservancy.

In favor: Houpt – aye Martin – aye McCown – aye

B. CONSIDER A REQUEST FOR BY BAIR CHASE PROPERTY COMPANY, LLC FOR A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAN APPROVAL FOR THE SANDERS RANCH PUD. APPLICANT: BAIR CHASE PROPERTY COMPANY LLC STAFF – MARK BEAN

Mark Bean and Jim Lockhead, Brownstein Hyatt & Farber were present.

This is a request for a 1-year extension to file final plat for the Sanders Ranch PUD Subdivision For Bair Chase Property Company, LLC

On September 13, 2004, the Board approved the Preliminary Plan for the Sanders Ranch PUD Subdivision which entailed subdividing the 281.38 acre property at the intersection of Highway 82 and Cattle Creek into 62 single family residential lots and 168 multi-family dwelling, with conditions. This approval provided the Applicant, Bair Chase Property Company, LLC, 1 year to file a final plat application to Garfield County which will expire on September 13, 2005.

Due to project financing issues, the Applicant requests the Board grant a 1-year extension to file the final plat which would expire on September 13, 2006. You will also note in the request for extension, a request to extend the PUD approval. As presently approved, it will not be necessary to extend the PUD approval. (See the letter attached to this memo from the Applicant's representative explaining the reasoning for the request.)

STAFF RECOMMENDATION

Staff recommends since the request was proposed before the initial 1-year deadline expired, the Board grant a 1-year extension to the Applicant to file the final plat prior to September 13, 2006.

Jim Lockhead representing Bair Chase Property Company LLC, the developers of the property have initiated construction of the golf course and the balance of the development is on hold pending financing and was scheduled for June and has been extended due to other circumstances. It should close within the next several months. Once this is accomplished they would more likely go for an amended Preliminary Plan and the one-year extension will allow the financial and the amended preliminary plan.

Jim – Sopris is under contract and hopefully will close next week on the deal. Mr. "Winger is getting a fee per day."

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant a one-year extension until September 13, 2006.

In favor: Houpt – aye Martin – aye McCown - aye

PUBLIC HEARINGS:

A. CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR CONSTRUCTION AND WORK IN THE FLOODPLAIN TO PROVIDE FOR BANK STABILIZATION ALONG THE ROARING FORK RIVER. MARK GOULD PROPERTY OWNER – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, and Mark Gould were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 – Staff Report dated 9-6-2005; Exhibit G – Application for the Special Use Permit; and Exhibit H – Letter dated 8-31-2005.

Chairman Martin entered Exhibits A – H into the record.

Special Use Permit for work in the Floodplain – Bank Stabilization on a parcel of land 2.25

Acres in size, located in the Westbank Ranch Subdivision, South of Glenwood Springs access is from CR 109, Lot 21 of the subject subdivision.

DEVELOPMENT PROPOSAL:

The applicant is proposing to construct adjudicated outlet features with bank stabilization. The work will involve construction of two stream channels that will route tail water diverted from the Robertson Ditch. The diverted water from the historic return flow channel that flows through the subject property near the upstream property line will be put to use as water features on the site. The existing ditch water that currently flows into the river will be split and routed through the property in pipelines and lined open channel streams. The outfall locations of these streams at the river embankment will be above the mean high water line and constructed with select soil replacement matter and embedded rip rap. The site plan reflects only a very small portion of the outfall locations will be in the floodplain. All other proposed improvements will not be in the floodplain or the floodway.

REVIEW AGENCY AND OTHER COMMENTS:

This item has been referred to the US Army Corp of Engineers. Resource Engineering, outside review agency for Staff, has also reviewed the application. Below are the respective agency and outside review comments:

US Army Corp of Engineers: No comments received.

Resource Engineering: A 404 permit will not be required. Please see Exhibit H.

The applicant has stated that all proposed work will occur above the mean high water (MHW) line without any encroachment or disturbance below the MHW. There will be no placement of additional fill in the floodplain. All work conducted above the MHW requires no Federal or State Permits. Staff would conclude the applicant has submitted the proper material showing that no further permits will be required by Federal or State Agencies.

There are no structures proposed in the floodplain. The only work that will take place in the floodplain will be bank stabilization.

The applicant has submitted copies of the FEMA map showing that no structure, building, bank stabilization or work is proposed in the floodway.

A copy of the application to the District Court Water Division 38 has been submitted, showing the applicant is applying for the tail water adjudication and esthetic feature of the Robertson Ditch.

The proposed bank stabilization will not increase the carrying capacity of the Roaring Fork River, or affect the capacity of the Robertson Tail water Ditch.

The purpose of this application is to improve the discharge features of the river bank. By improving and stabilizing the bank, the amount of solid debris carried downstream will decrease.

The intent and purpose of this application is to mitigate any future problems in the floodplain outlet area.

The applicant has submitted plans showing the FEMA Floodway and the location of the proposed construction. No construction or work will be in the Floodway.

The proposed bank stabilization is above the MHW mark and should be reasonably safe from flooding.

It is assumed this standard is for habitable areas. The proposal is for rip rap bank stabilization that should mitigate some flood hazards.

The bank stabilization will increase the outlet feature's ability to resist flood damage.

Richard – in conjunction with a grading permit.

RECOMMENDATION

Staff recommends APPROVAL with the following conditions:

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 unless otherwise modified by the Board.

The Applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

Mark Gould – Moving the tail waters of the Robertson Ditch, they are the last on the ditch. Owned by Lemmon Brothers, Rose Ranch and the Westbank Homeowners and Westbank Filing # 4.

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 construction of two outlet features for bank stabilization in the Floodplain at 200 Oak Lane, Lot 21 of the Westbank Ranch Subdivision, Mark Gould, applicant with the Conditions as recommended by Staff adding Condition No. 3 that in conjunction with the SUP permit a grading permit will be required.

In favor: Houpt – aye Martin – aye McCown - aye

Continued Executive 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:

Windsor Energy

Don – application of Windsor Energy for permits to drill in previously established moratorium area in Divide Creek – these have been pending for a while and the Board was provided detailed technical information from Jamie Adkins Oil and Gas Commission with the inquiries to whether or not with the conditions that they intended to impose, would the Board request a public hearing on those permits to drill. Need the Board to take action for permits to drill for Windsor Energy in the vicinity of the moratorium area.

Commissioner McCown made a motion that we do not appeal the APD's for Windsor Energy in the area of the preset moratorium area by the Oil and Gas Conservation Agreement.

Chairman Martin seconded for discussion.

Chairman Martin – I think we also need to bring into the discussion that we hired Dr. Thyne who also reviewed the information as well as our own Doug Dennison finding that the requirements of the drilling and also the precautions by the Oil and Gas Commission would pre-empt just about anything plus if there was a problem they would be immediately stopped. And with the safeguards in place and the conditions of those APD's even though it may be unpopular and I really don't think its necessary but I don't see any grounds where we need to go ahead and have a public hearing or intervention simply because we don't have any standing. Everything's been covered in those recommendation and review.

Commissioner Houpt – well we think so, but I still remain opposed to issuing any or supporting the issuance of any further permits in the moratorium area unit we retain further information developed as a result of the hydrological study.

Chairman Martin – and my argument is that we can't gather that information until we allow something to be developed and monitored and reviewed so that we have safeguards in place.

Commissioner Houpt – and there is already permitting in place so we don't need further.

Chairman Martin – my interest is in gathering the information to make sure it's safe for the public and the only way I see it is to allow this to happen with the safeguards.

In favor: McCown – aye Martin – aye Opposed: Houpt

Status of Rule Making in Front of the Water Quality Control Commission

As this concerns requirement for Storm Water Discharge permits from that agency. Previously I've given you a series of memorandum describing where that stands and what's being proposed, now the formal action necessary is a request to execute a common interest agreement. This has been proposed by some of the other parties to the rule making pursuant to which we would have a joint position developed with those other partners to the agreement and share information with them on a confidential basis to develop our position. They have asked that we execute such an agreement to participate in their group, we have not had an opportunity to discuss it and we received advise on this document and I would like direction from the Board on this agreement and if you wish to participate in this group, authority to execute this agreement for the Chair and Don DeFord.

Commissioner Houpt – is there any further information that can come to us prior to signing this agreement?

Don – none today other than to say that the first recital on this would have to be stricken because this agreement was initially developed to control the flow of information in on-going litigation, we are not participants in that litigation and they recognize that. Other than the information shared confidentially with the Board there is nothing else today. Commissioner McCown made a motion that we remain on the preferer and that at this time do not join in this alliance group and monitor the activities and at which time we feel that Garfield County has a vested interest in the rule making process, after the courts have decided who is the entity of authority that we would have the opportunity to intervene in the action at that time.

Commissioner Houpt seconded for discussion purposes. I do think there is some very important information that will undoubtedly come out of this and if we participating in this agreement we would have access to that information and because of the issues of storm water discharge permitting and there in the forefront and water quality concerns I would want to participate in this project, primarily to be a party to the information.

Chairman Martin – I was very comfortable starting out with this particular issue because it's an extremely important water quality control and pollution question. However, the state of Colorado is not involved in it and this is joined again as a litigation and I don't want to put Garfield County is the point to have to take sides on a litigation issue that's between other people. If this is such an important thing for everyone, then it needs to be out in the open and it doesn't need to be hidden, suppressed, supplied to just certain individuals so that they can go ahead and further a lawsuit, if we're really serious about taking care of the problem and putting the question out there, where's the State of Colorado, where is also the openness and participation with everyone so I uncomfortable with this little cloak and dagger issue to get us involved in a lawsuit. I'm not willing to do that. If you want to put it out in front, let's put it out in front and let's be serious about it and do open scientific study and answer the question. I'm not willing to hide behind a political agenda.

Commissioner Houpt – and we’re not joining a lawsuit and my sense that it will become, the whole point is to make this public because it has real pertinent information to the public. Am I wrong on that?

Don – I would think the purpose would be public; the purpose of the study is to support a request to keep the rule in place. However, I can’t assure that if the results of the modeling indicated that additional regulations by Water Quality Control Commission were not needed that the group would desire to make that finding public. And the reason I can’t is because they’re in litigation.

And that would defeat the purpose of their litigation.

Chairman Martin – and is it really the interest of the public their in or a political agenda that’s set by them. And my answer is we need to make sure that if this is a health issue that we need to have everyone involved and to work on it openly and resolve the issue.

Don – the difference Commissioner Houpt is between a free flowing public hearing type process that you have and an advocacy process which is also still on-going and when you’re involved in an advocacy position and there clearly are attorney’s involved in that, your duty is to protect your position for the client and if that information was adverse, for instance, the pure litigation if you retain an expert to advise you, that expert tells you things that may not further your cause, you don’t have to disclose it.

Commissioner Houpt said she thought this was outside that litigation.

Don – I think it is but I have to also be mindful that except for us the other parties are involved in litigation and have shown clearly their objective is to keep this rule making it place, they believe its needed regardless of what a study may show at this point.

Commissioner Houpt – it defeats the purpose of the study to a certain extent, because you’re actually talking about a couple of things here, you’re talking litigation but you’re also talking about this state assessing whether or not the regulations should be in place, should be enhanced or --- and so those are two different things.

Don – if you’re doing a study to further the public base of information, you’re correct but if you’re doing a study to further your cause, which as an attorney I frequently am called upon to do.

Commissioner Houpt – but when you brought this to us I thought it was to further the public study.

Don – it is but if would not entirely straight forward to say that this is all that’s at stake here when all the other parties but Garfield County are also involved in the advocacy process.

Commissioner Houpt – so it has a dual purpose and what you’re saying is one purpose may not; it may not be used for the public purpose.

Don – that’s exactly my point – it might not be. I’m not saying it won’t be, but I can’t assure you that the other parties will give up on their position in litigation if this study was contrary to their view.

Chairman Martin – and if those parties wish to continue down that path, they may. I don’t want to be joined with them because I think it is detrimental to the process and detrimental to actually solving the problem.

Commissioner Houpt – I think it’s a critically important issue and I’m wondering who is going to be doing a study if this one isn’t.

Chairman Martin – what we should do as Garfield County is to ask the State Water Control to do a scientific study before they make a change. What do they have to lose? They can say no that they feel there’s enough study and there’s no scientific proof to show one way or another but we should ask.

Commissioner McCown – Combine it with the hydrological study they’re doing on Divide Creek.

Don – I did encourage them to look at other areas, for instance, my own view was that the area of Battlement Creek that Presco is developing is perhaps a better area to study, it’s got the same type of steep slopes, the same type of road impacts issues going in there but it doesn’t bring with it some of the other issues.

Commissioner Houpt – Larry is saying combine with the hydrological study.

Chairman Martin – sure then share that with everyone to make sure.

Don – I did encourage that but the other members of this group didn’t want to go there.

Commissioner McCown – we don’t know what their study is going to consist of, and number two, I can’t believe there’s a hydrological study taking place and the flow of the creek isn’t a part of it, so we will get data back on Divide Creek but we may not get it to the level these folks want.

Don – Larry, that surprised me in talking to Dr. Thyne that he could not identify the expertise to use this wet model, I agree with you, this type of surface flow would go with the hydrological study, and Dr. Thyne can’t find an expert in this area. They are looking at all underground stuff.

Chairman Martin – the question is still in front of this Board, we either sign this agreement or not, the motion is to oppose with a second for discussion.

In favor: Martin – aye; McCown – aye Opposed – Houpt – aye. We will not join. We will encourage the State of Colorado to get involved and go ahead and try to incorporate it in our own hydrological study; it’s such an important question that needs to be public not just tied to secret lawsuit.

Don stated if the Board wants to pursue this I can ask Dr. Thyne to continue looking, there are people at CSU that can do this but we haven’t contacted them. This would be something that would be added onto the study because it’s not incorporated.

Commissioner McCown – a second phase perhaps. That might be a possibility.

Resolution to Pete Mattivi – 100th Birthday

Chairman Martin proposed that we send a Resolution to Pete Mattivi who served as a County Commissioner for 20 years and he’s a 5 term County Commissioner, he’s celebrating his 100th birthday and would like to sent a Resolution making it for the century even though he had such a hard time for 20-years being a County Commissioners – to sent that to him as a memento.

Commissioner McCown second.

Proclamation – Pete Mattivi Day on September 11, 2005 – Happy Birthday

Houpt – aye; Martin – aye; McCown –aye.

Katrina Hurricane - Donation

Chairman Martin - Dale asked if this Board would entertain any dollar donation to the Katrina fund to the Red Cross.

Commissioner McCown – a good idea but I see it setting a precedence where there would be no stopping point and it would be better for each individual to donate to this effort – totally support the efforts but this is taxpayer dollars and they are solicited daily on charitable organizations and it's not our position to give their money away. That money we kept in abeyance for Human Services would have been a good idea but we included that in their grant process. That's what that money was earmarked for and would have been an appropriate donation. I would support something if it were made available to all Garfield County employees should they wish to donate.

Chairman Martin proposed seeking input from the different department heads and elected officials to see what can be done.

ADJOURNMENT

Attest:

Chairman Martin

**SEPTEMBER 12, 2005
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 12, 2005 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

Commissioner McCown presented a letter from Louis Meyer dated June 7, 2005; he has shown a willingness to serve on the committee that's been formed – the Interstate Compact Committee and to date we do not have anyone on that Board. Louis brings a tremendous amount of expertise to this Board and if he's willing to represent Garfield County, we should definite appoint him to this position.

A motion was made by Commissioner McCown to authorize Louis Meyer to represent Garfield County on this Interstate Compact Committee; Commissioner Houpt seconded; Houpt – aye; McCown – aye; Martin – aye.

COUNTY MANAGER UPDATE – ED GREEN

County Manager Update: Ed Green

✓ ***Out of State Travel Request – Patsy Hernandez***

Patsy submitted an out of state travel request for Bob Pendergrass and Cathleen Van Roekel to attend the New World Conference for industry updates, trends, user group meetings, product directions, software demos, new solutions and networking for a cost not to exceed \$3,300.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the travel requests for Bob and Cathleen in the amount shown on the out of state travel requests for two people. Houpt – aye; McCown – aye;

✓ ***Renewal of Purchase of Services Agreement for providing Professional Auditing Services – Patsy Hernandez***

Patsy presented the renewal services contract for McMahan and Associates, LLC to provide auditing services for Garfield County for the 2005 calendar year. The term is from January 1, 2006 to December 31, 2006.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the renewal of purchase of services agreement for providing Professional Auditing Services subject to legal review. In favor: Houpt – aye; McCown – aye; Martin – aye.

✓ ***Providing and installing an Alternating Twin Tank Water Treatment system using Potassium Chloride for regeneration – Paul Tegtmeier***

Tim Arnett and Paul Tegtmeier were present. Paul presented the recommended board action to award the purchase of Service Contract to Fontus Enterprises, Inc. to install an alternating twin tank water treatment system in the Garfield County Detention Center for a not to exceed price of \$16,795.00.

Lou stated this was part of the remodel project and it is to complete the project they started.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase and installation of an alternating twin tank water treatment system using potassium chloride for regeneration (water softening system) for an amount not to exceed. \$16,795.00.

In favor: Houpt – aye; Martin – aye; McCown – aye.

✓ ***Renewal of Agreement for providing inmate medical and dental services – Lou Vallario***

Tim Arnett and Lou Vallario presented the renewal agreement for providing inmate medical and dental services and recommended the award to Correctional Healthcare Management Inc. for a one year term beginning January 1, 2006 for an amount of \$544,334.00.

Lou is very supportive of this firm and noted there are very few companies that provide this service.

The jail population hasn't been below the 160 level for several months. The pre-trial individuals are driving the numbers up, about 40 of those are not able to bond out due to being illegal aliens and we are receiving money from ICE. Part of the problem is that we have a run of people up for their arrest for Failure to Appear warrants and they're not likely to bond out if they've failed to appear previously. We were down to 154 last week but back up to 175 this morning.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the renewal agreement for providing inmate medical and dental services in an amount not to exceed \$544,334.00 for the fiscal year 2006.

In favor: Houpt – aye; McCown – aye; Martin – aye.

✓ ***Converting a Detention II position to a Corporal to supervise “Court Services” – Lou Vallario***

Lou Vallario submitted a request to the Commissioners to convert a Detention II position to a Corporal to supervise “Court Services”.

When they are up and running on the new security system there will be eight people involved Time frame on the security system up and running within 30 days. Let all the employees know and put up signs in the Courthouse to alert the public be informed.

Dale needs to be informed to take care of this.

Kudos to the Sheriff and Road and Bridge

Commissioner McCown gave Kudos to the Sheriff’s for the assistance given in the investigation of the incidents that occurred in Rifle last week.

✓ ***Renewal of Countywide trash removal and recycling services – Tim Arnett***

Tim Arnett submitted the contract and recommended Waste Management to provide countywide trash removal and recycling services for a not to exceed cost of \$19,668.00. The memo Tim submitted explained the facilities covered under this agreement and the respective amounts.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the renewal of countywide trash removal and recycling services to Waste Management not to exceed \$19,668.00. In favor: Houpt – aye; McCown – aye; Martin – aye.

✓ ***Renewal of professional services contract for lawn & grounds maintenance in Rifle, for the new Human Services Building, Garfield County Courthouse Annex and the Henry Building – Tim Arnett***

Tim Arnett submitted the renewal contract for Professional Services for lawn and grounds maintenance in Rifle, for the new Human Services Building, Garfield County Courthouse Annex and the Henry building to Barbara Gold for a not to exceed cost of \$13,827.84.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the renewal of professional services for the lawn and ground maintenance in Rifle for the buildings listed and minimal services at the Taughenbaugh Building until sold to Barbara Gold for a not to exceed cost of \$13,827.84.

In favor: Houpt – aye; McCown – aye; Martin – aye.

✓ ***Out of State Travel Request – Doug Dennison, Jim Rada***

Doug Dennison submitted the out of state travel request for Oil and Gas Accountability Project’s “People’s Oil and Gas Summit: Toxics in Our Communities” to be held in Farmington, NM coming out of two budgets – Oil and Gas Auditor to cover Doug’s expenses and Public Health to cover Jim Rada – cost for each is \$575.00. This is specifically for potential health impacts related to the oil and gas development. There are a lot of people from this area planning to attend the session.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the out of state travel for Doug and Jim at a cost of \$575 each.

In favor: McCown – aye; Houpt – aye; Martin – aye.

The Commissioners requested Doug provides us with a debriefing upon return to let the public know about the workshop.

✓ ***Contract review and approval with CDPHE & Garfield County Public Health for Maternal/Child Task Order. – Mary Meisner***

Carolyn presented the Colorado Department of Public Health and Environment contract for State Title V federal funds through the Maternal and Child Health Services Block Grant for \$18,159.00 with \$8,172 identified as attributable to a funding source of the US government and \$9,987.00 indented as attributable to a funding source of the state of Colorado.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with CDPHE in an amount not to exceed \$152,353.00 for contract routing number 06-00716. In favor: Houpt – aye; McCown – aye; Martin – aye.

Rural Resort

Invoice from Rural Resort for \$1690 and the Northwest Colorado Council of Governments for what they characterize as our share of our assessment of a special assessment on the I-70 Coalition.

Commissioner Houpt – this comes out of the IGA that we signed last year to be a member of the I-70 Coalition to review the PIS and Preferred Alternative has been submitted to CDOT and we’re working closely with CDOT on the process similar to what we’re doing on the Roan Plateau. There have been numerous recommendations to create a Transportation Management Agency to continue to work with CDOT on the I-70 Corridor Plan. The IGA allows for special assessments; it is to pick up the amount we need in excess of our budget to carry through this fiscal year to continue the effort of researching and putting the TMA.

Commissioner McCown – the last line in Paragraph 3 –takes away the incentive to take away from paying this assessment for me.

Commissioner Houpt – this is an organization that is not a CDOT organization but is separate from that and CDOT’s been great about working with us and contributing to the effort.

Commissioner McCown – I don’t appreciate assessments from our member entities – a surprise billing that we’re not aware of and if the State has agreed to contribute the difference if the goal’s not met.

Commissioner Houpt – made a motion that we do approve the payment of the special assessment in the amount of \$1690.50 and believe that it’s a low assessment in relation to what the IGA would have allowed for because of the cooperation we’ve received from all of the 29 members and CDOT through this process.

Commissioner McCown seconded for discussion. Is this study coming to Garfield County now or it is still stopping at Eagle County.

Commissioner Houpt – it comes to the intersection in Glenwood Springs.

Chairman Martin – in Rural Resort we budgeted \$5,500.

Ed – more than that.

Chairman Martin – the dues were \$5300.

Commissioner McCown – seems like we budgeted \$12,000 last year.

Ed – we focused on Northwest COG.

Commissioner McCown – no it was the other way around.

Chairman Martin - we spend a lot of money on different studies and people might be getting tired of spending money on studies without results - we need to get some results.

Commissioner Houpt – there was a product that resulted from this – it was the Preferred Alternative that was submitted to CDOT in response to their PEIS by 29 entities along the I-70 Corridor which was pretty amazing

Commissioner McCown – what is the need for this gentlemen’s services the next three months – at \$10,000. What will he continue to do if the work has already been submitted to CDOT?

Commissioner Houpt Two components – one is coalition will be staying together and we’ll continue to work with CDOT to respond to any questions they may have about the Preferred Alternative and educate them on this. The consultant will be to create a business plan for Transportation Management to bring large and small private business into that type of organization to help us move forward on some of the larger plans that were brought out through the Preferred Alternatives – widening certain portions of the highway and public transportation – we need private entities involved. I-36 Corridor, the portion of highway between Broomfield and Boulder did this and it was very successful. We’re following a model that has had success with CDOT in the past.

Commissioner McCown – suggested to Tresi as the County’s representative to Rural Resort to in the future not entering into contracts that you do not have the funds to cover and come back and assessing Garfield County with this.

Commissioner Houpt – this is a motion that came out of the Executive Committee meeting that is specifically allowed for by the IGA that we entered into from there, counties can do what they want to do with the proposed assessment but the IGA clearly allows for this type of assessment.

Chairman Martin – CDOT spent about \$18 million just to come up with the Preferred Alternative in 10 years so far, we don’t want to fall into the same trap.

The Preferred Alternative of CDOT is to widen I-70 to a new bore, to a climbing lane on Vail Pass and buses out of Jefferson County. The Coalition’s Preferred alternative included accomplishing immediate needs – there are certain projects throughout the Corridor that are being strained that need to be completed and then addressing pinch points without doing just a flat overall widening of the highway and as they are addressing those pinch points during research and development on a transportation system that would be some type of rail but doing that parallel to working on those pinch points.

Chairman Martin – this work is hinged on Referendum C & D passing according to CDOT.

In favor: Houpt – aye; McCown - aye Opposed: Martin – aye – We’ve studied this to death and its beyond our scope to keep it going just be kind of a spiraling down.

Commissioner Houpt – we’re beyond studying – we’ve come up with a consensus statement from 29 entities along the Corridor and we need to keep that alive and help CDOT to identify transportation process that will help them to support the Preferred Alternative.

Chairman Martin – I agree it is a good effort but we also had over 100 people participating and signed off on the Preferred Alternative that was denied by CDOT – we have a long way to go from motor carriers to Rural Resort, to Vail and Associates, to Aspen, to Grand Junction – they’re not on board yet and it still affects them everyday. You need to keep on working on that if that’s what you’re going to do.

COUNTY ATTORNEY UPDATE – DON DEFORD

Glenwood Springs – Notice of Annexation

Don - Received notice of annexation from the City of Glenwood Springs that involves a public hearing this Thursday. It is a 2-acre parcel located between Midland and the Railroad right of way. I just wanted to make sure the Board was aware of it.

The Board did not have any direction to staff.

New Castle – Boundary Line adjustment - Annexation next to the shopping center.

A very small parcel of several hundred feet.

- g. Executive Session: Litigation Update; Legal Advice*** - DDA Litigation; Contract negotiation and status for the auditor for the Assessor’s office. Discuss Contract negotiations and road acceptance for Battlement Mesa; update and legal advice with Highway 6 in the area of Miller and Ukele; status of the Parachute bridge walkway contract negotiations and possibly Roan Plateau.

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

Don - Construction of ***Sun Meadows*** – final approval of final plat access to State Highway 6 from Miller Lane and need the

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to reaffirm the actions of CDOT – clearly the action of the Board at the time of this approval and if permitted by CDOT to make those requirements.

In favor: Houpt – aye; McCown – aye; Martin - aye

COMMISSIONER REPORT

Commissioner Houpt – Wed. the Colorado Oil and Gas Commission looked at the Noise Regulation that was being proposed and it lasted until after 5:30 and they are continuing the discussion; they are putting a lot of thought into it and allowing a lot of discussion. Oil and Gas Forum on Thursday; Strategic planning on Tuesday, meeting at noon on Wednesday with the Real Estate Committee; Thursday - Rural Resort & I-70 Coalition meeting and Friday – Representative Curry is having a meeting on the surface ownership impact bill from Ramada from 1 – 4.

Commissioner McCown – Strategic Planning on Friday, BOCC was Tuesday, Thursday the Northwest Oil and Gas Forum. Tomorrow is another Strategic Planning Meeting from 8 am – 11:30 am. Wed is the Ribbon cutting at the Human Services Building and the meeting with Rio Blanco County at the same location at 10:00 and 11:00 – Friday

at 8:00 am with the RAC working group at the BLM field office and it will be the Energy working group. Asked for Ed to be a judge at the apple pie contest at 11:00 a.m. on Saturday.
Chairman Martin – SWANA solid waste in town and Marvin and Kraig with me at the Hotel Colorado Thursday and Friday; Rifle and apple days, parade at 9 am at the Fairgrounds on Saturday; Fall Art Festival on Monday next week – lasts for a week.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-Fund Transfers
- d. Changes to Prior Warrant List

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

PUBLIC MEETINGS:

APPOINTMENT OF AN ALTERNATE TO THE LIBRARY BOARD – JACI SPUHLER

A letter was received from Jaci Spuhler requested an appointment of Laura Wassmuth to be moved as a regular position and she submitted two letters of people interested in serving as the alternate position: Laura Hardman and Greg S. Russi.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Greg S. Russi as the alternate to the Library Board. In favor: Houpt – aye; McCown – aye; Martin - aye

DISCUSSION REGARDING ROAN PLATEAU BLM QUESTIONS – RANDY RUSSELL

Randy Russell presented the “homework assignment” and internal memo in draft form for discussion and consensus by the Board.

Randy passed out a handout – Internal Memo – Draft BLM Letter. Response to the above homework questions.

Randy compiled a letter to Greg Goodenow, BLM – Commissioner Houpt submitted comments and they are incorporated in the draft letter.

A lengthy discussion was held with respect to the various concerns.

Final discussion next week and final draft to BLM by next Tuesday.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Jacee Johnson/Evelyn Scott – Property dispute

Evelyn Scott – 6373 - 309 Road – Parachute, Colorado – I emailed John Martin with two letters back in August around August the 6th or 7th, a letter that I wrote and also one that Mrs. Gloria Martin wrote and it concerned the property of Jacee Johnson. I have received no replies from anyone; we’ve sent emails to you, to the Planning Board and to the Water Resources.

Chairman Martin – Jim Lemon.

Evelyn Scott – No, I sent it to the Water Resources itself and we did not receive a reply from anyone.

Chairman Martin – I think I’ve talked to you on the telephone a couple of times.

Evelyn Scott – not me, you may have Gloria but not me.

Chairman Martin – maybe Gloria.

Evelyn Scott – and she didn’t get any satisfaction – as far as I know the orifice is not in place in the box.

Chairman Martin – that is correct, I talked to the gentlemen that broke his back and his neck

Evelyn Scott – Jack Ferris.

Chairman Martin – Jack said that Jim did come out, looked at the plans, did approve the plans and that he instructed Jack to make sure that was in place and he sent a letter also to Mr. Bean saying he approved the installation, etc. and that it would be satisfactory and would meet all the requirement.

Evelyn Scott – Jim Lemon is not an engineer, he wouldn’t know if it was correct or not.

Chairman Martin – okay, he’s still in charge of that inspection.

Evelyn Scott – he may be in charge, but according to this.

Chairman Martin – Jack was in the office and talked to Mr. Bean and also to the Building Inspector and Jack stated he has not installed it, you are correct.

Evelyn Scott – well according to this, all that Jimmy Lemon should have sent to the Planning Board was a letter saying that she had the water. A letter should have come from her stating or from an engineer stating that orifice was in place. I want to know how she got a special building permit; how she got occupancy, these things weren’t carried out prior to that.

Chairman Martin – all I can tell you is that when I got that information, I requested that according to the letter that is in the file, the box had been installed and had been inspected by Mr. Lemon and it satisfied all the needs. And when Jack came in I asked him, is it really in and is it really working? He said he hadn’t got it in yet.

Evelyn Scott – no it isn’t in yet. So how can you take the word of James Lemon when he’s not an engineer?

Chairman Martin – he works for the State of Colorado, the Water Resource office.

Evelyn Scott – but that doesn’t prove anything.

Chairman Martin – it’s on a State – I understand that but we don’t inspect the water issue – that needs to be done by the proper agency and according to that letter it had been inspected and it had passed. There’s an issue there. No denying that.

Evelyn Scott – there definitely is an issue there.

Chairman Martin – and the Building Department and the approval process are being scrutinized as well and that needs to be inspected by a qualified engineer. And that still has not been done.

Evelyn Scott – it’s still not in place.

Chairman Martin – that is right.

Evelyn Scott – and she’s still in occupancy.

Chairman Martin – yes, based upon that letter that Mr. Bean sent out, he approved all of those permit.

Evelyn Scott – then who do I talk to.

Chairman Martin – right here, this Board right here.

Evelyn Scott – but I'm not getting satisfaction.

Commissioner McCown – what do you want Mamm?

Evelyn Scott – I want somebody punished for this.

Commissioner McCown – what type of punishment would you be looking for?

Evelyn Scott – either that she moves out of the house until it's rectified. This has been going on since 1998.

Commissioner McCown – is she using inordinate amounts of water or is your source suffering.

Evelyn Scott – she's in the house. Yes they're taking more water. They should not be taking any of our irrigating water at this time of the year. The way that it is set up under the Courts, is they take their 8 gallons, one for Jack Ferris house and 4 for her place in the wintertime; then that valve is turned off and they take their water out the irrigating water that is allocated for that place where Jack Ferris is living and that isn't being done. We have been cheated out of water this summer.

Chairman Martin – there is a water injury there that's being claimed and that needs to go to the Water court – a civil issue. However, the building permit was contingent upon that device being put in place, inspected and a letter sent saying it was operational. We received that letter and that's why we followed through with the permits. We still have an issue because it's not in place and

Evelyn Scott – it's still not in place and she has occupancy.

Chairman Martin – but we just found out.

Commissioner McCown – this is an issue we need to take up with Mark.

Chairman Martin – yes it is.

Evelyn Scott – now another issue is the water going into the house, or is still going into the well?

Chairman Martin – that's what we have to find out because you are correct, there is a wrong there and ...

Commissioner Houpt – and we can take it up with him and then certainly get back to you.

Chairman Martin – it has certainly not fallen on deaf ears because I have been working on that and I was sure that you had been in contact with Mr. Bean and Mr. Lemon because they were aware that I was looking into it as well. So I apologize for that but I had conversation with Mr. Farris and the other lady that had called.

Commissioner McCown – what is your address on 309 Road?

Evelyn Scott – 6373 309 Road. Is someone going to get in touch with me whenever the engineer goes up to check that? I would like to go up with him.

Chairman Martin – Yes he will contact you.

Commissioner McCown – well, I'm not sure that will happen for you to go up with him. I'm not sure what your rights would be – are you an engineer?

Evelyn Scott – no, I'm not an engineer.

Commissioner McCown – well then you couldn't dispute an engineer's ruling.

Evelyn Scott – no I couldn't dispute but I would like to know.

Commissioner McCown – I don't know that you will be contacted, Mamm.

Evelyn Scott – the reason I would like to know is to be sure that an engineer goes up there that is my priority.

Commissioner McCown – that's what we can ensure, I can't insure that they will contact you.

Evelyn Scott – okay.

Chairman Martin – the engineer, but we will

Evelyn Scott – and will this be taken care of in relatively early time?

Chairman Martin – well, I'm going to follow up on it again today because I was under the impression that you had been contacted.

Evelyn Scott – no. We have had no word, Mrs. Martin or I have had no word from anyone and I think that's a very inconsiderate way to

Commissioner McCown – and this is potable water that you use to drink out of the ditch? Or this is irrigation water?

Evelyn Scott – this – it's both. It comes out of two different springs right into pipes that go into a box. The box is set up so that...

Commissioner McCown - but it is part of your potable water system, you drink this water as well as irrigate...

Evelyn Scott – we don't but Jack Ferris and Elaine Allen do, I assume they do.

Chairman Martin – Jack does, I know.

Evelyn Scott – Jack does I know too, but there's 8 gallons allocated, 4 go to Jack Ferris and 4 goes to well she was Jacee Johnson then because at the time that the 8 gallons went through the courts, she owned Jack Ferris' place and sold it to Jack.

Commissioner McCown – and split off part of the lot.

Evelyn Scott – right, yes.

Chairman Martin – and that's why the water agreement had to be in place to qualify for that.

Evelyn Scott – right, yes.

Chairman Martin – and that's why we had that public hearing to make sure that was in place but it obviously was not.

Evelyn Scott – and I think this has been going on too long.

Chairman Martin – and I agree with you. And I again apologize.

Cow Creek Access - Mabel Ann Fazzi – CR 214 – Silt, Colorado

No satisfaction without a big battle out of BLM in Glenwood and Rio Blanco. This property belonged to her father, her and now her son. \$250,000 bridge – Glenwood BLM and claimed it wasn't going to be for oil and gas industry.

No notice for Williams and they wouldn't even send her the legal notice. Mobile Oil leased the right of way, brought by the Colorado for – in Garfield County, the DOW made an agreement, it doesn't show up – property is in Rio Blanco, this trick was done in Garfield and the property is in Rio Blanco. This was enough to get her real irritated. When they don't follow their own rules and do not do things legally, then its time for the County to take over. The contest is a court case – State of Colorado paid for the rights – they aren't in the business of extracting minerals and they should not have been involved in the transfer of rights.

Restriction August 15 due to sensitive wildlife – hunters, snowmobiles – they are out there now trying to hunt, oil rigs and all the stuff – it's a one-lane road and when it's slick, been told the oil companies given these parcels that

used to be used for grazing – now they are closed by the oil and gas and access is blocked. The access to the old Union Oil is no longer accessible by the public. This land was given to them, the oil companies, at \$2.00 or \$3.00 as deeded property. This access they gave to private oil companies over her son's property. Most of it sits in Garfield County. The road was done in Rio Blanco. It takes off from a Rio Blanco road and the agreement was put in Garfield County. Her property lies in Rio Blanco County. It doesn't show up in property searches.

Mabel hasn't been to the Rio Blanco Commissioners but that is next on her list. This is for notification – she has given the information to Commissioner Houpt.

Commissioner McCown stated the Board will look into this issue.

Cow Creek Road improvements were done by the oil company – for exploration.

Mabel said and they all paid leases with permission by her dad.

Chairman Martin will research this issue.

Roan Plateau Claire Bastable – discussion from the Roan discussion.

Points – when the topic of Community Alternative it was taken off the table. – Made the point that the Community Alternative takes its comments from the RMP. Therefore it is within the BOCC's authority to consider.

Chairman Martin – 77,000 comments and this is part of those. This is not a document for the Board to make comments on.

Claire made the point that they are taking into consideration for the DNR documents

Chairman Martin – only to the oil and gas issue.

Commissioner Houpt – a lot of valuable insights has come forward in response to the management plan – she will continue to use this as a resource for going through the management plan, just as valid as other material we are relying on. She will not stop using the Community Alternative as she would like to see come out of the management proposal.

Claire – the DNR proposal has a lot of valid information and they agree with it – this is another proposal and the BOCC is trying hard not to endorse an Alternative – ACEC's and not making – completely reasonable to say we endorse several of the ACEC's and this seems to be in your preview to do so.

Commissioner McCown – be careful to what you wish for – no specificity to how large these ACEC's and they could shrink down in size. It is not the number it is the area to be protected and that's what we specified and that's what I specified this morning in my very pointed first sentence statement that all areas of critical habitat, areas of critical concern endangered plant life and water shed be protected. That could be one ACEC. So no, I'm not going to say I prefer four over two, or ten over three because as you do that in fact you are shrinking those areas down to where you may end up with less protection than you have with a smaller number of areas.

Claire – from the wording in the draft, it seems nebulous. She encouraged the BOCC to consider the public input; there were a lot of folks – asking for protection on the top of the Roan – encouraged what the constituents requested and this issue needs to be kept on the table.

Commissioner McCown – consider the public comments in this room and also in Parachute and in Parachute most wanted to develop the Roan Plateau. I still consider this a public comment.

Roan Plateau –Bob Millette –over 650 members of the Roaring Fork Sierra Club. What happened to the proposal of deferred drilling?

Chairman Martin – it would devastate wildlife –

Commissioner Houpt – orderly production – the same notion of not having wildlife spread during drilling but an orderly manner for drilling.

Chairman Martin – the land is controlled by BLM and we will not debate.

Bob – 94% of the natural gas in Piceance – in favor of no drilling on top of the Roan Plateau – 75,000 letters and the majority of people spoke out of no drilling and municipalities and acknowledge the wishes of the constituents. The form letters have expressed their views.

Chairman Martin – 66,000 form letters from the same computer.

REGULAR AGENDA: BUILDING & PLANNING ISSUES

PUBLIC MEETINGS:

CONSIDER AN AMENDMENT TO THE FINAL PLAT OF TRAVELERS HIGHLANDS SUBDIVISION. APPLICANT IS HARLAN MCELROY. – FRED JARMAN

Fred Jarman and Terry Kirk for owner Harlan McElroy.

The applicant owns two adjacent 5,000 sq. ft. lots (lots 17 & 8, Block 11) in the Travelers Highlands Subdivision located just south of I-70 on State Highway 6 & 24 approximately 3 miles west of Parachute. The applicant requests approval to eliminate the line that presently separates the two lots so that the property becomes one 10,000 sq. ft. property.

Bringing some of the lots together is a good thing.

Recommendation:

The Applicant has provided all required documentation had 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 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. That the title of the new plat shall read as follows: "Second Amended Final Plat of Travelers Highlands Subdivision, Lot 17 & 8, located in Sections 27, 28, & 33, Township 7 South, Range 96 West of the 6th PM, County of Garfield, State of Colorado.
3. Within 90 days of approval, the Amended Final Plat shall be reviewed (paper copy), then

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amendment to the final plat of Travelers Highlands Subdivision combining lots 17 and 8, Block 11 with the 3 conditions of staff be applied.

In favor: Houpt – aye; Martin – aye; McCown – aye.

CONSIDER THE APPOINTMENT OF PRESENT ASSOCIATE MEMBER OF THE PLANNING COMMISSION TO REGULAR MEMBER STATUS. – MARK BEAN

Christina Chafin resigned. (Kit Lyon)

Mark Bean indicated they are one member short and typically suggest one of the alternate positions be moved up and no response to the ad in the newspaper.

Bob Fullerton, Shirley Brewer Jock Jacober are the three associated members.

Mark would like the regular 7 member board.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to appoint Jock Jacober as the regular member. In favor: Houpt – aye; McCown – aye; Martin – aye.

PUBLIC HEARINGS:

CONSIDER A PRELIMINARY PLAN APPLICATION FOR THE BOOMS PLACE SUBDIVISION. THE APPLICANT IS ROBIN FRITZLAN. – FRED JARMAN

Robin Fritzlan Shauna Hoffmeister, Carolyn Dahlgren and Fred Jarman were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

She advised the Board 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 – left blank; Exhibit D -Garfield County Zoning Regulations of 1978 as amended; Exhibit E –Garfield County Comprehensive Plan of 2000; Exhibit F -Application materials; Exhibit G – Staff Memorandum; Exhibit H – Memorandum from the County Vegetation Manager dated 6-17-05; Exhibit I – Letter from DOW dated 6-13-05; Exhibit J – Letter from the CGS dated 6-9-05; Exhibit K – Letter from Resource Engineering dated 6-13-05; Exhibit L – Letter from DWR dated 6-7-05; Exhibit M – Email from the County Road and Bridge Department dated 6-13-05; Exhibit N – Letter from the Colorado State Forest Service dated 6-21-05; Exhibit O – Survey of the “Thumb” portion of the lot by Sexton Survey and Exhibit P – Memorandum from the County Vegetation manager dated 7-27-05. Chairman Martin entered Exhibits A – P into the record.

Fred stated the applicant proposes to subdivide 63.799 acres into 4 single family lots (3.874; 3.882; 10.315 and 45.728) acres. The property is located on Graham Mesa less than 2 miles northeast of the City of Rifle and Interstate 70 on CR 233 with view of the Colorado River Basin and the Book cliffs. The property poses one main access point onto the property from CR 233. The property could be characterized as having a lower and an upper bench separated by a steep slope that slopes in a NE to SW direction. There is an existing access easement for the maintenance of a 1.3 million gallon water tank that is on the northeast of the property and owned and maintained by the City of Rifle. Recommendations:

1. That all representations made by the applicant in the application, and at the public hearing before the Board of County Commissioners and Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. The final plat shall contain the following plat notes:
"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."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"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."

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

"Addresses are to be posted where the driveway intersects with the County Road. If a shared driveway arrangement is used, the address for each home should be posted at the County Road and on the individual

residences 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.”

“Driveways should be constructed to accommodate the weights and turning radius of emergency apparatus in adverse weather conditions.”

“Combustible materials should be thinned around structures so as to provide a defensible space in the event of a wild land fire.”

3. The applicant shall provide the following items for approval as part of the final plat submittal application to the Building and Planning Department.
 - 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.
4. The applicant shall incorporate the ISDS Operation and Maintenance Plan in the covenants which shall be submitted with the final plat documents.
5. Due to the fact that wildlife does travel through the area, all fencing should be constructed to be consistent with wildlife friendly fencing standards used by the Division of Wildlife which includes, but is not limited to, the following which shall be incorporated into the protective covenants:
 - a. For wire fencing, a maximum height of 48” with no more than 4 strands and a 12” kickspace between the top tow strands is sufficient.
 - b. Rail fenceings should be held to a maximum height of 42” with at least 18” between two of the rails.
 - c. Mesh fencing is strongly discouraged, as it significantly impairs wildlife movement.
 - d. 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.
6. The applicant shall pay the appropriate School Land Dedication Fee to be calculated at and paid at the time of final plat and shall be incorporated in the ISA.
7. The applicant shall provide electronic versions of the final plat and construction set to the Planning Department once the final plat has been approved and prior to recordation.
8. The applicant shall adjust the building envelopes on Lots 3 and 4 due to the steep slope which bisects the property such that all future development shall be setback 100 feet from the to of slopes greater than 37%.
9. The applicant shall revise the drainage plan prior to final plat so that a single detention pond (adequately sized and located near the southerly boundary of the subdivision) would be adequate for the project.
10. The applicant shall separate the building envelope on Lot 4 into two parts such that each bench has its own building envelope above and below the steep slope. The building envelope shall exclude the slope where it exceeds 30% and shall have an adequate setback from the top and toe of the slope. These adjusted building envelopes shall be shown on the final plat.
11. The applicant shall relocate the riding arena on the property prior to the submittal of the final plat such that is located entirely on its own lot.
12. The applicant shall include a plat note on the final plat stating the following: “The mineral rights associated with this property (also known as Lots 1, 2, 3, and 4 of the Booms Place Subdivision) 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)”.

Applicant:

No comments from the applicant.

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 preliminary plan with the 12 conditions posed by the planning commission.

In favor: Houpt – aye; McCown – aye; Martin – aye.

**CONSIDER A REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF A SUBDIVISION.
OWNER IS MIKE AND KIT STRANG. – RICHARD WHEELER**

Carolyn Dahlgren, Michael Strang Jr. and Richard Wheeler were present.

Carolyn reviewed the noticing requirements for the public hearing and determined that the BLM was not notified and they border the property.

Carolyn stated the issue that BLM was not notified by mail, the posting was there and the question is it adequate notice.

Chairman Martin – requested the applicant’s acceptance of the BLM to call the notification inadequate and the applicant would have to start all over.

Mike Strang stated he was willing to go forward.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D –Garfield County Subdivision Regulations of 1984; Exhibit E - Comprehensive Plan of 2000; Exhibit F –Staff report dated 9-12-05; Exhibit G - Application materials; and Exhibit H – Letter dated 6-7-05 from Carbondale and Rural Fire Protection District.

Chairman Martin entered Exhibits A – H into the record.

The applicant proposes to divide the 453.5 acres into two lots. The division would create a 2.8 acre parcel and a 450.7 acre parcel. The 2.8 acre parcel will include the cabin where Lathrup Strang and family live. Lathrup is proposing an addition to the cabin. By having the cabin on a separate parcel of land, Lathrup will be able to apply for a building permit.

The parcel is landlocked and they will need a deed for access. This will be an additional recommendation.

STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL.

Staff is recommending the Board of County Commissars approve the Strang Exemption with the following plat notes, covenants, and conditions:

1. A plat of an approved or conditionally approved exemption shall be presented to the Board for signature within 120 days of approval. The plat shall include a legal description of the exempted property, and the County's Exemption Certificate, the County Surveyor's Certificate. The plat shall be recorded with the County Clerk and Recorder no later than thirty (30) days after the Chairman's signature. The Chairman of the Board of County Commissioners shall not sign a plat of a conditionally approved exemption until all conditions of approval have been complied with.
2. Plat notes, restricting the lots to the following:
 - a. 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.
 - b. 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. 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. Each subdivision shall have covenants requiring that all exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
3. The applicant shall prepare a well sharing and access agreement to be incorporated and recorded.
4. The applicant shall submit a well pump test and a water quality analysis of each well that is referenced in the application for this Exemption. Such test and analysis shall meet all County standards (§8:42 D) and shall be submitted prior of recording of the plat.
5. School fee (school impact fee is \$200.00 for each lot created) shall be paid prior to recording of the plat. Fee is only applicable to the newly created lot.
6. Access to the smaller (newly created) lot shall be deeded and dedicated on the plat, as well as all utilities easements shall be shown on the plat.

The applicant will need to have a deed for access in and out of that lot for the County right of way, there's been no deeds submitted and we can work with the applicant on that. That will be an additional Condition of approval. Staff put a boiler plate recommendation concerning a well sharing agreement obviously if there's going to be two lots and two wells there won't be a well sharing but the applicant will still need to have first of all, the wells located on the map and if that well is not on the subject property, they'll need to show the proper easement too that – those are two issues to clarify.

On the conditions of approval, that we change number 3 to the applicant shall show all wells on the plat as well as all easements and access agreement to be incorporated and recorded. As well as a condition no. 6 being added access dedication and deed for the exemption.

Applicant:

One of the wells will need to have a well sharing agreement.

Richard explained the need for a water test since he is dividing the land into two parcels.

Carolyn – now you and your parents are working as a family deal, one question is there a maintenance agreement on the access lot or will the main lot keep responsibility. There needs to be an easement deed, shown on the plat and access to the County plat.

Mike – the utilities included. Gas, etc. need to identify. Add a condition of approval, number 6 included.

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 a subdivision for Mike and Kit Strang with the recommendations 1 – 6 changing no. “the applicant shall show all wells on the plat as well as all easements and access agreement to be incorporated and recorded, as well as a condition no. 6 being added “access dedication and deed for the exemption.”

In favor: Houpt – aye; McCown – aye; Martin – aye.

ADJOURNMENT

Attest:

Chairman of the Board

**SEPTEMBER 19, 2005
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 19, 2005 with Chairman John Martin and Commissioners Tresie 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) Oil and Gas - Recommendation for Contract Award, Land Issues and Solutions Study – Doug Dennison and Tim Arnett

Tim Arnett and Doug Dennison provided the Board with the request for proposal (RFP) to obtain proposals for performance of the Garfield County Land Issues and Solutions Study.

The Garfield County Socio-Economic Impacts Study (SEIS) seeks to analyze benefits and impacts in three separate studies. The first will look at estimating economic and population effects. The second, who is the subject of this RFP, will analyze the economic and institutional factors that influence residential land values in the County and/or impact the ability of landowners to finance or re-finance their property. The third study, conducted in 2006, will analyze infrastructure requirements in the county over the next 10-20 years.

The Garfield County Board of County Commissioner will direct the Land Issues and Solutions Study through the County Manager's Office. Daily management and oversight of the study will be the responsibility of the Garfield County Oil & Gas Liaison.

Advising the study closely throughout its conduct will be the Garfield County Energy Advisory Board through its multi-stakeholder Land Issues and Solutions Committee. The Committee is composed of members representing each key industry sector (energy, home building, real estate, mortgage lending, non-energy commercial & industry) as well as landowners and citizens.

The successful bidders ("Consultants") will be expected to meet with the Committee at least once during each month of the Study period and will provide the materials for the Committee to provide updates to the full Energy Advisory Board. Additionally, the Consultants will participate as directed by the Committee in at least two of the EAB meetings over the duration of the study and one at the conclusion of the Study to present findings. The Consultants should also anticipate that they will be required to provide 4 community briefings (2 at the halfway point of the study and 2 at the conclusion of the study).

The Land Issues and Solutions Study will have 5 primary deliverables:

1. A "project guide" that provides a brief summary of the final work scope based upon the final proposed project plan negotiated between the Consultant and Garfield County. The purpose of the project guide will be to assist both Garfield County and the EAB Land Issues and Solutions Committee and the EAB understand exactly what the Study seeks to accomplish and how the Consultant intends to meet the project goals. All activities and progress will be tracked against this project guide.
2. A land classification map covering all of Garfield County. This map will be compiled from existing County land use maps but will aggregate uses to show general development patterns rather than specific uses for individual properties. At least 3 maps will be provided:
 - a. Historical land use (pre-2000)
 - b. Current land use patterns
 - c. Land use patterns in 10 years assuming current development patterns continue
3. A list of the factors (from all sources) influencing residential land values in Garfield County;
 - a. The factors should be weighted as "high", "medium" and "low" in the level of their maximum impact (the maximum impact level may or may not last). The Consultant should provide a definition of the weights
 - b. The list should provide a "life cycle" for each factor to provide a view of whether that impact is temporary or long-term. Where possible, the life cycle of the impact should be presented visually with a graph against time
 - c. Each factor should include an estimate as to when the impact may occur in the development of the impacting action (e.g., does the impact occur when an industrial, commercial or governmental facility is built or when it is first used, does it occur when a gas field is leased or when it is in full development or when a piece of equipment is placed on a property)
4. A list of the barriers (institutional or otherwise) that can impact the ability of land owners to enjoy and/or transfer their property;
 - a. Each barrier should be fully described with:
 - i. The structure of the barrier
 - ii. The cause of the barrier
 - iii. The decision influences (e.g., positions or institutions) that can change, mitigate or eliminate the barrier
 - iv. An estimate of the time and effort (qualitative and/or quantitative) that would be required to mitigate or eliminate the barrier
 - b. The barriers should be weighted by:
 - i. Impact of the barrier on the landowner
 - ii. Potential for changing, mitigating or eliminating the barrier
 - iii. Level of effort or complexity involved with changing, mitigating or eliminating the barrier
5. A list of solutions and potential costs (if any) that would overcome the barriers identified in Number 2 above including:
 - a. A description of the potential solution
 - b. The tasks required to implement the solution
 - c. The influences (e.g., people, positions, institutions) that would need to be approached to implement the solution
 - d. An estimate of time, effort and cost to implement the solution. This estimate can be relative (e.g., high, medium and low) rather than specific
6. A qualitative analysis of if and how other local governments experiencing similar development are dealing with such development. It is anticipated that the consultant will identify one or more locations in the western U.S. that have a comparable mix of land-value influences and will provide a discussion of the similarities and differences experienced at those locations as compared to Garfield County. This analysis should focus on potential solutions, if any, that have been implemented to deal with the identified impacts.

7. Each of lists above will be provided in a report form at the end of the Study.

Based on the tabulation and criteria for discussion among the selection committee members, the recommendation of that committee was to request the Board of County Commissioners award a contract to BBC Research & Consulting in the amount of \$110,400.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with BBC Research and Consulting for the Land Issues and Solutions Study in the amount not to exceed \$110,400.

In favor: Houpt – aye; Martin – aye; McCown – aye

b) Road and Bridge - GMCO Corp. Fuel surcharge request – Marvin Stephens

Marvin Stephens and Tim Arnett submitted that GMCO Corporation is requesting a fuel surcharge of 12% to cover the increased freight and full costs for their contract for applying liquid dust suppressant to County roads.

Tim reminded the Board that on April 1, 2005, the BOCC awarded the bid to GMCO for a cost of \$243,049.96.

A letter from Randy Parsons explaining GMCO's justification for asking the 12% increase was presented.

Discussion:

The Letter from GMCO was submitted. Hurricane Katrina has hurt everyone and they are asking for a surcharge.

Commissioner McCown out of the ordinary and we've done business with GMCO for a number of years. This is a local company and fear is if we don't help out we may lose a bidder next year

A motion was made by Commissioner McCown that we amend the current contract that we currently have with GMCO to allow for a 12% fuel surcharge effective tomorrow and that any delivery of product after today would bear that surcharge and that that surcharge would be also passed on to any of the gas companies that are applying this product to our County roads that chose to use this contractor that those surcharges would be passed on to them as well. Don DeFord – that also includes a finding that this change is the result of a unique force of nature beyond our control. Commissioner McCown made that comment earlier because of the weather phenomenon just a series of events that this is beyond anyone's control. Chairman Martin – and would we have a monitoring of that particular. Commissioner McCown – yes it would be monitored bi-weekly. The only thing I'm not real clear it says until fuel costs go down and I don't now what level this will go off and if we want to set a level we can but the price of crude is actually dropping, we haven't noticed it in the actual fuel but the price of crude did go down a little last week. Marvin – crude is going down and the refinery is where it's happening. Commissioner McCown – until fuel goes down. Don – there should be better direction of some sort so we can put in the amendment, anticipated reduction when, I think it's the end product on the price more so than the crude because of the refining capacity issue. A price per gallon where it shuts off, go back to the original contract. Commissioner Houpt if it's monitored on a bi-weekly basis does that mean they can adjust up from that 12%.

It is created by a situation beyond the control monitored bi-weekly. The price of crude is going down and the end-product original

We're approving the 12% and not to exceed.

Don set the 12% on the percentage as the maximum increase to be reduced on a percentage basis for every 20% reduction in retail costs to the contractor, something like that?

Commissioner McCown – so if fuel goes down 20%, do we need a table that the 12% would be reduced by 2% or something like that. It needs to be a rack price.

Jesse suggested the date the contract was signed picking that date as the cost of gasoline at the pump and when the cost reaches back to that level.

Don suggested the price before and after the hurricane because that's really the basis for the change, not the date of the contract price, so if we look at the price of fuel immediately before the hurricane hit Louisiana and use that as our base and when it returns to that level then they have to pull the 12%. Commissioner McCown included this in his motion.

Commissioner Houpt – seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

At the 1:15 PM hearing, this was discussed further in lieu of receiving new information. The Hurricane did hit on August 30 and did cause the spike in fuel prices so the number to be put in the motion is \$2.76 so if and when the fuel charges get back to that amount, the 12% surcharge would be removed.

c) Motor Pool - Renew Agreement for acquiring bulk motor fuels for 2006 – Marvin Stephens

Tim Arnett and Marvin Stephens were present and presented the renewal agreement and recommended the Board renew this agreement for another year.

Discussion was held with respect to the factors that drive the increase in the price of fuel.

They will lower it when the gas prices go down.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the renewal service agreement for the bulk motor fuels for the Garfield County Road and Bridge Department with Western Petroleum as listed in the submittal.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Transportation Study - Transportation Consultants LSC

Ed stated he needs the comments formulated by the Board on the draft Transportation Study presented in June.

Ed – Transportation Study with LSC and needs the Board's comments on this.

Mark gave the update on the proposal. The meeting held in June.

Chairman Martin said the only thing holding up the decision is shall we go ahead and charge a fee per well in reference to Transportation or should we continue the same way.

Commissioner McCown – we never saw the draft of that back.

Mark Bean – that was the final draft. This was set aside for the Board to have time to review and comment.

Commissioner McCown – what I want to know is did they go back and reprioritize some of the roads that they had so completely wrong the first time they presented. To me it is not in a final draft status.

Mark clarified it was the draft for you to comment on and they have not done that. They are waiting for the comments from the Board before they go back and do any more work and the possibility of the impact fees for oil and gas.

Commissioner McCown – my point is with the roads that they had prioritized totally skewed the cost of the construction projects over the next 20-years. And a good number of those roads were going to be completed taken out so that's going to change the formula of the impact.

Mark – once they receive the Board's comments they will do that.

Randy Withee has spearheaded this information as well. Comments need to go to Randy Withee.

Special Meeting – Refinancing of COPS

Ed alerted the Board that he may need to ask for a special meeting. If this is needed, it will be held on the 4th Monday.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session - Litigation Update; Legal Advice – GMCO Corporation; DDA Litigation; Contract negotiation with Mary Ellen Demony (Assessor's Office) – Meeney Litigation – RE 2477 and Role in sighting Waste Water Systems.

Those needed include: Legal staff, Marvin and the Board; Mark Bean; Shannon Hurst and Jan Shute.

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 public action

COMMISSIONER REPORT

Commissioner Houpt – Strategic Planning – last Tuesday; Ribbon Cutting – Health and Human Services Building; spoke in front of the Association on Realtors catching them up on County business and there were people involved with land issues and study organizational meeting and happy that we are working on the new land use code; Thursday – Rural Resort and in our membership updates, Pitkin County talked about what they're doing with respect to the concern of the impact on Hurricane and they've decided to work with Carbondale and helping with Pearlinton, Miss. If everybody pooled resources we could actually do something for this small community that was leveled. Hillary Smith is the contract person in Pitkin County. The Board approved Ed to talk to her. This was fine with the other two Commissioners. Commissioner McCown said this is not an appropriate use of tax money and we each as individuals can do what we feel within our hearts is necessary. But when it comes to appropriating everyone's tax money for project outside our area I think we need to be very cautious. Commissioner Houpt agreed and would like to hear what they are doing and how they're approaching that. NACO – indeed some counties are contributing. Rural Resort – primary issue – healthy forests in relation to beetle kill and looking at enterprises that could use that wood; also they support the I-70 Coalition; Kathleen Curry – talk to folks about legislation she wanted to move forward with – from that discussion – 3 pieces of potential legislation that could have come out of that conservation. Chairman Martin - Rulemaking is their concern – heard from Doug today we had our first request for an on-site and that makes three in the State since the rulemaking has come into effect. They are also looking at allowing that to happen and getting a case history if this is working or not working, adjusted or not. Also why they may hold up on legislation but it needs to be good legislation. Commissioner Houpt – a good discussion and a discussion included bonding and this is something that will move forward. This Wednesday is the final meeting for Strategic Plan Thursday; Representative Al While has a meeting in Rifle. Tour on Friday to look at the Antero rig. Commissioner McCown – Energy Working Group with RAC met at BLM Field Office on Friday morning in an attempt to disseminate and understand all the information that the Cooperators had been doing over the last two months and then this group will meet again and we will take this information back the RAC itself for presentation. Other than that, the same things that Tresi mentioned. Plus the meeting on Wednesday with Rio Blanco and Moffat Counties meeting after the Ribbon Cutting discussing a lot of common interests, roads, land use practices and RS 2477 road. Including the replacement of Mr. Evans out of the Associated Governments. It exceeds 70 applicants at this point.

Chairman Martin – Saturday, Centennial Parade with 70 entries; apple pie days and there was 15 different types of pie; Sunday – Art Show – Mary from Community Corrections injured. Next week – Dick Hunt on Colorado River Conservation and Chris Trease on Colorado River issues; Neighborhood meeting in West Glenwood.

Commissioner McCown – on the issue of approving Louis Meyer to rep us to the Consortium – from the meeting we had with Rio Blanco – we do need to send a letter to the State – this is a State appointment – Russell George – we do have to send a letter and goes beyond this Board. Follow up – official appointment process.

HB 1177 – Consortium - Ed will contact Russell George's office.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists

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

HUMAN SERVICES COMMISSION – YOUTH SERVICES – DEB WILDE

Debbie Wilde, Youthzone Director and Terry Shanahan, Juvenile Justice Coordinator

Senate Bill 94 Program – An integral component of Colorado's Juvenile Detention Continuum

She gave the impacts to the County and those in the jurisdiction district - overview of the State funded program and how it affects Garfield County.

Youthzone was enacted in 1991 to provide cost-effective community-based detention services for pre-adjudicated and sentenced youth.

Senate Bill 03-286 – set limits of detention beds to 479. Legislation basically said beds were going to be capped at 479. Western Region 5th, 7th, 9th, 14th and 21st. – each judicial district has a set limit – secure five and two staff secure beds.

More kids being supervised in the community with electric bracelets monitoring

The Sheriff is the transport authority is the designated and the County was significantly impacted. The detention center is in Grand Junction. A 2-bed secure is in Rifle.

\$150 a day for youth in detention - \$161,550. 00 and a cost savings of \$228,750 for youth with in-home monitoring.

Profile of youth seeing in the Senate 94 Program - 16.5 age; Rifle 32% and GWS 20%. Anglo 57% and they are seeing more females. Meth and problems associated with this drug. Almost ½ are on probation when arrested. 66% wind up going to Rifle or Grand Junction. Small numbers in Rio Blanco – 6 or 7 and Carbondale and Pitkin County – same as well.

Conclusions:

The Screening, Assessment and Case Management – intervene early to provide services to resolve a case and hopefully avoid future involvement with the justice system.

Family Advocacy program with the change in demographics – started in July 05.

Inadequate staff-secure space – lack of in this area. When we can keep youth in the area they can continue to provide services instead of waiting for court dates. This is essential to start intervention and work with the family. This has always been a struggle.

Focus attention on – the Sheriff in Montrose is impacted in hours in making arrests.

Debbie Wilde – Ron Teck, chair of the JBC and convinced him of the value of this program. If Referendum C & D don't pass, these beds may go away.

BOARD OF SOCIAL SERVICES

DSS - EBT/EFT DISBURSEMENTS FOR AUGUST 2005 – APPROVAL REQUESTED

Lynn presented the client and provider disbursements for allocated programs totaling \$272,197.09. Food Assistance client benefits totaled \$160,354.00. She requested approval from the Board to approve these disbursements.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the provider disbursement totally \$272,197.09 as presented by Lynn.

In favor: Houpt – aye; Martin – aye; McCown – aye.

DSS – 2005 CHILD CARE QUALITY AND CAPACITY ENHANCEMENT CONTRACT RECIPIENTS

Lynn submitted the spreadsheet of child care provider recipients and project award amounts for the Board's approval. The 23 child care home or center programs will receive funding in the cumulative amount of \$45,015.54. All of these are under \$10,000.

DSS – DEPARTMENT UPDATES

Lynn reported that the DSS moved into the Rifle Office New Building – Health and Human Services – on Saturday, September 17, 2005. Business as usual will begin on Tuesday, September 20th. Some additional Glenwood office staff will be moved to the new facility on Friday, September 23, 2005 and the plan is to consolidate the services currently on both 3rd and 4th floors to the 3rd floor of the Courthouse Plaza by the first of October. The new address of the Health and Human Service Building is 195 West 14th Street, Rifle, CO.

30 Social Services staff and 10 from Public Health moved into the new facility. 12 more from this building will be moved on Friday.

PUBLIC MEETINGS: CDOT – TRANSPORTATION ISSUES AND FUTURE PROJECTS – ED FINK

Ed Fink- Region Director for Region 3; Dell French – Deputy Maintenance Superintendent for the Region; Pete Merdis – Resident Engineer for Glenwood Springs residency; Joe Ellison is on vacation so Pete is standing in for Joe today to give a status on the construction projects and Charlie Meyers –Operations/Traffic Engineer.

In FY 2006, the Colorado Department of Transportation anticipates receiving approximately \$817,186, 604.

They presented a CDOT Maintenance for Garfield County 2004-2005 showing the overview of maintenance activity performed; significant accomplishments; Goals for 2005; and Engineering Projects. The Budget for 2006 is \$817.2 million. Also the FY 2006 CDOT's estimated revenue. With the downturn in the economy and the loss of Senate Bill 1, which were funds that were general revenue that came to CDOT over and above the HUTF, fuel taxes, etc. that went away. With that CDOT has been operating just on the HUTF funds. Last year they were just under \$800 million. Until just a few years ago this was over \$1 billion dollars. Strategic projects are at \$168.0 million. \$160 million of that is going to pay debt service on our trans bonds so we're approaching about 20% of our \$800 million dollar budget is going for debt service. Referendum C & D can have implications on these programs. Projections are based on present allocations. They will sort it out after the election. 2006 allocations were discussed. The projects where highways will be improved, additional lanes, etc.

Referendum C – allows the State to retain revenues (TABOR) for the next 5 fiscal years and Referendum D – gives CDOT the authority to bond projects totaling nearly \$1.2 billion. The excess revenues identified in Referendum C would be used to pay back the bonds. These two ballot questions can have significant impact on these allocations even our own revenue forecast for fuel tax is up for revision this year because they aren't coming in as robust as they were forecasted. The Referenda C and D Projects for this area were highlighted. If both passes \$100 million will come to CDOT.

Senate Bill 1 funds is still in effect and assuming the time out for TABOR, there could be a surplus.

Dell French – Transportation Maintenance – new supervisions – Dwayne Gamin, Glenwood; Hanging Lake Tunnels – Steve Quick; Dwayne submitted a packet of information as well.

See handout – overview sheet shows the funding spent. Hanging Lake Tunnels is critical. Appreciate the partnership in responding to these incidents. Significant – I-70 Glenwood to South Canyon - June - paving that section. After July west end was done again. Bridges – Glenwood Canyon – changes many expansion extensions on the bridges. Installed an automatic deicing as you come out of the tunnels – federally funding project – continue to monitor this. Thanksgiving Dinner – rock slide – last year – traffic delays in a narrow way to Glenwood Springs. Damage exceeded \$1 million dollars.

Goals for the future are to continue to provide services and benefit to the people in the best way possible.

Pete Merdis – construction projects – four construction projects – No Name lighting project to be completed December 1st

Exit at 114 – roundabouts – November 1st and October 1st. On schedule. I-70 West Rifle and Silt – improvement of the driving surface.

State Highway 13 – around by-pass at Rifle – job completed at end of July.

Rock slide repair – 2 months for completion.

Next year – 2006 – one project to reconstruct I-70 between South Canyon to Exit 116.

Ed Fink – one project completed early summer, the concrete reconstruction – GAPP project.

Charles Martin – CDOT Permitting; Districts: 1) 2) and 3) .

2005 – Traffic - projects invested in Garfield County – Message signs in Canyon Creek – fogging and visibility – get more messages out for incidents or information.

Rifle Interchange and roundabouts. Unique project – to eliminate rear end accidents all along Hwy 82 by detecting vehicles and changing to timing.

Chairman Martin requested a warning sign that the signal was about to change.

Highlights – GAPP project – watching the stripping (inlays) as well as signal retiming for better traffic flow.

Dan Roussin – permitting – access process. 1) Coal Ridge Highway 6 & 24 – added some auxiliary lanes. 2) Mamm Creek – improving on the frontage road connection.

Upcoming project – Bair Chase on Hwy 82 and David Hicks projects outside Glenwood Springs on Highway 82.

City Managers Meetings – projects that CDOT and the suggestion for projects that affect commuters, brainstorm the effects. GAPP project was well advertised; this one we were on a lower alert.

Re-signalization is working well, but the side streets are backed up. Exit 114 project – a rush to get advertised. This project was initiated with the huge commercial development – Glenwood Meadows Metro District and they paid for the project. In the final stages when they ran into right of way issues. Because of all that it was at stake with the Meadows so some internal strife and a lot of communications with Glenwood – constructed by October 1. We are close to meeting that goal.

SPRRINGRIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORP – FOUR MILE ROAD (CR 117) - DISCUSSION OF REQUEST FOR AND ACTION ON AMENDMENTS TO ROAD AND BRIDGE PERMITS GRB 05-U-58 AND 59, REGARDING UTILITIES AND ROAD WORK ON FOUR MILE ROAD, (CR 117) AND DRY PARK ROAD (CR 125). APPLICANT: SPRING RIDGE AT GLENWOOD SPRINGS DEVELOPMENT CORP. – REPRESENTATIVE – PAT FITZGERALD

Pat Fitzgerald, Yancy Nichol, David McConahey, Marvin Stephens and Carolyn Dahlgren were present.

Discussion was held on action on amendments to the permits.

Pat Fitzgerald – need to modify the road permit and extension of the completion date. Yancy Nichol and Cassie Firman and Dave Filbrant – Road and Sewer Contractor were present.

Carolyn Dahlgren requested a critical path to support the request.

Schedule was presented as well as the outline. Bedrock and issues of relocation were most of the problems creating the delays. The contractor has not been able to maintain the comfort level of residents and staff.

An issue at the beginning – gravity sewer was only to take 3 weeks – difficult to manage and took 6 – 7 weeks – created a lot of problems. Now they will trench through the road for a mile at a time.

Four Mile Road and Dry Park Road – some methods to evaluate the new schedule and make sure there is not a road for winter.

Chairman Martin – asked if this was firm commitment?

Yancy – TARCO to complete a certain time – contract with Grand River – weather delays are built in.

Haupt – disaster – people are very concerned about when you get to Bershyni dip – narrow road, blind corner. Need to double the safety.

Yancy – they are holding weekly meetings and will stress concerns with the contractors.

Commissioner Haupt – quality of the process and hopes they are bringing forward a plan to deal with it.

Yancy – explained the technology and direction would change. Weekly Tuesday meetings and on October 18, they will know for sure – temporary paving or whatever they need – a flow chart was attached.

Current paving schedule was October 15, 2005. Meet with the County every Tuesday morning.

Yancy - if they run into the problems – no more crew members. On October 18 they will meet with staff and decide when to shut the project down.

Completion to Bershyni – this week to the dip if no unforeseen problems and targeting October 2

Complete what's disturbed before you disturb another section of Four Mile.

Jeff Nelson – the project has not gone as smoothly as expected. The stop gaps and if the conflicts still – schedule – conflicts are there – button this up and pave.

Carolyn – drop dead date is October 18 – staff is saying every Tuesday is a potential drop dead date.

David McConahey – two permits – request is to extend the date to November 12 and discretion of staff to give input to going ahead and/or shutting down and paving – let the people in the field to make that call.

Also to amend the work schedule to work on Sundays – to make up some time – discretion – no Sundays without approval of R & B.

Pat – if we're in the last week and need a Sunday he would like to have that available.

Give staff the discretion if that is appropriate.

Carolyn – also allow Marvin to call the button up date as well.

Yancy – agrees – if we know we can't finish, it's not worth the risk.

Chairman Martin – if not completed by November 1st – button up and pave.

A motion was made by Commissioner McCown and seconded by Commissioner Haupt to grant the extension to November 12th, Sunday work allowed and staff (Marvin to make that decision) approved before it's allowed, all has to be paved and buttoned up by snow season.

Discussion

Commissioner Haupt – knowing staff has a concern – transition and moving up and starting down the road – concern about safety issues that have arisen as a result of this project. There is grave concern about the Bershyni dip

and will support the schedule and putting a lot of confidence in staff to be on top of this as they continue through this project. Very clear – our staff believes it needs to be shut down, she is going to support.

In favor: Hought – aye; McCown – aye; Martin – aye.

Tuesday meetings to handle the public notification.

PUBLIC HEARING:

HOHON, TIM AND DONNA – SUP – ACCESSORY DWELLING

CONSIDER A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT LOCATED AT 2350 CR 226 IN RIFLE. APPLICANTS ARE TIM AND DONNA HOHON – RICHARD WHEELER

Richard Wheeler, Fred Jarman, Mark Bean, Carolyn Dahlgren and Tim Hohan were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 - Comprehensive Plan of 2000; Exhibit F – Staff reported dated 9-19-05; Exhibit G - Application materials; Exhibit H – Letter dated 7-18-05 from Tim Hohan; and Exhibit I – Letter dated 8-17-05 from Garfield County Planning Staff. J – Letter dated 9-14-05 from Mr. Hohan after he reviewed the staff report.

Chairman Martin entered Exhibits A – J into the record.

The applicant requests the Board grant a SUP for an ADU located south of the existing Hohon residence. The existing home and proposed ADU is approximately ½ mile off CR 226. The property is approximately 20.07 acres. Mr. Hohon in his letter – not Richard's and not him personally with the comments.

Staff Recommendation:

Staff recommends DENIAL, with the following comments:

1. The applicant has not shown the proposed ADU will be provided with a perpetual and adequate source of water;
2. The applicant is not providing any landscaping or fencing from adjoining property owners.

Richard stated that landscaping or fencing is required for ADU's.

Tim Hohan – where he proposes to be built his ADU it will not even been seen – he's uphill. No neighbor can not even see where he's building the ADU.

Water – has always have water, very good reliable source – less than 1200 gallons per month. Utilizes his water resources and more dependable that Rifle and Silt water and all the things he thought he'd have to content with the water usage was the least of his worries. Perpertituty isn't a proper term to use.

Commissioner McCown – Farmers Irrigation Water – it is a legal source of water. The question arose that it's only in the ditch for irrigation season. You will need enough water storage capacity to cover. Fill up around one time – 14 times – fill our cistern. When they shut the ditch down, you'll have to buy water from Silt or Rifle. And in a dry year, a crisis, an extreme growth – they will cut off those spickets – obligated by law to serve their own customers. We don't know when they would become a problem.

Tim Hohan – ½ acre fresh water – year round – fills it out of the ditch – used it in the past. Treats this water. Build a new cistern for the ADU.

Carolyn – in the application, a copy of stock share from the Farmers Irrigation Company saying that you won 5 fully paid shares and showing that this water can be used for irrigation and domestic; according to the company's rules and regulations but we don't have those here. Does the company allow you to add another domestic use with these 5 shares?

Tim – They give me those 5 acre feet of water to be used either for domestic or irrigation use. I can use it however I desire as long as it's for those items and it's delivered to my property which it is through a 6" underground line.

Commissioner McCown verified this to be true with the Ditch Company. Each share equates to 350,000 gallons. In essence he has access to close to 2 million gallon of water a year in this process.

Commissioner Hought – question of staff, it's pretty unconventional but it's a large source of water, did you guys talk about this.

Mark Bean – what is typically used for criteria and when we're reviewing a well permit is the amount of water close to 50 gallons per person per day times 2 people in each bedroom. In Mr. Hohan's case, with two bedrooms we're talking 200 gallons per day and roughly 5 months there's no water available from the ditch so 200 gallons per day times a straight 150 days is 30,000 storage.

Commissioner McCown so in essence it's not the availability of water that concerned you it was the storage capacity?

Mark – the physical ability to deliver the water at a level that was considered to be with the averages we use for engineering purposes.

Commissioner McCown – but we didn't get into the size of the pond available, just considered the two cisterns.

Richard – the application did not include an additional cistern or a fresh water pond as a source of water. The applicants stated they would be providing a 9,000 gallon cistern.

Tim Hohan – cistern size is easily overcome. I can build a bigger cistern if that need be.

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

Motion carried.

Commissioner McCown – after initially reading the staff report I was inclined to go along with Staff's recommendation but after doing my own investigation and hearing the testimony today, I think this is a situation that actually requires some further investigation and I can't in good faith do anything today but make a motion to approve this use and come up with some stipulations for additional water storage that I think would give me the comfort level I'm looking for, we have no conditions of approval to go along with this but I can't in good faith, given the water source and knowing how this operates up there personally deny it because I think personally this is a more reliable water source that most wells on that Mesa, so I'd make a motion that we approve this ADU and I would ask staff if they have specific concerns, I would in my motion require a

minimum of 20,000 gallons of storage, doing some simple math here thinking on what my water bills were and I have a family of three and one is a girl, so I even allowed extra for that but I seldom have a water usage over 4,000 gallons a month so I think an additional 20,000 gallons would give me the 5 months I'm looking for. would give the additional 5 months storage; plus that would only help the fire suppression should anything ever happen up there and any other conditions, this would be a lease hold it could never be conveyed separately, it would stay with the property under this approval process and all representations made by you today as a witness would hold true as a condition of this approval, any other boiler plate recommendation; as far as the screening, knowing the nature again of that area personally and the testimony today that the barn already on the property is going to screen it from the view of any of his neighbors, I guess I'm not going to require any screening or landscaping as a condition of approval, if staff has a problem I would suggest they do a site visit and take a look and if it's a problem I would support it if staff deems it but on the face of this, I'm not going to require that today as a condition of approval.

Richard – staff based this comment on a letter that was in the submittal materials dated May 27, 2005 signed by Tim Hohan, says, "I will be placing a second dwelling unit in a location on my property so the home may be slightly visible to one neighbor."

Commissioner McCown – if it's slightly visible to a neighbor, 14000 feet away, some landscaping probably not going to make a lot of difference.

Carolyn – clarification - the 20,000 storage for the ADU only.

Commissioner McCown – it would be additional and he is hooking these two systems together – there going to be redundant so the 20,000 is specific to this application and the ADU so he will have a total of 29,000 for the two systems.

Commissioner Houpt – seconded for discussion. I'm a little concerned about the calculations at this point because there are standards that the B & P follow in calculating and water is always a huge issue – not sure that we're living up to the needs that have been calculated by staff for these two dwellings.

Chairman Martin – I have to hand it to the applicant and also a live style, he's taking full responsibility for himself and everything around his property and his family and if he can't provide that will fall heavy on his shoulders and I think that we need to credit people that will take that responsibility, this is a hardship if he does run out of water and he has no one else to blame but himself and he will make every attempt to take care of his family and we need to encourage more of those folks and a with a cistern you learn how to be frugal.

In favor: Martin – aye; McCown – aye; Opposed – Houpt - aye

**MCMECHEN, KENNETH – SUP – ACCESSORY DWELLING UNITY
CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT,
LOCATED AT 2438 CR 102, OFF HARMONY LANE – APPLICANT: KENNETH MCMECHEN – MARK
BEAN**

Mark Bean, Carolyn Dahlgren and Kenneth McMechen were present.

Mark stated that he did not have a solution to the water solution and rather than open and discuss this, he basically requested that staff hold the application, cancel this hearing and republish.

This was taken off the agenda by the applicant and asked the Board to hold the application – no certain date.

**OXY-USA-WTP LP – SUP – PROCESSING AND MATERIAL – COMPRESSOR FACILITY – CONN
CREEK**

**CONSIDER A REQUEST FOR A SPECIAL USE PERMIT APPLICATION FOR PROCESSING AND
MATERIAL HANDLING OF NATURAL RESOURCES FOR A NATURAL GAS TREATMENT AND
COMPRESSOR FACILITY ON CONN CREEK. APPLICANT: OXY USA WTP LP – FRED JARMAN**

Fred Jarman, Jan Shute, and Jimmy Smith of Wagon Wheel Consulting were present.

Mark Steven Homer, Occidental will provide documentation to the County. Jan stressed that we need the documentation granting from City Services to this applicant, but the 5% is whether or not those people needed to be noticed today as mineral owners.

Jan- Mr. Smith, the authorization for Wagon Wheel was signed by someone with Occidental Gas and Oil, is that the same as OXY USA WTP LP?

Jimmy Smith verified these were the same. Legal description – proper legal description – project Township 6, Section 32, 97 Range. Jimmy – other contractor filled out it is correctly in Township 6 in other application before the SUP and was done in error and submitted under Township 7 rather than Township 6 and they're very close together proximity wise on the ground out there but is correctly noticed in Township 6.

Jan – in your site plan that's submitted the surveyor reference is to Township 7, do you know.

Jimmy – that is actually in error as well, the survey was incorrect and it is in Township 6.

Jan reviewed the noticing requirements for the public hearing and the only imperfection – incorrect name WLP versus WTP – West Texas Partnership.

The Board decided to proceed even with the imperfection pointed out by counsel.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 F - application materials; Exhibit G – email from the Road and Bridge Department dated 9-13-2005; H – email from County Vegetation dated 8-10-2005; and Exhibit I – letter dated 9-13-05 and received in the Planning Office today.

Chairman Martin entered Exhibits A – I into the record.

DESCRIPTION OF THE PROPOSAL

The County received a Special Use Permit application from Oxy USA WLP LP for "Processing and Material Handling of Natural Resources" for the Conn Creek Natural Gas Compression and Conditioning Facility. The location of the proposed facility is illustrated in the map on page 2 indicated by the black box but more practically described as being located on Conn Creek approximately 14 miles north of the Town of DeBeque.

The Applicant proposes to construct a natural gas conditioning and compressor facility intended to treat natural gas gathered in Oxy's Conn Creek Gas Gathering System to meet the gas quality specifications of the pipeline companies taking delivery of residue gas from the facility. A 20 x 30 building will house the MCC and process control equipment and provide limited storage for instruments and tools. An insulated building will also be constructed to house the 5 compressors for the project. Natural gas will be delivered to the facility from flow lines from the well sites north of the facility. Once the gas has undergone its first level of compression, it is conditioned, and then compressed further so that it can be piped approximately 400 linear feet across Conn Creek to the sales metering device at the end of the existing Trans-Colorado Pipeline to be then sent to market. Treatment includes dehydration, removal of CO₂, water, and liquefiable hydrocarbons. Please refer to the Impact Statement attached to this memo.

BACKGROUND

On August 15, 2005, the Staff referred the proposal to the Board so that the Board could determine if the application should be referred to the Planning Commission for comment. As a result, the Board did not refer the matter to the Planning Commission due to 1) the limited nature of potential impacts to surrounding properties and 2) the extreme remote location of the facility in Garfield County having little to no visual or audible impact to surrounding properties.

GENERAL SITE DESCRIPTION

The property is located in a very remote area of the County northwest of Parachute in the Conn Creek basin near the end of CR 213. The project site consists of a 5-acre portion of the larger 13,918 acre property owned by Oxy USA WLP LP. The site rests in the valley floor area where Conn Creek runs along the eastern border supported by significant riparian vegetation consisting of mature cottonwoods along its banks. The areas surrounding the site consist of extremely steep hillsides. The nearest residence is located approximately ¾ miles away.

The application states that the proposed facility will not require the use of surface water for operational purposes. Only de-ionized water, which will be hauled in from off-site, is required for the gas conditioning process. The site grading plan insures compliance with the approved Storm Water Management Plan as stipulated by the permit issued by CDPHE. No run off of storm water into adjacent streams or ground water is anticipated from the site.

The application states that air emissions permits have been obtained from the Air Pollution Control Division of the CDPHE. All actual emissions will meet or be below the State requirements. All vibratory equipment will be set on concrete foundations and will be housed within metal buildings to minimize any impacts due to vibration and noise. All equipment, buildings and piping will be painted a desert tan color to aid in the minimization of glare and to insure that the facility blends into the surrounding terrain as much as possible.

The facility will have a six foot fence surrounding the perimeter of the site to prevent the entrance of wildlife. All disturbed areas, outside the fenced facility will be revegetated as required. The facility is not otherwise expected to result in any change of wildlife use patterns or other disruptions to wildlife within the area. The only anticipated affect to wildlife from the proposed facility is the exclusion from the approximately 5 acre site. Staff referred the application to the Division of Wildlife which indicated comments would be forthcoming. Staff intends to submit these comments at the hearing before the Board.

As noted earlier, the facility is anticipated to be an unmanned facility which will be remotely operated and monitored. As a result, pickup visits to the site will be limited to an as needed basis. Transportation of produced liquids is anticipated to result in two to three trucks per day into and exiting the facility. These truck trips are anticipated to have minimal impact to the overall County Road traffic levels.

The site is located in an extremely remote location where the nearest adjoining property is located approximately ¾ miles south of the proposed facility. Operation of the facility is not expected to produce noticeable effects on this property. The Application states that the owner of the adjoining property is fully aware of the proposed facility and has no problems with its operations so long as their livestock are protected.

The application states that the proposed life of the facility is 20 years. After the proposed facility is no longer needed, the area will be reclaimed. Reclamation will consist of the removal of all surface equipment, restoration of grade to approximate original contours, replacing stockpiled topsoil, revegetation, and complying with all prevailing COGCC and Garfield County regulations governing final reclamation. The Application contains a reclamation plan for the facility.

The Application states that the applicant is willing to provide bonding as required by Garfield County Board of Commissioners. The applicant has already posted a \$50,000 bond with the COGCC for this facility. It has been the practice of the Board to accept a copy of this bond as proof that the facility will be reclaimed.

- I. The operation of the facility shall be required to continuously adhere to standards. The application states that operation of the facility will meet the standards set for by the Colorado Department of Public Health & Environment (CDPHE). Vibration from the facility will be minimal due to the construction of concrete foundations and buildings to house vibratory equipment. Emission levels will meet standards set for by the CDPHE. All emission levels will meet CDPHE regulations. The painting of buildings, equipment, tanks and piping of a color to match the surrounding terrain should mitigate any potential public nuisance due to visual impacts. Should the Board approve the proposed facility, Staff suggests these industrial performance standards be included as conditions of approval for the life of the facility.

STAFF RECOMMENDATION

Due to 1) the limited nature of potential impacts to surrounding properties, 2) the remote location of the property such that it is situated near the end of a dead-end county road which is used primarily for industrial traffic serving the existing industrial uses in the area with very limited general population traffic, and 3) the noise, dust, vibration, and emission impact will not impact surrounding properties, Staff recommends the Board approve the request for a

Special Use Permit for Processing and Material Handling of Natural Resources for the Conn Creek Natural Gas Conditioning and Compression Facility with the following conditions:

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless explicitly altered by the Board.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
3. That the Applicant shall comply with the fire protection provisions included in the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the International Fire Code as the Code pertains to the operation of this facility.
4. Prior to the issuance of a Special Use Permit, the Applicant shall submit the following items to the County Vegetation Manager for approval prior to the issuance of a Special Use Permit.
 1. The Applicant shall map and inventory the property for the County Listed Noxious Weeds.
 - a. The Applicant shall provide a Weed Management Plan for the inventoried noxious weeds.
 - b. The Applicant shall augment the site reclamation plan by providing a plant material list and planting schedule for the reclamation.
5. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
6. Vibration generated: the facility shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
7. Emissions of smoke and particulate matter: the facility shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards.
8. Emission of heat, glare, radiation and fumes: the facility 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.
9. Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.
10. Any lighting of storage area shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.
11. Water pollution: in a case in which potential hazards exist, it shall be necessary to install safeguards designed to comply with the Regulations of the Environmental Protection Agency before operation of the facilities may begin. All percolation tests or ground water resource tests as may be required by local or State Health Officers must be met before operation of the facilities may begin.
12. The Applicant shall provide a copy of the appropriate bond supplied to the Colorado Oil and Gas Conservation Commission (COGCC) intended to guarantee reclamation of the facility site once the life of the facility has ended prior to the issuance of a Special Use Permit.
13. That all proper building permits are obtained for the structures associated with the operation of the Compressor prior to the issuance of a Special Use Permit.
14. That the Applicant shall comply with the following requirements of the County Road and Bridge Department:
 - a. All vehicles transporting materials and equipment used in the construction and operation of this facility shall abide by Garfield County Road & Bridge Dept. oversize/overweight regulations. The weight limit for CR 204 and CR 213 are 80,000 lbs. for 5-axel and 45,000 lbs. for 3-axel vehicles.
 - b. Dust control shall be required at all times on CR 213 either by applying Mag. Chloride or continuous watering of the road. Mag Chloride application will be applied by County provider and back charged to Occidental Oil & Gas Corp.
15. The Applicant shall provide a copy of the approved permit from the US Army Corps of Engineers for the Conn Creek crossing of the pipeline from the facility to the Trans-Colorado sales meter station prior to the operation of the facility and approval of a Special Use Permit.
16. No more than 5 vehicles per day shall be allowed to access the facility.
17. The Applicant shall develop and submit an emergency response plan for this facility or modify their existing plan as necessary and submit the plan to the County prior to the issuance of any Special Use Permit.
18. The access road to the facility from CR 213 shall be designed, constructed, and maintained to ensure that emergency response equipment can easily access the facility. Proof that this road has been constructed to address these concerns shall be provided to the County prior to the issuance of any Special Use Permit.

Fred asked that the Board specifically review Letter H that did come into the Board from Division of Wildlife, they have noted in point number one and that is the time frame where winter range for deer and elk and severe range for elk and times when the noise and vibration levels might affect this. They are suggesting no construction during this time; however, Fred stated the construction should be completed by the dates of concern – December 1 – April 15. In Exhibit H – Steve Anthony requested in addition to management of noxious weeds, a \$10,000 bond be put in place to mitigate the area that has been disturbed.

Commisisoner Houpt – DOW talks about the water retention pond.

Fred said he didn't think a pond was relative to this.

Chairman Martin – talked to some of the folks out in the DeBeque area and they consider the area talked about here as the center of Garfield County, not the far west end and they also consider it rural and productive and not extremely remote and the other folks said that it's already too dense and too many people moving in. A couple of different perceptions.

Jimmy Smith admitted that the project did start before the first of the year. OXY was starting construction on the project without an SUP, they had turned in the building permits which the Board is aware of and they were denied depending upon the approval of the SUP and that is where we are today. OXY has made every attempt to comply with the regulations and he feels very comfortable with this project.

Jimmy Smith and Mark Homer provided a power point. When Fred Jarman was out for the site visit he brought up the possibility of increasing the education between the County and industry on what it is that we do. This is not a polished presentation. As Mr. Smith described construction was started before, back in February and it was our understanding and maybe now we are seeing our misunderstanding that a SUP was not required. That always puts me and the project engineer in between a rock and a hard place in trying to get things done to satisfy all parties. Why are we even building this facility? It's our preference just to drill wells and sell them directly to everyone's houses but unfortunately Mother Nature doesn't make things as easy for us as we'd like. The black box called the concrete treatment facility takes gas from our wells which are producing at about 200 PSI, they have 4% CO₂ in them, are water saturated and have what's known as a hydrocarbon dew point of 60 degrees Fahrenheit and what that means is if you get that gas any cooler than 60 degrees, liquid hydrocarbons will come out and most of us prefer not to have hydrocarbons come out, we light our water heaters, fire comes out so we need to put things in the black box in order to make this gas marketable, so first of all the sales lines available to us are 1500 PSI so we need compression to get there, then we need to move the CO₂ to meet the pipeline specifications down to less than 2% CO₂ so we have to remove CO₂ and do a dehydration process to take out this water that's contained in the gas and similarly chill the gas itself in order to drop out those hydrocarbons down to 15 degrees Fahrenheit so that when we put the gas in the pipeline should it get down to 15 degrees Fahrenheit still no liquid hydrocarbons would come out. That's our mission. How they do that was fully explained with visuals. This is a remotely operated facility to allow the facility to be controlled and safely shut down should any event occur. A schedule is developed to accomplish all that's needed and he was assigned this project on November 1 and developed this schedule back then, we started designing the facility in early November and our goal was to order the long lead equipment as far in advance as possible and submit the required permits, we did that early before the end of 2004 with exception of the SUP because of our position on that at the time. Then we wait and while we wait we go ahead and move dirt around and get the facility ready to receive the items. We continue constructing and putting them all together and we're ready to train operators, pressure tests and start up. We agreed on a goal at the end of August 2005. Obviously we're going to be later than that due to several different reasons. We began construction then and Fred described things to keep the vibration and noise at bay. More visuals were shown to keep the compressor in a solid position and minimize the vibration on the equipment and on the surrounding area as well. Additional snap shots of the various stages of construction were shown. There is a small facility called Cascade Facility nearby and the Conn Creek Facility being constructed at this time. We're bounded on one side by Rocky Mountain Pipeline, a sales gas pipeline and on another by Trans Colorado Pipeline close to our property line.

Commissioner Houpt asked to have Mark explain where the closest residence was located.

Mark showed the location of Don Mackey and family about ¾ miles away and he is aware of the processes that are ongoing and have a very good relationship with him. They took all the ranchers out to lunch and described to them what all the operations would be for the entire year so they would know what to expect. CR 213 is their road and was conveyed to OXY and is all on private property.

Construction began back in February and Mark showed more visuals. He's anticipating a November 15, 2005 start-up date if all moves along including the approval of this SUP today.

Chairman Martin inquired if there was any conservation with the Town of DeBeque.

Jimmy met with Mayor Cramer of DeBeque and he is aware of the project and his only concern was about truck traffic due to the fact that the limited amount of trucks and the remoteness of it and they way it's going to be remotely operated will not require a tremendous amount of traffic.

Chairman Martin – only way to get there off I-70 is through DeBeque.

Mark Homer – the number of trucks for construction is larger than it will be for normal operations. For normal operations we anticipate 1 or 2 trucks a day to haul out the NGL liquids and in addition to that there will be a truck that will come periodically maybe 2 to 3 times a week to bring water in then we have two operators and one operator will go by the facility every day because you can look at everything remotely and we have remote cameras on the entire facility but nothing beats going there and touching, feeling, smelling and making sure everything is in order, so on a normal basis at most 4 to 5 vehicles a day but if there's a significant maintenance event, we will have to have more than 5 vehicles there, if a compressor goes down we may have 8 vehicles there for people to assist in support and get the thing back on line.

Chairman Martin – storage of diesel, etc. for the vehicles, is this on-site?

Mark Homer – no it is not.

Chairman Martin – no other maintenance on vehicles, etc. going to take place, a little shop on site?

Mark Homer – strictly the equipment, no vehicle maintenance.

Commissioner McCown – how far is this on the private road from public access ends?

Jimmy – the entire project is 14 miles from DeBeque and the exit off of CR 204, the paved road would be about 8 to 9 miles.

Commissioner McCown – your property line, how far does it extend down this road where you would control access to this facility?

Mark – ½ mile.

Commissioner Houpt – for Fred, one of your conditions when you talk about noise standards, COGCC is entertaining a newly proposed regulations and would like this volume of sound be followed.

Fred – happy to do that and it's really your call what you suggest, but we have to rely on the State Law at this point because it hasn't been approved yet.

Commissioner McCown – we can't make it a condition of approval for something that's not been adopted. COGCC refers to the State Statutes.

Commissioner Houpt – there is a regulation and that is been amended, and that's the regulation that all of these permits, a possibility this application would have to comply with the new COGCC noise regulations and don't think its enough to say State Statute and not the COGCC current regulations because it is on the books.

Commissioner McCown – if we see that today it would be the COGCC regulation that is on the books today.

Fred – that could continue to change with this application.

Chairman Martin – I think there's a time element there and understand your intentions to make this as quiet as possible is what the aim is and that's why we're putting it in the building and the foundations.

Commissioner Houpt – just want to make sure that we are also referencing COGCC regulations.

Commissioner McCown – which one supersedes?

Fred – the more restrictive.

Jan Shute – could write it that it is whichever is the more restrictive, make the condition to reference both and then say whichever is more restrictive if that's what you want to do.

Chairman Martin – reference the State Statute or the COGCC rules and regulations whichever is most restrictive and that would handle it.

Mark Homer – understands this and it would be the current one and should that one be amended and retroactively back, then certainly we'd have to adhere to all standards if they make them retroactive.

BLM was present and didn't have any input.

Fred – two questions, one if Mark could speak to the CO₂ emission and how controlled as far as emission study being the green house gases and secondly, where are with the CORE crossing for the metering station for Trans Colorado for Conn Creek?

Mark first of all, he can provide that, there are two CORE crossings, one of them is the bridge across and that one is in hand and done and the other crossing I'll get you that permit as well for the pipeline, but that is not done yet.

Your first question is regard to CO₂ emissions, its OXY's goal to emit as little as possible, this aiming process could be done, it's a very efficient CO₂ removal process. If we were to send all the gas that comes into the facility through this contactor, we would remove almost every single bit of CO₂ in that gas and then that CO₂ is vented and it's permitted to be vented, but what we're doing is we do a slit stream of the gas and we only put and it's a controlled system, we only put as much of our gas through the aiming contactor as is required to ensure that we remove down to just under 2% CO₂ in practice we may move it down to 1.9 CO₂ so that more of that CO₂ goes down the pipeline in an acceptable fashion instead of emitted into the atmosphere.

Fred – what are the levels now as far as EPA goes for the CO₂ emission and how do you compare to those?

Mark – the different levels for the different air permits – we have in hand a Title 5 permit for this, a permit required for greater than 100 tons per year of emissions and that is a sum, when we did the math we came up with 99 tons and realized that probably wouldn't go over very well so we ensured that it was just over 100 to ensure we got the most stringent permit that we could get to comply to and that includes the sum of all emissions from engines and CO₂ from the aiming process as well.

Chairman Martin – any monitoring from the Colorado Health and Environment Permit on this project?

Mark – yes but unable to state exactly what it is at this time.

Jimmy – that would part of the storm water management plan.

Jan Shute – two other conditions submit to the Board if they want to include those is: 1) they provide the proof of ownership of OXY USA WTP LP as granted by the Cities Service Oil Company and 2) proof of ownership of that 5% reserved mineral interest to OXY USA WTP LP from the Delos D. Potter and Gertrude I. Potter.

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

Houpt – aye; Martin – aye; McCown - aye

Commissioner McCown made a motion to approve a Special Use Permit for the Conn Creek Natural Gas

Conditioning for process material handling of Natural Resource with the recommendations of staff on Number 4 – adding the letter D which includes the conditions in Steve Anthony's letter and the only variance on that would be the \$10,000 revegetation security would be required; on number 5 to include the COGCC regulation to the revised statutes, number 19 to include the counselors request of proof of ownership interest in reference the Potter interest and the transfer of the Cities Services, on the DOW letter, I'm hesitant to submit the entire letter because there are clearly some areas that reach way out there and address retention ponds and stuff and so I think what is to bring out the boiler plate and assign some numbers to it and I think that should any activity take place up there that would require the storage of trash that it should be in bear proof containers, the use of those particular entities if you have people up there working and there's lunch residue or whatever left around, I would highly recommend you use bear proof containers or better yet, haul it out of there so we don't get them coming to the area, I saw nothing in the application that would indicate any need for a pond or any of the amenities associated with a pond, I think the area about the public access has been addressed there is a gate on the road that would not allow the public to access that beyond that point I should say, the Rehab program is already in place, Weed control is in place and I would include as condition 20 that you meet as nearly as possibility the time period of December 1 to April 15, I don't think the deer and elk have a calendar either so they may show up the 7th of December and if they're still building I don't want to see you shut your project down, but please honor those approximate dates if you would – December 1st through April 15th would be a condition for no general construction. Commissioner Houpt seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye.

ROAN PLATEAU – FINAL COMMENTS TO BLM

Randy Russell and Jamie Connell were present and the Board discussed their final submittal.

Mildred has an electronic copy and the Board was also given a revised final.

Randy stated this is due tomorrow and that he could produce a final product and if this meeting could be continued until Tuesday at 9:15 he would have it ready for final agreement.

Continue meeting for final direction and distribution to BLM.

Meth Lab Regulations

Mark Bean stated that he had an unusual inquiry here SB 05-217 apparently requires the Board of County Commissioners designate the contact for what is called "Colorado's New Meth Lab Regulations", specifically governing body meet the agency or office designated by the Board where the property is located, that there's no such designation, the governing body shall be the Health Department, the Building Department and the Law Enforcement Agency with jurisdiction over the property in question - Sheriff's office.

Chairman Martin stated the Sheriff is working with the Meth Task Force and also coordinating efforts with other law enforcement agencies as well as the District Attorney and thinks this is where it needs to go in reference to those questions.

Mark stated this company is wondering who they are to contact based on this statute.

Final Report of the 2005 Colorado Property Assessment Study

Chairman Martin – this was an audit that they required to do on the Assessor on the valuations they followed. It said we were in compliance and that there were no suggested management plans or changes. They said there was no need to change anything from the different designations to the timelines and the approaches and the reporting was accurate.

Road Maintenance for CR 163 - Prehm Ranch Preserve

Don DeFord – received back a signed copy of the road maintenance agreement for CR 163, the short stretch of road that goes into the north end of the Prehm Ranch Preserve; we had discussions because we couldn't maintain it because of the turn around. We finally have an agreement on that and Don said his recollection was that John was authorized to sign this when we received this.

Chairman Martin – this is to maintain at historical level determined by the Road and Bridge and maintenance records.

The Board agreed that the Chairman was authorized to sign.

Recess until 9:15 am Tuesday, September 20, 2005.

Attest:

Chairman of the Board

**SEPTEMBER 20, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO**

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, September 20, 2005 with Chairman John Martin and Commissioners Tresi Houpt present and Larry McCown via telephone. Also present were County Attorney Don DeFord, County Planner Randy Russell and Mildred Alsdorf Clerk & Recorder.

Roan Plateau – County Commissioners Final Comments

Dear Mr. Goodenow:

Please find herein responses by the Garfield County Board of County Commissioners to the "Homework Assignments" requested as part of the BLM-Roan Plateau RMP Review Process.

The Roan Plateau management planning process has been very impressive. The opportunity for the BLM to hear from the public and participating agencies has been great. The process has offered BLM an opportunity to learn from numerous stakeholders and educate those involved in the dialogue as well. Although there still remain serious issues of debate, we believe that constructive learning has occurred for all parties involved.

Garfield County agrees with the Department of Natural Resources statement that "...the management plan for the Roan Plateau will require a new way of thinking that creatively looks at how the many important issues raised by local communities and the interested public can be dealt with. We believe it is...absolutely necessary for the BLM to consider innovative solutions when deciding how to address some of the more controversial issues – in this particular case – how to lease and develop the natural gas resource in a responsible and orderly manner." How this is accomplished is still an issue that will require fine tuning. We agree with the DNR's proposed strategies for natural gas development management, and specifically those main points that include:

- Minimize the amount and location of surface disturbance
- Stage or cluster drilling activities in ways to minimize impacts on wildlife, watersheds, and other environmental and recreational values
- Consolidate facilities, pipelines and staging areas
- Minimize the number of oil and gas operators, while allowing open leasing
- Concentrate drilling activities in a way to provide for orderly development across the landscape.

Each of these approaches to planned natural gas extraction makes sense in all areas of leasing and have been supported recently by different associations. The Colorado Mule Deer Association proposed a comprehensive approach to the BLM in response to the management plan and the National Association of Counties adopted a resolution that supports minimizing the surface impacts of natural gas drilling on federal and private lands.

We would encourage the BLM to incorporate, to the extent that they are not already requiring minimized impact, this suggested approach to drilling activity on all their lands, and especially in protection on the top, along the scenic cliffs, and in the most sensitive habitats that are critical components to a responsible management plan for the NOSR.

Our recommendations would be as follows:

- incorporate the DNR's proposal for surface mitigation in the entire planning area
- in those areas not presently leased, adopt the DNR's proposed method for creating an undivided federal unit
- while activity is moving along the floor of the NOSR in an orderly manner, BLM should accomplish the following after leasing on top of the plateau:
 1. evaluate and fine-tune the surface mitigation and federal unit process
 2. working with the companies within the federal unit on top of the plateau, create a detailed drilling plan which includes a detailed schedule for activity, specific equipment to be used for low surface impact, reclamation planning, spacing and disturbance impact mapping (1% total surface disturbance of 34,758 acres may be too much area to disturb at one time and 2,640 feet surface spacing may not be sufficient in areas across the top. These numbers need to be refined to encourage maximum conservation and minimum space disturbance as logical incentives for development and reclamation activity), and
 3. The RMP should incorporate procedures to be used for monitoring air, water, noise and wildlife impact, and a plan for successfully interfacing with other uses on the plateau. Allowing only one operator on top through unitization and orderly drilling while stipulating that all protective designations will be honored (when and if drilling takes place on top) will offer the greatest opportunity of protecting the values greatly cherished by the public...and the wildlife.

The ideal of 'Multiple Use' of public lands is supported by Garfield County, but that ideal should not be translated into a policy that implies 'every possible use in every possible place' as a land management strategy. Prudent land management decisions would operate on a premise of an absolute minimization of harm to areas with multiple and potentially competing values.

Following are our specific responses to your questions to the Cooperating Partners:

1-713 BLM is interested in all information related to the cave system in the Roan Planning Area.

The Garfield County Commissioners have no specific expertise or knowledge in this area, and will defer to DNR partners and other sources to provide this information.

2-713 Input regarding how the Plan could guide oil shale exploration, given the lack of information available today or understanding of the technologies that might be applied?

The Garfield County Commissioners share with all cooperating partners and participants in not having any specific information about potential future oil shale technologies. We would point out that it remains unclear in the Draft EIS what is still owned by DOE, and whether the Transfer Act in fact passed ownership of land to the BLM or only the management of it. And additionally what patents, claims and other prior rights may still be in force in the Planning Area. Providing this information in narrative and mapped formats should be a high priority, and would be foundational for further discussion.

Further, the Commissioners would encourage some look at 'probable' technologies, based on previous and current research efforts, and would support some attempt at a 'what if' analysis in the narrative for the final RMP.

Further, the Commissioners would suggest that funds being held to repay the DOE for reclaiming previous oil shale activity sites and work efforts would need to be reexamined if for some reason any of those sites were to become active again

Finally, the Commissioners recognize that a new authorizing piece of legislation on oil shale research and development might preclude, or overwhelm some aspects of the RMP, and would stress that any new level of unforeseen impacts will deserve their own impact analysis and mitigation strategy development. Oil Shale impacts should be treated as any other multiple uses, examined for their cumulative impact on the region, and held to the same standards of accountability for their impact generation.

3-713 BLM is interested in cooperators outlook on forced UNITIZATION, or other alternatives which facilitate limiting infrastructure impacts.

The Garfield County Commissioners share the goals of all entities involved in minimizing intrusion and the duplication of infrastructure development. In general, the Commissioners would like to see any set of strategies that facilitate combining access, pipelines and compressors into a coherent development plan, preferably through an 'undivided federal unit.'

4-713 BLM is interested in Cooperating Agency thoughts or suggestions on how BLM might define "staged and clustered."

The Garfield County Commissioners are sensitive to the now surfacing differing views on how to best mitigate impacts, especially on wildlife. These would include winter and summer range, and overall watershed protection, that can be mitigated through creative use of phasing and clustering (and monitoring) in light of reclamation and recovery times, and these should be applied throughout the NOSR with special attention to critical migration routes.

5-713 BLM would input (sic) from Cooperating Agencies in determine (sic) the location, size and shape of parcels for leasing.

The Garfield County Commissioners would join with BLM's own staff in suggesting that a final alternative ought to encourage broad participation in leasing and not limit by size or other constraints a leasing opportunity to only major players and larger industry participants. Unitization will allow for participation by every successful bidder, regardless of lease size or likely development constraints.

6-713 BLM is interested in cooperating agency input regarding Best Management Practices regarding road maintenance.

Garfield County will be pleased to work with the BLM when there is a Transportation Management Plan proposed for the Planning Area, down to a segment by segment discussion. The Commissioners feel they can't offer generic advice and refer the question unless and until roads are placed in a context of likely traffic and adjacent values to be preserved. The same would apply to dust suppression strategies.

Garfield County would like to encourage planning within the NOSR that identifies roads that will be heavily impacted by traffic, and road segments in sensitive areas, that might require hard surface treatments. (See response to 20-816 below) Given a willingness to look at phasing, clustering and 'rolling' development proposals, the BLM should not assume that it will determine a road and access plan for 20 years that would be cast in bronze at the outset, but should define in the RMP a process that will identify uses and treatment by phases, perhaps determining only major spines and haul routes at the outset.

7-713 BLM would like input regarding the development of a monitoring plan for the Roan Cliffs (sic) Planning Area.

The Commissioners expect regular monitoring on air quality, watershed protection, noise intrusion, surface disturbance, reclamation, wildlife counts and regular oversight by BLM staff.

8-713 Regarding the statement that the "BLM can regulate the rate of drilling..." We need language and thoughts regarding what rates(s) of drilling or development you would like BLM to consider regulating?

Garfield County feels that our discussions have moved us to more of a consideration of rates of disturbance rather than rates of drilling, eliminating any rigid restrictions on rates of development – which should be an asset to the industry as well as all other interests concerned about the NOSR. We suspect that the number of bores is not an issue with anyone. The disturbance created by infrastructure and traffic are still concerns. The DNR proposal sets the stage for minimum disturbance, disturbance in confined areas, distance between pads, minimizing road construction, and incentives for reclamation. Unitization sets the stage for minimal traffic and intrusion.

Pad spacing would encourage the use of the latest current technology and the development of future technology to maximize bores from a given site. The 2650 foot minimum spacing proposed by DNR is endorsed by Garfield County as a minimum starting point. This spacing recognizes that directional drilling now can accomplish at least 2000 and in some instances 3000 foot final bore down hole destinations off pad. The industry has suggested that the overburden and geology on the Plateau Top might complicate their ability to do that, but this spacing would only require half that distance to be effective in developing and extracting the resource at what is essentially half-mile pad spacing.

The DNR proposal implies, but we would like to see this in more specific language, that development 'rolls' across the top of the Plateau in stages, disturbing one ridge top at a time, with any other exploration limited to very preliminary exploration while a given ridge top or polygon area is developed. And that area is reclaimed in stages prior to the development of any other ridge top or polygon. Allowing Seismic testing in advance of future area development may alleviate the need for some or all preliminary test wells. This type of development has distinct advantages for wildlife disturbance, the ability to manage road access in phases, the ability to work with outfitters and guides and grazing right holders for temporary adjustments, the ability to adjust hunting regulations, and the ability to inform the general public and recreational users about restrictions in place and conflicts within defined periods of time.

This type of development scenario requires careful thought in advance and communication with all of the stakeholders involved, but while that requires more advance work for BLM staff, it should result in less conflicts over the long term and easier monitoring requirements when put into place.

9-729 BLM needs input on how the NSO stipulation should be mapped for protection of trout/fisheries: high versus moderate risk habitat.

Garfield County has stressed in our previous comments, and in subsequent discussions, that maximum protection should be given to values on the Plateau Top. Protection of the trout habitat is also protection for the Parachute watershed drainage. As we understand it, Wild and Scenic River designations may fall off as protective covers for these drainages over time, when final determinations are made, and as a result we would be left with ACEC designations and watershed protection overlays that will operate into the future. NSO stipulations should apply in any circumstance where there are steep slopes and immediate drainage issues that would result in degradation of any of the fragile streams in the NOSR.

10-729 BLM is interested in learning of any best management practices for dust suppression.

Garfield County joins the BLM staff in facing this quandary. Magnesium Chloride applications carry with them some residual impacts that are of concern, and water applications are also problematic.

Hard surfacing is probably the best solution for dust control, erosion and other issues and should be looked at as a stipulation in those areas that make sense for continued traffic. The DNR proposal offers the ability to define road spines into development areas that might carry heavy traffic in phases, and to look at hard surfacing options for those roads that might carry heavy traffic over extended periods of time. For those roads that will carry traffic for limited periods, dust suppression should be looked at and reviewed for appropriate strategies for appropriate applications on a case by case basis.

11-729 BLM is interested in feedback on management prescriptions stated in Tables 2.1, 2.2 and 2.3. Are we stating those clearly so as to define the expected outcome? (Performance Goals?)

Garfield County generally supports more stringent and cautious prescriptions where there are highly unique and important values that will need protection, or in control factors such as weed management. At the same time, Garfield County would request reasonable leeway in such stipulations as No Surface Occupancy to allow for those activities that may enhance overall management goals (examples being fencing, water well development, etc.)

12-729 BLM needs input on applying NSO stipulations for all allowed uses and exceptions.

NSO stipulations should carry with them the highest value protection, but should be sensitive to the relative impacts of use. See our response to the question above.

13-729 Input on list of activities that should be included under the wildlife timing restrictions.

Garfield County recognizes that timing restrictions are a matter of degree, and that no timing restriction should imply that wells can't be monitored or repairs be made when necessary, or that waste product maintenance wouldn't continue.

14-729 Regarding ACEC's: A) which mapping configuration should BLM use in the proposed plan? B) What stipulations should be applied to the ACEC's?

Garfield County suggests that with the suggestions now from the DNR proposal, new mapping needs to be done which represents the polygon and spacing and phasing of development when it might occur on the Plateau Top. That mapping would be sensitive to road access points and unitization options. Mapping options should be explored that clearly represent 3-D and other means for the public and industry to understand what phasing, rolling and spacing of pads might imply. Stipulations for the ACEC's should reflect concerns for trout habitat, rare plant protection, stream and watershed health maintenance, and wildlife management.

15-816 Reclamation. Read and comment on the stipulations from the 1999 EIS.

Garfield County feels that the BLM has adequate reclamation rules in place. Garfield County is sensitive to the reclamation requirements that would be imposed on any development based on elevation and rainfall. Garfield County is also sensitive to the phasing of reclamation after initial development and eventual field reclamation. Expectations should be varied based on elevation and rainfall, and terrain. Stipulations, however, should be spelled out and adequate monitoring and tracking provided for in BLM staffing requirements.

16-816 BLM needs "Hubbard Mesa – what should the surface stipulations be" What activities, setting, use? Should this area be designated SRMA? Is the area something we can make work as a "special" rec area? (why, why not?)

We would like to suggest that whatever happens on Hubbard Mesa, that private land owners there deserve special consideration for their concerns about intrusion and interference with their enjoyment and utilization of their land. That would imply at least signage and clear boundary delineation in the interim, no matter what solution is developed. SRMA designation, in this case, is probably only warranted due to conflicting use and not any special qualities of the place itself.

The current activities should be allowed to continue with restrictions and enforcement for trespassing and damaging private property. Motorized, OHV use should be continued with bicycling allowed as well. If the area is leased for mineral extraction the location of the well sites should be as close to current access roads as possible to eliminate as much conflict as possible between the activities.

In no case should BLM pursue a policy that might represent excluding uses currently underway that results in spreading out casual and informal recreational uses to other areas.

17-816 TRAVEL/ACCESS What level of detail would the cooperating agents like to see for the routes/roads on map? Detail level – "routes" or polygons?

Garfield County has suggested above that road access issues, and any mapping, be developed with stakeholders in stages and in response to logical development scenarios.

18-816 BLM needs: Would we add the public roads from Rio Blanco and Garfield counties to the map?

The Status for roads, whether they are public or private, and how that may be defined is a key and lingering issue in our cooperative efforts. Our discussions will need to be crafted with caution, and on a case by case basis.

19-816 Should any/all newly constructed roads be open to the public for access?

Garfield County will defer to logical and phased development plans for access, with the assumption that any new roads will be minimal, for later logical and phasing proposals. As a general rule, roads constructed on public land should be open to the general public, although perhaps subject to seasonal closure for wildlife protection, maintenance and other reasons. New roads may have a defined life, and be abandoned and reclaimed at some point in the future.

20-816 Would like input (on objectives-statement) for transportation system... guidance upon which road management decisions would be made...

A determination of major haul roads needs to be developed, with those routes improved to a width and template that would meet heavy haul road standards. If Cow Creek Road is to become a major haul route, a bituminous surface should be applied to the road from the intersection with Rio Blanco County Road 5 to the top of the plateau. That road quality should continue to the first intersecting ridge top where development will occur. All roads on the ridge tops should be graveled and dust suppressant applied. Stub roads to well pads should be sufficiently graveled so as not to allow the tracking of mud onto the collector and arterial roads.

Garfield County fully expects the BLM to provide in the final RMP a full traffic analysis, broken down by vehicle type, peak hour traffic, and access points into the NOSR for any range of alternatives. Further, that traffic analysis will analyze key intersection points where state highways are accessed and whether or not current warrants for access are exceeded, and likely costs for those intersection improvements, and some analysis of available payment structures for those improvements. Evidence of consultation with CDOT and FHWA should be provided. Consequent impacts on highways within municipal jurisdictions should also be modeled, and any upgrading defined with consequent cost analysis.

Garfield County reiterates its strong objection to the JQS Trail being utilized for any industrial traffic from the BLM boundary line to its intersection with the Rim Road.

21-816 Any specific language recommended to narrate the status of oil shale in the plan?

Garfield County will rely on the BLM and consultant staff to collect the latest available data on use of public lands by oil shale interests, and incorporate the language from the recent Energy Bill passed by Congress. Specifically, the RMP should address whether or not gas development will somehow pre-empt future oil shale development and mitigations that might be implied. In any case, oil shale development should be reviewed with the same standards and criteria for all internal and external impacts that would be implied in any major use proposed on public lands within the NOSR.

Commissioner McCown – Mike McKibbin is present with me in Rifle and I will put this on the speaker phone.
Chairman Martin – Donna Gray is also present here at the Courthouse Plaza.

Chairman Martin – we’re going to reconvene our meeting from a continuance yesterday.

Discussion

Everyone on the Board received the latest draft of the Comment Letter regarding Roan Plateau.
Commissioner McCown – I viewed it on the email and corrected a typo. The rest of it looked good.
Chairman Martin - The rest of it was acceptable?
Commissioner McCown - to me, yes.

Motion

Commissioner McCown so moved that we accept this as our position and get it into the mail to Greg.
Commissioner Houpt seconded the motion for discussion. I, although I agree with much of what’s in this letter, I don’t believe that we went as far as we truly should go as an elected body and so I’m not going to be able to support this letter.
Chairman Martin – I think we tempered it and I think that we pulled it in, we tried to keep out all political twists, stay within its framework, we could have gone farther on some issues I agree and other issues I think we’ve ventured out and tested the water and we’re in a new frontier I do believe of helping the BLM adjust to the world, it’s not perfect but we’ve made a first step and they asked us to do hoping they will follow our recommendations. They won’t follow them all and they’ll also change some of the recommendations we have in there, we have no control on that. But as far as this position, its conservative true but I think we also tempered it in both directions of the, on any political agenda. We limited it. We’re right down the middle I think that’s where we need to be aware and we answered the questions honestly and straight forward.
Commissioner McCown – well I think it’s been well thought out and a lot of hours have gone into this, this is not a haphazard product and given the fact that I think there’s something in this for everyone. Clearly if you talk to some of the industry people they’re not happy; clearly if you talk to some of the environmental community they’re not happy, so we must have done a relatively good job. There seems to be a little bit of something there for everyone, so is this what the end product’s going to look like when BLM comes out with their preferred alternative, probably not.
Commissioner Houpt – with all due respect, I don’t think it defines enough to say whether or not it will look like when the BLM comes out. I think, I do think there are some good efforts that were put into this letter and I appreciate much of what is here but I’m disappointed that we weren’t willing to take the lead in, whether you agree with the notion of not drilling on top or deferring drilling on top at least making a statement one way or the other so

that everyone knows where this County stands, or where the majority of the County stands. And I think just by excluding that people know, I mean I get the sense people know where the majority stands.
Chairman Martin – I do have to say this, we did leave that door open and its in a written form and it says, we do believe that it is absolutely necessary for the BLM to consider innovative solution when making decision here on this controversy as well as saying that the debate is still open and we understand it – we don’t want to get entangled into that debate and not take action, not put something forward. And I think we are leaders because we stepped aside from that entanglement and answered the questions and push forward that we have to change BLM’s approach to oil and gas and we’re willing to do so. But we also have many other issues on the Roan Plateau than oil and gas and everybody zeros in on one subject and we have to get beyond that.

Commissioner Houpt – well, I’m not going to agree with that.

Chairman Martin - Some can and some can’t so that why I believe that the statement is right and it is again on the cutting edge of the new horizon.

In favor: Martin – aye; McCown – aye. Opposed: Houpt – aye.

Commissioner Houpt – I will be sending a minority opinion to the BLM just to be on the record and I don’t expect them to do anything with that but acknowledge the fact that it was not a complete consensus letter and I do appreciate ...

Commissioner McCown – like a minority opinion from the Supreme Court?

Commissioner Houpt – no, just a minority opinion.

Chairman Martin – Well, I’ll have to protect Tres’s right to able to go ahead and speak her mind if she disagrees, but it’s unfortunate that a decision of the majority of the Board is not supported by all even though that they may not agree with that decision. I know both Larry and I and Tres have been on the short end of the vote many times but very seldom do we ever see someone speak out against the majority of the Board, but if that is what you want, I’ll protect your right to do so. I don’t necessarily agree with it, but I will protect your right to do so as I would for Larry or myself.

Adjourn

Attest:

Chairman of the Board

SEPTEMBER 27, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 8:30 A.M. on Tuesday, September 27, 2005 with Chairman John Martin and Commissioners Tres 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 8:30 A.M.

COPS - REVIEW/APPROVAL 1999 COPS REFINANCING

Ed Green, Jesse Smith, Dale Hancock, Patsy Hernandez and Georgia Chamberlain were present for the discussion. Evaluators, Dale Hancock, Ed Green and Jesse Smith issued an RFP on the refinancing of current series 1999 COPS refinancing for construction of the Detention Center in April of 2005. Proposals were received and scored, however, a question arose as to the use of Surety to reduce the overall cost of insurance costs for COPS refinancing. The matter was referred to the legal department who stated their opinion in late July saying that Sureties could be used to reduce costs. Since time has lapsed there were a number of changes on interest rates by the Feds and a total of 10 interest rate increases had occurred during deliberations related to this proposal. Since these changes had occurred the team decided to allow firms too update their proposals with the latest proposed costs. That RFP was modified and issued on August 24, 2005. Proposals were received on September 12, 2005 and an abstract of proposals (spreadsheets) were submitted to the Board for their review. Some of the responses were terse and lacked information. Dale and Ed dealt with those that complied. George K. Baum offered to refinance the Road and Bridge and Plaza debt but in looking at the original RFP concluded that wasn’t a possibility. This was discounted to all reference to the 2001. Based on the review, they rescored just the best value portion of this and integrated that resource into the original scoring for team proposal and past experience and came up with a new potential awardee and that is Dain Rauscher and the reason is because they, from a cost and from a return standpoint, clearly provides the best value for refinancing our jail COPS debt. Their approach which refunds callable series 1999 COPS yields a net present value savings of \$882,095. The next closest fully responsive option is from Dain Rauscher too and yields a net present value savings of \$841,884. Accordingly the selection panel recommends that the BOCC authorize the County to complete negotiations leading to award of COPS refinancing with Dain Rauscher.

Discussion was held.

Georgia Chamberlain was asked to comment and she responded that she has not seen any paperwork or asked any questions.

Commissioner McCown made a motion to accept the recommendation of the evaluation team in the selection of Dain Raushcer for the refinancing of current series 1999 COPS for construction of the Detention Facility.

Commissioner Houpt seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye

ROAD AND BRIDGE - AWARD STRIPING CONTRACT

Tim Arnett presented the striping contract and stated the lowest bid was for \$78,000 to do the entire Airport Road and everything else throughout the County. He wants to start October 2nd or 3rd so we can get it completed in 7 days weather permitting.

Tim explained they only received one bid for the contract due to the companies are real busy. Most of the companies are working on CDOT projects.

Commissioner McCown noted in the contract there was a 69% increase but given the price of energy products that's a trend we'll probably see on everything next year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the striping contract to Strip A Lot in an amount not to exceed \$78,207.42.

Houpt – aye; McCown – aye; Martin – aye.

Four Mile Road Stripping is included in the construction cost for the developer.

HURRICANE KATRINA – IMPACT ON THE SOUTHERN COAST LINE OF MISSISSIPPI AND LOUISIANA - HURRICANE PARTNERSHIP

Dale Hancock reported on his meeting to represent Garfield County on the Upper Roaring Fork Valley Governments were assembled. The City of Carbondale and the Carbondale Rural Fire Protection District are taking the lead in this effort. Ron Leach received an email from a County supervisor which is the same as a County Commissioners and several other responses from private citizens asking for help. A team was dispatched into the Pearlington community to take resources to them including medical supplies, food and other essentials. The vision at the present time is to continue that initiative. The players represented at the meeting included the City of Aspen, City of Carbondale, Carbondale Rural Fire District, Basalt, Pitkin County and Snowmass Village. They have committed roughly \$22,000 cash and in-kind to send to this affected community in support of their recovery effort.

Dale contacted via internet the Hancock County Library and requested information on the Emergency Management effort in order to coordinate with our department but as of today no response has been heard. There will be on-going meetings every Thursday afternoon will be held for the foreseeable future to determine further resources to commit towards this recovery effort.

Dale raised the issue of Tabor because what was being represented was that checks could be written to the Carbondale Fire Protection District to support the recovery effort and was essential told its okay we'll handle it through IGA, and there's no Tabor Issue on it.

Don said the Tabor issues will not be the most significant one for us. There is a discussion among County Attorney's on the issue of the counties' authority to provide relief in cash or in-kind services. Most if not all corresponding on the email service for the County Attorney's believe that the counties independently do not have legal authority to do that. By way of example, Don explained the Human Services Grant Awards; this is why we have to enter into contracts rather than just granting money. This also has to be in an area where the Commissioners have authority to act. What the county attorney's have concluded is that we do have authority to cooperate with the State Office of Homeland Security by Statute and then in turn that agency has authority to cooperate on a national level between the States. The Boulder County Attorney office is in the process of developing an agreement under which that type of process could occur and it hasn't reached conclusion yet. How to deal with in-kind services when you're providing personnel to provide services will have to be worked through but this is the structure that most counties would follow.

Boulder County is developing model agreements. They plan to have cooperating agreements. Don projected the first part of next week something to present.

Commissioner McCown – should any County chose to, we would funnel money back to the Homeland Security?

Don clarified that this is a mechanism not to provide cash but staff and we would agree to provide the State with certain staff and equipment, i. e. Search and Rescue, heavy equipment like a crew from Road and Bridge Department, as examples and the State would enter into an agreement with Louisiana, Mississippi, and Texas to provide that specific element to that State.

In Pearlington, Bay Saint Louis is the County seat. The needs are not quite the material that Don referenced; it's along the lines of tents, coats, bedding, camp cook stoves, canned foods, cooking utensils, pots and pans according to Dale.

Commissioner Houpt – suggested a fund raising and encouraging people to specifically to take the lead.

The Commissioners decided to wait and see what Boulder County comes up with in the form of agreements.

Dale and Ed will coordinate the meetings in Carbondale. Staff will keep the Board updated.

Executive Session - LEGAL ADVICE ON SUN MEADOWS – SIA and County Property and application of the First Amendment. – Emergency Management

A motion was made by Commissioner McCown and seconded by Commissioner Houpt seconded 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.

No public action necessary of the items discussed.

CLERK & RECORDER – ELECTION SYSTEMS & SOFTWARE PRESENTATION OF THE ELECTRONIC VOTING EQUIPMENT

A demonstration of the voting technology for electronic voting was provided for the Commissioners and some of the interested public.

Mildred Alsdorf explained that she already has the Model 650 Central Ballot Tabulator and any additional equipment could be used in conjunction with this equipment.

The Model 100 Precinct Ballot Counter was set up and demonstrated. This is a precinct-based, voter-activated paper ballot counter and vote tabulator. To ensure voter intent and ballot integrity, the Model 100 has the ability to alert voters to over voted races and under voted or blank ballots. In these cases, the Model 100 can immediately return the ballot to the voter, displaying the specific race in question in the LCD display. Voters may then instruct the Model

100 to “accept” or Return” the ballot through the simple push of a button. Returned ballots provide voters the opportunity to privately revise and then recast their ballot.

The ES&S AutoMark Voter Assist Terminal was also demonstrated. This equipment guarantees that an optical scan balloting device will capture voter intent. No more over votes. No more mis-marked ballots. The unique software applications ensure that no more than the proper number of candidates can be chosen for each race. This type of equipment ensures compliance with the federal Help America Vote Act (HAVA) and eliminates the need to reinvest in a new ballot style or tabulations system. HAVA requires that all polling locations be equipped with at least one disability-accessible voting machine.

Mildred informed the Commissioners that she is considering combining Precincts from 27 to around 14 thus lessening the cost to equip each Precinct Voting Center with the regulated equipment. To date the Secretary of State has not made a final decision as to whether each Precinct will be required to have equipment such as the Model 100 Precinct Ballot Counter or if she will maintain the Central Counting Center as is currently used.

The projected cost of each piece of equipment demonstrated is approximately \$4,000 and change.

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

Adjournment

Attest:

Chairman of the Board

OCTOBER 3, 2005 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, 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

- ***Road and Bridge - Yearly Purchase of Grader Cutting Blades – Marvin Stephens***

Tim Arnett and Marvin Stephens presented the recommended Board action which is to award the competitive bid to J&S Contractors Supply for the acquisition of grader cutting edges for a not to exceed cost fob Rifle of \$10,222.50.

There were three bidders and J & S out of Denver had the best deliver time and price.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid not to exceed the amount of \$10,222.50 for grader cutting edges for inventory.

In favor: Houpt – aye; Martin – aye; McCown – aye.

- ***Maintenance – County Wide Custodial Services for 2006 – Bob Crompton, Mike VanderPol and Richard Alary***

Tim Arnett, Bob Crompton, Mike VanderPol and Richard Alary were present.

Tim stated they went to bid for the Glenwood and Rifle area buildings including: Garfield County Courthouse, Courthouse Plaza, Mountain View Building; Garfield County Road and Bridge Shop at Cattle Creek; Garfield County Road and Bridge Administrative Offices; Garfield County Road and Bridge Mechanic Shop; Henry Building; Garfield County Fairground Event Center and Grandstand Restrooms; Garfield County Landfill and Garfield County Courthouse Annex.

Three bidders included Cardiff, Ballinger, and Vngiert. The recommended award is to Cardiff Cleaning Services for the twelve buildings for a not to exceed price of \$22,660 per month or \$271,920.00 per year.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the Professional Service Agreement to Cardiff Cleaning Services to provide custodial services for cleaning twelve Garfield County Buildings for a not to exceed price of \$22,660 per month of \$271,920.00 per year.

In favor: Houpt – aye; Martin – aye; McCown – aye.

- ***Oil and Gas – Request for Funding for Oil and Gas Character Education Course – Doug Dennison***

Doug Dennison submitted a memo to the Board explaining the request for funding for the Oil and Gas Character Education Course saying that this is one of the initiatives he’s been pursuing this year – the development of a character education/ethics course that will be provided to oil and gas employees working in the County. The idea for this initially came from local residents Arnold Mackley and Paul Bernklau as a way to raise awareness among industry personnel about how they should conduct their business in the County. Doug said he’s been working with Colorado Mountain College (CMC) to develop this course and after a few false starts; we now have the development of the course on track and will initiate offerings of the course early in 2006. CMC has recently entered into a contract with Pat Maliszewski to develop the course content and assist with the initial implementation of the course. A draft outline for the course was submitted.

Doug explained that he had \$5,000 in his 2005 budget that was designated for educational purposes and would like to contribute that money toward the development of the course. Additionally, Doug requested the County Commissioners contribute an additional \$5,000 toward the total cost of \$50,000 for development and implementation of this course. CMC is also committing funds and staff time. The oil and gas industry has indicated wide support for the course and currently contributions are being obtained from various companies to fund the bulk of the cost for developing this course. At least one operator has indicated that they would fund the balance of what is needed.

The Course would be called: IMPACT – Integrity Makes People Across Colorado Trust

Doug said a number of companies they are going to make a requirement and it won't be an elective, it's like a safety course and a fee attached. The on-going fee will basically pay for the materials and the instructor at the time the course is being offered. This will fall in with the oil and gas specific training.

Commissioner McCown's only concern is that the two major participating will be among the two largest companies and some of the smaller companies will hesitate.

Doug is pursuing the Western Slope COGO.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request for an additional \$5,000 to design the character education course in cooperation and conjunction with CMC to move this forward and get the course in place so the energy companies have somewhere to send their employees.

Commissioner Houpt – hopes we can find a way to get all the companies to buy into this and participate.

In favor: Houpt – aye; Martin – aye; McCown – aye.

• **CR 109 Slope Stabilization – Randy Withee**

Randy Withee, Tim Arnett and Marvin Stephens were present. Randy stated the difficulty in finding a bidder for the project. This is a project that has been discussed over several years and direction given to staff to the Engineering Department to see a formal request for bids for slope stabilization on County Road 109 at Hardwick Bridge. One response was received – Gould Construction. \$391,342 was budgeted for this project; the bid is for a not to exceed price of \$536,810.00. This is the second time an RFP was issued with no response on the first RFP and only the one bid on the second attempt.

Mark Gould said there is some asphalt paving and would in the first cycle in May. They would start the first phase approximately November 1, 2005 and take off the adverse weather month in January. The construction business is changing on a daily basis. There is 40 foot of rock wall and must make the area safe for his workers. This time of the year there is less activity on the road.

Marvin stated this is a real safety issue.

Don stated this will span two physical years and it will be phased. Don felt positive the contract can be structured accordingly.

Ed stated the fund balance in the budget for 120-20-090-4330 is \$1.5 million.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the bid to Gould Construction for the not to exceed price of \$536,810.00 for the CR 109 Slope Stabilization project.

In favor: Houpt – aye; Martin – aye; McCown – aye.

Budget – Preliminary Review

Ed – aware the preliminary budget presentation the week following. October 14, 2005 at 1:30 p.m.

COUNTY SHERIFF UPDATE – LOU VALLARIO

Animal Shelter - Lou Vallario presented the monthly update saying that we'd agreed to bring in a consultant for the Animal Shelter and formulate a needs assessment based on 10 years. The report will be forthcoming. The actual cost of the building and the three sites – Airport, Mamm Creek, and Rifle Reclamation site – Rifle is considering relocating their maintenance there so this is back on the table.

Ed stated they projected \$1.5 for this shelter.

Lou said \$3.2 was what they were estimating. There are more requirements for sheltering animals that there is for housing people.

Commissioner Houpt stated she didn't think it was practical to spend \$3.2 million on an animal shelter when we have other needs in this county.

The Health and Human Service Building was \$125.00 a square foot and this was at \$260.00 a square foot.

Commissioner McCown asked if this design company can show Lou the Volkswagen model now that we've seen the Escalade.

Lou's concept was the front side of the public health and safety side getting the dangerous animals off the street and then warehousing them, without offending anyone, some place to hold them and work with folks like CARE and other non-profits that would help adopt. When we looked at this we included the adoptive services which means while we're holding more space, more everything and that would be the first thing to look at. One item in there was a crematory and ironically this is a fund raiser because will take their animals to you to have them cremated and it's a revenue generator. We can look at various components of this thing out.

Lou stated they are looking at filing for a DOLA grant. The Town of Silt, Rifle, Parachute, Battlement Mesa and Garfield County. Rifle and Garfield County are leading this effort. Glenwood will remain with CARE.

Chairman Martin – there's a brand new facility being on line up at Pitkin County Airport which is the Pitkin County/Aspen Animal Care Center, Wayne Rudd's building that one and wondered how that one was programmed and what the cost per square foot is there.

The square footage cost is fairly high and understand volume and when we built this building out we considered the growth factor for 10 years.

As to partnerships, most of the conservations have been based around the annual operating expenses and how much the other entities would be willing to commit. This is still a work in progress.

Ed projected the funds from the other entities – the DOLA grant is one of two grants and could possibly get \$.5 million; we would then have \$2 million available.

Lou is looking at an addition that can be added later.

Animal Licenses

Licenses are going great. Several vets in the County are working with us.

Amy submitted a grant and received \$5,000 in funds to spay and neuter animals.

Sheriff - Staffing – fully staffed in the jail and patrol. Chris Weaver replaced Donna Hale and is doing a great job.

Sheriff – Department of Justice – Facility Assessment

Lou asked the DOJ to come in and perform an assessment and the report will be submitted later.

Sheriff – Community Corrections - The report was glowing and the Community Correction should be looked at being moved. Lou stated there are about 30 in the program.

Ed stated this was not on the horizon and if it is going to be it will affect other projects.

Commissioner Houpt – would like to get a proposal for this.

Lou – last year it was at 15 participants; it has continued to grow and it is a very effective program.

Sheriff - Capital Improvement – double bunking the maximum holds. A report will be submitted later.

Sheriff – Fire Report – Lou stated they worked with BLM on the fire here last week in Glenwood Springs.

COUNTY ATTORNEY UPDATE – DON DEFORD

- **Executive Session: Litigation Update; Legal Advice - 8-49 – Status on 117/125 Road; DDA and Oil and Gas and additional filings; 1st Amendment to property and agreement on Sun Meadows -Space for Mary Ellen Demony – audit/consultant.**

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 DeFord stated that he would like authority for the Chair to execute the first amendments to the permits for reconstruction of the right of way in CR 117 and CR 125.

Commissioner McCown made a motion the Chair be authorized to sign the two amendments, one for CR 117 and the other for CR 125.

Commissioner Houpt – seconded. In favor: Houpt – aye; Martin – aye; McCown – aye

- **Operations – Discussion of Courthouse Signage – Dale Hancock**

Dale Hancock responded to the Strategic Planning recommendation for better signage in the Courthouse.

Facts – Bulletin at the north end on the east wall next to the advertisement room – non-profits, business – advertising on private counseling – Jim Bradford, those are the property of the County and we can take it down.

Public Policy for Bulletin Boards – After Dale raised the issue and the board varies – most non-profit and legal. Use of County property – ramifications on posting – suggested the Board adopt a uniform policy and his recommendation would be to limit the bulletin sites to County Business.

Commissioner Houpt – how are other counties handling this?

Don – Routt County had a policy to limit the use of County property and allowed quasi – religions type of signage and they ended up with a plethora of signage on the Courthouse lawn. That's the only example Don knew of directly and not sure how they ultimately dissolved that. Around the nation this has been a fairly significant problem, most have had to take a similar approach and that is make sure it is County and other government entities with whom we do business, such as the federal government or the City or somebody who had to use it for joint posting, but other than strict government use of government property then we need to set out the rules very clearly.

Dale stated other than Courthouses there are other county building that are used as a sponsorship for a facility, for instance such as the Budweiser event center that's so named but owned by Larimer County.

Don – there are some rules in place on that and if you contribute x million of dollars you get naming rights.

- Second floor – legal notices for all sources – government business
- Other boards – information for employees – each department – posting for the open positions in the County

Chairman Martin noted that those departments that have bulletin boards within their department, posting of other types of items are at the discretion of the department head/elected official.

Commissioner McCown suggested following the County Attorney suggestion and apply this to all levels of government.

Don – will draft a Resolution and bring this back before the Board.

Action step – not until we get the resolution passed.

COMMISSIONER REPORT

Commissioner Houpt – Colorado Blue Ribbon; CDOT on Thursday, CCI on Friday.

Commissioner McCown – Wed. Transportation Master plan at R & B office; New Castle Library at 6 pm Thursday – Associated Governments in GJ; 3:30 Northwest RAC and BLM; Friday – Senators – discussing Oil Shale Activity; Sat for Fundraiser for Ted Morgan – employee for the County.

Chairman Martin – Monday – Mr. Green and toured the Roan Plateau; Greater Grouse Workshop

Wed – Air Quality Monitoring at the Fairgrounds; far below any EPA standard; call with the DPHE and Social Services - \$150,000 programs for Alcohol and Drug Addiction for teenagers that will be run through both the Health Department and Social Services with the present people – its not a new program nor a new organization, it's money available and Lynn Renick is putting that together. Ground building for a new Commercial Building in New Castle on Thursday; Transportation Commission on their traveling tour on Thursday and discussed everything from Parachute to Eagle County, Pitkin County, representatives from Parachute, Rifle, Silt, New Castle, Glenwood Springs and Garfield County, no one from Carbondale. Follow-up meeting in reference to the LOVA Trail with CDOT; White Fish, Montana for NACO WRNI on a Board meeting on Tuesday on RS 2477 10th court ruling and how it will affect policy and approach both in the western United States as well as local government. Ted Morgan Fund Raiser at the Rifle Fire Station – 3 – 8 p.m. Saturday.

Jesse Smith – Pearlinton – Roaring Fork Valley in support of short and long term relief. Carbondale Fire District has been the lead on this – City of Carbondale has provided a new vehicle and a communication trailer manned by the Fire District. Red Ball Express – truck loaned by a real estate used to haul supplies from her to Pearlinton, Mississippi. Supplies are donated and prioritized by what they are asking for. 40 plus tents and has raised \$55,000 for housing, gas and other essentials and they plan to run this through December. Community representatives are committed to long term. It is estimated to be at least 2 years on how to help the area rebuilt; much larger fund

raising; getting into 7 digits. Darrell Nelson personally to coordinate and a presentation from Tom Dalessandri on the relief and putting an operation plan to take place. Two things immediately – Carbondale on Web site – information; other entities links to the Carbondale web site. The public health in Pitkin County providing immunizations to employees participating and donated moneys to the Carbondale Fire District. Jesse briefed them on what we found out for in-kind and their Attorney had also advised. October 13 at 4:00 p.m. – Basalt City Hall and moving forward to get communication to prioritize what is needed.

Federal Support – on site visit with FEMA to see what they will provide in short and long term assistance to avoid duplication.

Employees – compensated by the County in Pitkin – non-exempt – 24/7 – yes that is the way they are looking at it. Any employees sent down there at the request of the public entity are being provided the immunization. West Nile will be an issue and there is no immunization. Link to Carbondale Rural Fire District on the County Website. Jesse informed them that the County is working with Boulder County Attorney's office on what legal avenue and until we obtain that information nothing has been done. Mary Meisner is providing vaccines for people who may be going down there and what is required.

Don expects to hear from Boulder County early this week.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Burke – SUP for an ADU - Authorize the Chairman to sign Resolution and a Permit of Approval for a SUP for an ADU for Patrick Burke
- f. Gabossi – SUP for an ADU – Authorize the Chairman to sign a Resolution of approval for a SUP for an ADU – Rocky Gobassi
- g. EnCana Oil and Gas USA, Inc. – SUP – Authorize the Chairman to sign a Resolution of approval for a SUP for EnCana Oil and Gas USA for a Cuttings Storage Facility
- h. Patterson, Power & Tipping – Authorize the Chairman to sign a Resolution of approval for a SUP for Storage, Processing, and Material Handling of a Natural Resource for a Natural Gas Compressor. William R. Patterson, Rodney C. Power, Ronald E. Tipping and Marie E. Tipping
- i. Gould – Authorize the Chairman to Sign a Resolution and Permit of Approval of a SUP for work in the Floodplain – bank stabilization – Mark Gould
- j. BOCC Minutes – approval of the Board of County Commissioner's Minutes from January 3, 2005 to August 1, 2005.
- k. American Soda, LLP – Authorize the Chairman to sign an Acknowledgement of Satisfaction & Release of Security.
- l. Knox – Exemption Plat – Authorize the Chairman to sign the Resolution and Exemption Plat for the Donna B. Knox Exemption – Donna B. Know

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – I removal of b & c; carried.

PUBLIC MEETINGS

ABATEMENTS:

Georgia Chamberlain, Treasurer and Shannon Hurst, Assessor were present.

TAX LIEN SALE CERTIFICATE #1997-131, 1999-120, Sch #R363256 (Unknown Owner/Lott/RE-2/Forbes)

Georgia explained that on the 1996 through 2004 tax rolls, property described above, taxes were not paid and were sold by the Garfield County Treasurer at the annual Tax Lien Sale and the Tax Sale Certificate of Purchase was issued to Daniel and Renelle Lott; the 1998 taxes were not paid and were sold to Connie and Ralph Hubbell and assigned to the Garfield County School District RE-2; the 2003 taxes were not paid and were sold to Gregory A. Forbes and the property described on the subject schedule was erroneously described and land was wrongfully sold upon which no tax was due at the time of sale which voids a Tax Lien Sale. And, CRS 39-12-111 provides for reimbursement for an erroneous sale and the interest to be paid from the County General Fund at the annual rate of two percentage points above the discount rate but not to be lower than eight percent per annum compounded annually.

Therefore, the request before the Board is that Tax Lien Sale Certificates of Purchase #1997-0131, #1999-0120, and #2004-0130 be abated; that 1996, 1997, 1998, 1999, 2000, 2001, and 2002 taxes on Schedule #R363256 be declared uncollectible in the total amount of \$3,053.38 and that the 2003 and 2004 taxes of Schedule #R363256 be abated in the amount of \$356.66 and that the \$3,150.81 be tendered to the Garfield County Treasurer from the County General Fund and that those moneys be applied to the redemption moneys to be paid to the certificate holders, Daniel and Renelle Lott, Garfield County School District No. RE-2 and Gregory A. Forbes.

Georgia requested that the Chairman be authorized to sign the Resolution regarding the above.

The property is adjacent to the RE-2 school district and they have applied for the Treasurer's deed. The parcel was in two different names and two parcels. Section 9 off of Whiteriver west to Railroad. A map was shown. North of the middle school, mostly wetland areas. South of Government Creek.

Commissioner McCown stated there was property somewhere that delinquent taxes drove this sale.

Georgia – this is the property that delinquent taxes on this property drove the sale.

Commissioner McCown and now you're coming today and asking us to abate that. How are the taxes going to be collected?

Georgia – they're going to be put back on the tax roles as omitted property for all the years that should have been.

Commissioner McCown – but its going to become school property so they won't pay taxes.

Georgia – it's not school property yet.

Commissioner McCown – will the owners of this property have to bring the taxes current before they can transfer it to the school?

Shannon – we're abating it but we're putting it back on with the correct legal description and it will have to go through the same process for three years.

Commissioner McCown – what I need to understand it still in all there is delinquent taxes against this property whether or not it's the correct legal description, somebody didn't pay their taxes.

Don – you're right, the taxes weren't paid but part of the problem is we were assessing taxes to property that was not described properly to people who didn't either own the property or we didn't give notice to people who did own it. So we need to go back and properly describe the property so the owners have notice of the property that is subject to taxes and also to notify the people who were the record owners so they have an opportunity to pay the taxes. If they pay the taxes, we're off and they have the property; if they don't pay the taxes, then it goes through the tax sale process again.

Georgia – and until the school district actually owns that property, from that point forward the taxes are assessed, not for the prior taxes.

Commissioner McCown – back to the original question, will there be delinquent taxes it thought wasn't sent out correctly or maybe they weren't notified, once this is all abated and the correct address is posted for all of those years since 1999, we're just forgiving those taxes.

Don – no.

Commissioner McCown – somebody has to pay those taxes up to date before the property can be transferred to the School District.

Don - correct.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Abatement and grant the abatement on Tax Lien sale certificate #1997-131, 1999-120, Sch #R363256 (Unknown Owner/Lott/RE-2/Forbes).

In favor: Houpt – aye; McCown – aye; Martin – aye.

TAX LIEN SALE CERTIFICATE #2000-0114, SCH. #R247049 (Schwartz/RDLJ LLC)

Georgia explained that the 1999 taxes on Schedule SR247049 were not paid and were sold at the annual tax lien sale on November 1, 2000 and the tax lien sale certification of purchase #2000-0114 was issued to Dwight Morris Whitehead and assigned to RDLJ LLC. The property described was erroneously described and the land was wrongfully sold upon which no tax was due at the time of sale and voids a Tax Lien Sale.

Therefore, the request before the Board is that the tax lien sale certificate of purchase #2000-0114 be abated and that the 1999, 2000, 2001 and 2002 taxes on Schedule SR247049 be declared uncollectible in the total amount of \$2.24 and that the 2003 and 2004 taxes on Schedule SR247049 be abated in the amount of \$1.10 and that \$125.18 be tendered to the Garfield County Treasurer from the County General Fund and that those moneys be applied to the redemption moneys to be paid to the certificate holder, RDLJ LLC.

Georgia requested that the Chairman to authorized to sign the Resolution regarding the above.

Postponed – request – to abate these taxes.

Mineral rights – Georgia asked to postpone this.

No action was taken.

Georgia noted that Carlton Hubbard spent a lot of time on trying to make this right and it is very much appreciated.

AIRPORT - RIFLE COUNTY REGIONAL AIRPORT T-HANGERS LEASE – OBERHOLTZER FAMILY TRUST – SKIP HUTTON

Carolyn Dahlgren explained that the Oberholtzer Family Trust is committed to bringing the T-Hangers into compliance with the lease dated September 1, 1985 and listed in the handout to the Commissioners those correction actions that will be completed.

Brian Condie, Carolyn Dahlgren – William John “Skip” Hutton representing the Oberholtzer family.

Carolyn – sent out a notice of default and they are here to ask the Board for additional time.

Skip outlined the problem stating the Trust is in Texas and communication has been lacking; Steve Carter is the attorney locally and he asked Skip to speak.

The problem has been assessed and several companies have bid to fix the problems. Stuver and LeMoine have been hired to do evictions – court tomorrow. Bottom line is the Trust has failed to communicate – this has received the Trust's attention and they are confident to correct the problem and asked for 90 days to complete.

Carolyn asked Mr. Hutton, the T-Hanger was set up as a condominium – owners association; how many?

Skip - 2 owned and 8 rented. Only those 2 owners would be asking the Board of Directors to manage it. One owner is in the military and he's out of the County.

Carolyn – the way the original lease, a property association was required. They could vote to have private management and Mr. Hutton is considering this. The way this is set up – a condominium needs to be set up. From a legal standpoint – first concern is that the family trust did not come to the Board for approval of a signing of the lease to a Trust, the last conversation with the attorney a number of years ago was that I didn't not know how the Board would react to an out of state trust being the owner because of our concern that there would not be somebody on the ground managing the property. The assignment to the Trust occurred so one of the requests today is that the trust is asking that you retroactively approve that assignment of the lease. Two choices – limp along until the 90 days or deny it today.

Commissioner McCown – could that be a condition or the approval of the assignment to the trust be contingent upon two things, either or an association being formed and the hiring of a local manager?

Carolyn – the way the legal documents are written, they'd have to have the Association and the Association would have to vote to hire, it's not either or.

Commissioner McCown but clearly the voting interest would be with the Oberholtzer Family Trust and they would control the 8 of the 10 votes so it would be a mere formality.

Brian is supporting a continuance.

Commissioner McCown – everyone's best interest to ensure the Oberholtzer Trust and continue.

Brian – asked for 90 days extension to come into compliance and will it meet all the status notifications, activation of a private homeowner's association and removal of all unauthorized activities, copies of sub leases, proof of insurance, maintenance and the BOCC's approval to sign the lease and then come into compliance with all the rules and regulations?

Yes.

Chairman Martin – weather permitting on the concrete.

Skip – concrete is a problem all over the country.

Possibility for an overlay – can asphalt be done to address cracking.

Skip – water problem – need drainage – as a manager he can negotiate. Neighbors need to give them some assistance.

Brent feels the problem can be remedied in 90 days. – at the end of the lease they are planning to leave the facility.

Don't think we should hold them to a standard that the County is not willing to do. Bring up to the County standard and last – some of the problem identified have moved to out County owned hangars and Brian can handle that.

Brian - last year no hazardous materials were being stored in the hangars.

Carolyn encouraged the Board to take some action on the Trust issue.

Skip stated there is an attorney as a point of contract for the trust and has been assigned that from the Trust last Friday.

Carolyn – the problem is that from the BOCC's perspective, the Trust has not been named holder of the lease, it was an illegal assignment. If the Commissioners want to consider retroactively approving that conditionally or otherwise, it will help us all.

Marge Oberholtzer, the main part of the Trust and I do have the authority, a letter authorizing me to be a contact along with the Trust.

Carolyn – the record owner, although the Trust did file an assignment of lease that was without the permission of the Board of County Commissioners who owns the Airport, so we don't formerly recognize the Trust as the assignee of the lease.

Marge Oberholtzer would like it assigned to the Trust.

Action on the Trust Issue:

Commissioner McCown made a motion to accept the lease assignment and January 2, 2006 and condition to move forward with a local representing and with the appointment of a manager for which the Airport Manager and County Attorney can communicate. Commissioner Houpt seconded: In favor: Houpt – aye; McCown – aye; Martin – aye.

FRANKEL – MUIR ARCHITECTS – FINAL PLAT – FAIRWAYS – ASPEN GLEN

CONSIDER AN AMENDMENT TO THE FINAL PLAT FOR LOT 13 OF THE FAIRWAYS AT ASPEN GLEN TO ALLOW A CHANGE IN THE OVERALL BUILDING ENVELOPE. PATRICIA FRANKEL IS THE OWNER, APPLICANT IS JOHN MUIR ARCHITECTS – RICHARD WHEELER

Richard Wheeler, Don DeFord, John Muir and Patricia Frankel were present.

Richard submitted the following exhibits: Exhibit A - Garfield County Zoning Regulations of 1978 as amended; Exhibit B –Garfield County Subdivision Regulations of 1984 as amended; Exhibit C - Comprehensive Plan of 2000; Exhibit D – Staff Report dated 10-03-05; and Exhibit E - Application materials; Chairman Martin entered Exhibits A – E into the record.

Richard explained that the final plat of the Fairways at Aspen Glen PUD was recorded on August 17, 1995 and today the request is to increase the overall building envelope on lot 13. The Aspen Glen Design Review Committee has reviewed the proposed building envelope change and stated the changes are consistent with the underlying dimensional requirements and have no objection to the change.

Staff recommendation:

The applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, Staff recommends the Board of County Commissioners, pursuant to 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. All plat notes from the original Final Plat of the Fairways at Aspen Glen shall be shown or referenced on this amended plat.
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, at a minimum, the information outlined in 5:22 of the Garfield County Subdivision Regulations.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amendment to the final plat for lot 13 of the Fairways at Aspen Glen with the 3 conditions as recommended by staff.

In favor: Houpt – aye; Martin – aye; McCown – aye.

SUN MEADOWS SUBDIVISION – SIA EXTENSION

CONSIDER A REQUEST TO EXTEND THE TIME TO COMPLETE SUBDIVISION IMPROVEMENTS AGREEMENT OBLIGATIONS FOR THE SUN MEADOWS SUBDIVISION – MARK BEAN

Fred Cooke, Manager of Sun Meadow Estates LLC, Tim Thulson of Balcomb and Green, Mark Bean, and Don DeFord were present for the discussion.

A letter was submitted from Fred Cooke explaining the agreement with the County regarding improvements to the intersection of Miller Lane delays and the process of complying with the request such as requiring a 404 permit, obtaining right of way, obtaining permission from the railroad; and evaluation of the drainage and utility conditions that exist at the intersection. These will require time and a reasonable construction commencement date would be in June or July 2006. Mark referenced that this was originally approved as Mamm's View Subdivision located between Silt and Rifle just north of Highway 6. The SIA has expired and the request did come in prior to the expiration date; the Board has the opportunity if they so chose, to renew or re-enter into an amendment to that SIA which would allow the applicant the opportunity to complete the project and complete the improvements attached to that SIA. Included in some of the improvements they are addressing are improvements to the Antonelli Lane area which goes from the development over to Miller Lane. Those improvements are in process currently and asked Mr. Cooke to explain timing and completion of those. What brought this on originally in terms of Mr. Cooke's response was a letter generated from the County to Mr. Cooke explaining that the County and did expect as a part of subdivision

that had to be completed before the release of any certificates of occupancy could be issued would require the improvements to Miller Lane and Highway 6. There's been a lot of discussion of Ukele Lane and Highway 6 but the original approval of the subdivision was based upon that. Mr. Cooke in conversations with Don DeFord, Tim Thulson and I understands what the County's position is and is prepared to address that too.

Fred Cooke – thanked the Board for this opportunity to speak and inform them of what is going on. A lot of rumors are circulating about what might be occurring and address clearly the status and focused on three issues we need to deal with as far as our subdivision is concerned: 1) improvements to be completed on Antonelli Lane, 2) completion of the Phase 2 improvements, basically the subdivision is made up of 33 lots, 21 are on north side of Antonelli Lane and all those improvements have been completed and are installed; then we have the 12 lots south side of Antonelli Lane. We have all drainage improvements in and the rough grading of the roads that have been installed and were proceeding with the installation of those improvements when we came to a halt with Antonelli Lane and 3) the obligations to complete the improvements on Hwy 6 & 24 and Miller Lane. Fred explained Antonelli Lane – they had problems with the contractor and plans were to have this road completed prior to the 4th of July, we gave neighbors notice of the plans, gave the contact information and asked to be contacted if there were problems. The neighbors that have contacted us, we have dealt with each and every one of their issues and that is in regard to some of the drainage issues, installation of culverts at their driveways, we had to move some fence relocations and that has been completed. We believe it is important for developers to perform the work we were asked to do and was always in close contact with the County to make sure we were performing the work as both the neighbors had requested and as far as we were obligated to do under our SIA and the plan. There have been a lot of meetings that has occurred without my knowledge and is here to address this. Also, the intent is to do everything that we have promised to do and are obligated to do under any agreement with the County.

Antonelli Lane – the work that was done, we thought we'd have a 6-week construction schedule but the contractor did not do the work as he was supposed to. Prior to any paving occurring on Antonelli Lane you request the County Road and Bridge inspector to come out and inspect the work to make sure it has been properly installed. The work was not properly done. The County had a number of issues with the work that was out there. We got into a little bit of a disagreement with our contractor and had to spend some time working out the issues to get him back to complete the problems. Part of that, the County was concerned about the road sections and the fact that the road had the proper road base installed per the County specifications. We had hired a geotechnical engineer to do periodic inspections of that work as it was being installed. When we checked certain spots, there was some grave concern that it was not properly done and our consultants had let us down. So we hired a separate engineer at the County's request that they felt comfortable with and we performed sections of road and that has been brought up with some of the neighbors regarding pot holes. We had to pot hole the road to check the depth of it and received a report back. The investigation report took us about a month to perform. We completed that and received the results of that last Friday. We have moved forward with the recommendation from the County for a geotechnical engineer and those repairs and corrections are currently underway as of today. What will need to be done is to take out some of the road sections and replace them. We have, at our costs, hired the 3rd party County recommended engineer to supervise full time these improvements that are going on. This was one of our concerns was the road contractor was responsible for calling a geo tech to come out and inspect the work on an as needed basis. This way we feel we can be ensured that the material is being installed on a basis both acceptable to myself and the County. We will be blacktopping hopefully part of the road by the end of this week or sometime next week. That is all based on the availability of material. We have encountered a number of issues as watering the road and instead of hiring water trucking, we paid for and Mag chlorided the road to try and minimize the dust on the road. We are going out and grading the road to rid of some of the wash boarding and we are continually maintaining the road to keep it in an acceptable and passable condition for all the surrounding residents in the area. 2) Completion of the Phase II – the 12 lots south of Antonelli Lane; that work is underway. When we ran into issues with the contractor on the improvements that needed to be done to Antonelli Lane we decided to not give him a notice to proceed on Phase II due to a number of concerns. We took over some of the accounts that he didn't pay and paid for the work. All this work is now in progress, we're installing pipe, trenching for the work and feel we can complete the work in Phase II within about 60 days. There are certain issues we do not have control over than may or may not be complete on Phase II - Xcel Energy with their lines as they have not yet told when they can fit us into the schedule; Quest with phone lines and also at our expense gone beyond the requirements of the County and are chip/sealing the internal roads in the subdivision. This upgrades the overall condition of our subdivision and minimizes the maintenance of the residents within our subdivision when complete. 3) Improvements at 6 & 24 at Miller Lane – I've recently been made aware and in full agreement that we are contractually obligated with the County under the SIA to do those improvements but it might be helpful to explain the history of what happened on those improvements. Fred explained that when Mr. Bean mentioned the subdivision used to be called Mamm's View that was being processed by another developer. We stepped in and took this project over when it was ¾ completed and approved. We are not aware of all the circumstances that surrounded what went on with the previous developer and the overall history of the project, but now I am and has spent the time doing the research and knows the obligations under the agreements with the County and under the plans submitted and had approved by the County which I am willing to live up to all conditions. The issue we had was that there was a previous access permit pulled with CDOT by other developer to do the improvements at 6 & 24; by the time we had the project underway and received all the approvals, that access permit expired. CDOT requested that we perform a new traffic study for the project and based on that traffic study, the consultants presented a scenario to CDOT where the improvements were not needed at Miller Lane and in fact no improvements were needed whatsoever on 6 & 24. CDOT, after their review of the situation came back and agreed with us – you don't need to do anything on Miller Lane, but what we don't agree with is we want those agreements to go down at Ukele Lane based on the traffic study you presented. The County was not made aware of that traffic study but made aware it was going on but not actually the results of it and our consultants took it upon themselves to negotiate and told me that you're off the hook, you don't have to do the Miller Lane improvements, we have a much better deal and you only have to do ½ the improvements at Ukele Lane at a significant cost savings to you. We moved forward and bids went out and awarded that bid to a contractor to perform that work. Well, I got a letter from Garfield County telling me that I was obligated to do the improvements at Miller Lane; I read my agreements and yes I am obligated to do those improvements and I'm willing to move forward with those improvements. The issue is the plans we had for the improvements at Miller Lane that were presented and approved by the County are in my

personal opinion significantly inadequate. There is a number of issues we need to deal with and have now commissioned that those plans be redone and redrawn again at my expense dealing with the issues that we have to deal with, that are very important. First of all we have a wetlands issue and a potential there could be a wetlands there that we have to deal with and pull a nationwide permit on that was never addressed in the initial plans and in addition we may have waters of the US that we're dealing with that come down along Miller Lane along that area and go across the road. We have not dealt with that or any drainage improvements that may be required to deal with those waters. In addition to that there are some drainage details in regards to those improvements – there are none on our plans and we need to address those and have those dealt with in the plans and construction drawings. Also there is Right Of Way that needs to be acquired and dealt with; we are dealing with both the railroad as well as property owners and the County as far as working within their right of ways. Those have not been addressed and they will be in the new plans that we have. The one thing I would ask for is a little time to deal with that. The County under our initial bid has adequate surety in place to deal with those improvements. We need new plans in order to determine what it's going to cost and what we have to do. Those improvements are not going to be done this year because of the time we're probably looking at 60 – 90 days to complete the plans and even longer if we have wetlands issues, waters of the US issues and right of way issues. We feel that will probably take us somewhere in the neighborhood of anywhere from 6 to 12 months to be able to deal with and handle and I will be happy to keep the County apprised of the progress of those plans and that work as they progress but right now I'm not prepared to really address specific questions around it because I don't know the answers. In closing he summarized that he is not trying to get out of any obligations with this, run into some problems with our contractor and consultants but are addressing those issues and need more time to resolve all the issues.

Chairman Martin referenced the one letter introduced from Steve. It was received by Tim Thulson and Fred Cooke. Brian Franke – Mr. Cooke addressed everything he wanted to talk about.

Commissioner McCown – you're asking for a 12 month extension and that is for everything or just the completion of the Phase II and the improvements at 6 & 24 & Miller Lane; Antonelli Lane will not fall under that one year extension will it?

Fred Cooke – that's correct, we hope to have those improvements done this week, however it we have some issues with power poles along Antonelli Lane that we have to have removed by Xcel and we don't know the timing to get that done so we've met with the County's engineer and have come up with a plan to prepare the road for asphalt.

The initial section required 4 "of asphalt to go down on the road, what we feel is a better solution to the problem is to put down 5" of asphalt - 3 "we'll put down now before the asphalt plants close down and then during the winter months, Xcel would come in and take out the power poles down and we'd come in and patch those spots and then do a 2" overlay over the entire road and that would not be done until the springtime.

Tim Thulson – Commissioner McCown if required we could tighten time periods for certain on identified improvements such as Antonelli Lane and we'd be willing to bind ourselves to that schedule – it wouldn't just be a blanket year extension for everything we could tighten that down on a per item basis; the big concern is the Miller Lane/6 & 24 right of way.

Commissioner McCown – understands that and my big concern is I don't want to go into the winter with Antonelli Lane in the condition it's in. So as long as we're talking apples and apples we're okay here – I understand the need for the extension on the negotiation with the Miller Lane right of way and 6 & 24 right of way; but from a phasing standpoint, I want some kind of a benchmark that Antonelli Lane surface will be completed to the extent indicated by the applicant at least a mat on it before winter so we do not go thought the winter with a gravel surface out there.

Tim Thulson – I understand that and what we were planning on doing procedurally at least today, it's going to take some time for me to draft a modified SIA, Don will need to review that along with planning staff and the way it works with you guys getting the documents into your packet, we would ask for this to be continued until the last meeting in October and hopefully we will have the Antonelli Lane improvements done to the extent that Fred has described.

Fred Cooke – we have been promised plans and a contract signed for the Xcel pole work and has been told today so an answer could be given to this Board and they have said the packets are in the mail. We have a dollar amount we need to tender to them for that and hopefully at the end of October because we are going to get that scheduled as soon as possible. For clarification, the packets in the mail meet they give us final drawings of the work they are going to do and we need to do some of the trenching work in conjunction with their laying their lines and doing their improvements; they're giving us that whole construction contract and plans; we have to sign off that we're in agreement and send them a check.

Commissioner Houpt – you believe you can do that trenching and just make that road ready for winter?

Fred Cooke – we may not have the trenching done and those power poles removed by winter but we will have that 3" of asphalt surface on the road by winter. I really don't think we'll have Xcel out there to get the work done prior to November, December.

Don DeFord – referenced Commissioner McCown's comment and said you have to remember their SIA has expired so any new work they are doing has to be covered by the extended or new SIA.

Commissioner McCown – right and that could also include a different security agreement because of the additional work that the applicant mentioned that may need to take place at the Miller Lane Intersection.

Don DeFord – that's right. Mr. Cook, has CDOT released you of your obligation to do improvements at Ukele Lane.

Fred Cooke – no they have not.

Don DeFord – so technically that still has to be addressed.

Fred Cooke – we need to address both Ukele and the Miller Lane improvements. They've come back and said do Ukele and don't do Miller but the County in our obligations said we have to do Miller.

Don DeFord – so it's correct to say that you need to do both intersections because of the difference in the agencies, is that right?

Fred – I'd have to refer to my legal representation on that but we have applied and received a permit to do the Ukele improvements.

Tim Thulson, basically we're stuck between two different entities requiring two different things right now, the worst case scenario is that we do both. We've retained a new traffic consultant, and we believe in just looking at the traffic report that we have that justified just going to Ukele as opposed to Miller Lane that it contains some false

assumptions, one of which that traffic study did not include an approved intersection at 6 & 24 and Miller Lane, and we believe if you have an improved interchange there that will change the analysis, although this is out of my purview here and hopefully we'll have an update from the consultants when we come back in two weeks.

Don – what are you proposing that we put in the SIA for security because ultimately the Commissioners are going to have to approve that since we don't know the cost?

Tim Thulson – we have \$288,000 outstanding right now under the letter of credit and hopefully with completion of Antonelli, we have construction funding for it. That number will be a lot closer in two weeks but we need, as far as the accuracy of what the Miller Lane and 6 & 24 improvements are going to cost, we just don't know at this time. Hopefully in two weeks we'll have that and discuss it with you. We think the others are fairly accurate.

Don DeFord – one of the things I'm concerned with, for the last many years, the Commissioners have insisted for the most part on a letter of credit for security and in our discussion you indicated, both of them I'm talking about, that that may not be what you're looking at for security and I'd like some idea right now in drafting an agreement if what you want to do is something the Commissioners want to do.

Tim Thulson – simply stated we don't know if we can get a separate additional letter of credit because that's the equivalent of taking out a second loan; we have construction financing right now and we've discussed with staff the possibility of arrangements on some type of security arrangement on platted lots that you could hold as security or work something out in the form of a disbursement under the construction contract realizing in full with your experience with disbursement agreements has been anything but pleasurable. The problem is that we have is we aren't sure if we can secure an additional letter of credit.

Commissioner Houpt – everybody's goal is to have this project completed successfully and so I'd like to see you come back with something that makes sense for both parties and I think there has got to be some flexibility there so that we don't jeopardize the project and have something sitting out there that's half done.

Don DeFord – 2 things that we had talked about that you guys had suggested first was a deposit agreement which we've used once or twice, the other was to go to a practice we used many years ago using the in a subdivision and deed either in escrow or security interest in those lots as the County's security. That's a practice we got away from along time ago because we're not in the land development business. This subdivision perhaps more so than some others, it might work because the infrastructure is well underway so you're not just getting bare ground that at least in the first part on the north part of the road, the water system, etc. so security on lots have value. The deposit agreement, although we've used them a couple of times, the drawback is it puts you in the same position as the bank and you have to authorize draws on it. But, we have a difficult situation here and that's why I wanted to talk about that a little today so we could at least start to draft an agreement and know at least the perimeters for which the Commissioners are thinking.

Commissioner McCown – is there a possibility that you could you go back and acquire more funding from the initial source rather than taking a second position, the construction money you alluded to earlier that you currently have, is there anyway that you can go back to the entity or wherever you got it and acquire more funds if they are needed to complete the SIA from that same source keeping them in the first position?

Tim Thulson – all our funding will come from that source; we believe we have construction financing to finish what we need, it's just the security on that end. We've had some problems with releases, apples and oranges; I think it was released on actual cost as opposed to a percentage of the job. And we're willing to leave untouched the \$288,000 that's there and hopefully what we're talking about is making up – were you going towards another point?

Commissioner McCown – I just want to make sure that in no way does the county intend to be in a position where we could be encumbered with any of this work and not have sufficient security and I'm hearing two things here today, number one, maybe the \$288 you leave untouched may not be enough to complete both of the intersections that are going to be there.

Chairman Martin – I don't think it would be.

Commissioner McCown – so to me that wouldn't be adequate security and in lieu of additional funds, once we know, once we have your report back on what the Miller Lane intersection may cost and it exceeds the \$288 if it does, not taking into account Ukele Lane, then I'm going to expect to see either lots placed as security or additional financial security proposed at that time when you come back.

Tim Thulson – that's right and that's what we're proposing to not touched may not be enough once we have the report back for the intersection not taking in cover either through a disbursement agreement or through lots.

Commissioner Houpt and Commissioner McCown agreed they would prefer the lots.

Don DeFord – this gives us some direction. There is an outstanding issue that we need to talk about and that's the structures for which building permits have been issued on the property. It's possible we'll be in a position where the developer will request certificates of occupancy, not only our standard practice for Subdivision Improvement Agreement prohibits the issuance of CO's until all improvements have been complete. That means the intersection at least at Miller Lane which is the subject of our agreement. So that's well into next year and that's a timing issue and a financing issue for the developer that we should discuss.

Fred Cooke – we would probably ask the Board to allow us to issue the CO's if all the subdivision improvements were complete, both in the second phase of the projects as well on Antonelli Lane to the extent that we could complete them this year, provided that we have adequate security in place in order to guarantee our completion of those additional improvements that are still, and basically it's going to be down to Miller lane and the final lip on Antonelli Lane.

Don DeFord – will you have all water system improvements in place south of the roads shortly?

Fred Cooke – yes.

Chairman Martin – well its been the standard practice that we don't do that Fred, that we hold everything and the CO's – you build at your risk without having those improvements done, I don't know if we want to vary from that, I don't think we ever have.

Commissioner McCown – well, I don't know if its varying, what I would see it like we do in a lot of other subdivisions, it's a phasing process, and if the north side of the road, the completion of the infrastructure and everything on Antonelli Lane is complete other than the top lift and the intersection, I could see releasing the obligations on Phase I and that would be those homes on the north side of the Antonelli Lane, holding if you will in abeyance everything on the south side of Antonelli Lane for security.

Fred Cooke - that would be acceptable to us and we wouldn't start construction or do anything on the south side of the road until such time as we have all the improvements completed.

Commissioner McCown - that would be an agreement that I could look at.

Commissioner Houpt - when would you anticipate having all of Antonelli Lane completed?

Fred Cooke - it would all be completed except for the removal of the power poles and the second 2" lift on it within I hoping the next two to three weeks.

Commissioner Houpt - but with the final work that needs to be done.

Fred Cooke - well the power poles would be moved this winter and then the second lift would be put on the first thing in the spring as soon as asphalt is available.

Commissioner Houpt - because I would be more inclined to wait until that's completed finished, understanding the phasing and not holding them to that to the point where they have to finish the Miller Lane intersection, but I'd really like to see Antonelli completed.

Chairman Martin - that has been one of the biggest phone call generators that I have had as well as a meeting on site over the months as well as the headache and frustration to everyone. Commissioner McCown - bear in mind 3" of asphalt is a very common amount that we have applied to our roads as a completed road. I think what they're offering to do is come back in and patch and put a final overlay for the improvement of the ride ability of that road as a good faith gesture, there were not obligated to do that.

Commissioner Houpt - I'd like to have a better understanding of what kind of disturbance is going to be made to Antonelli Road when those power lines are taken out and the trenching is done, can you describe that to me..

Fred Cooke - what they're going to do is take an 8' area around those poles and remove that and most of it is going to happen behind Antonelli Lane and probably the damage to Antonelli Lane will only come in a few feet into that but we will patch that at the time that occurs and it will be a patch that's in the road until the spring time. Also with the understanding that the houses, then that's about it and we're adding an additional inch of asphalt to the road at an additional cost to us. With regard to the trenching it will not disturb the road, within a couple of feet realizing that work is all taking place on the shoulder and not as actually a part of the road itself.

Commissioner Houpt - but it does into the road way?

Fred Cooke - no it does not, it's only part of the shoulder. What we're doing on that road that is also very unusual is we're improving the entire road; we're doing a 4' asphalt shoulder where usually on most of the other county roads its just a gravel shoulder, so we're doing all that work in that and what we've looked at when power poles are removed, where they're located now is basically right on the right of way where the road's going to be so there going to be a minimal disturbance in the shoulder and none actually in the road itself. 6 poles will be removed but the ones in the actually in the right of way is 3 poles.

Commissioner McCown - I don't know if that's going to create, they're very close to the driving portion of the right of way now, but if that were paved in, is that going to create any kind of a safety hazard or not because the county would have to at that time accept that liability.

Don DeFord - those are Xcel poles?

Fred Cooke - yes they are.

Don DeFord - did they get a permit from the Road & Bridge Department to relocate them?

Fred - I'm not sure but we can check on that.

Don DeFord - because that would give Road and Bridge an opportunity to review it.

Fred Cooke - we have met with both Xcel and Road and Bridge numerous times out on the site.

Commissioner McCown - I'm talking about the ones that are there now Don that will not be removed until the middle of the winter, if we pave, you are literally paving up to and including that pole in driving surface and it will stay there until such time Xcel pops it out.

Fred Cooke - but understanding all the actual lines, we have lines in the ground right now, we have buried those power lines and those poles will come out and we will do a new connection and make the new lines hot and that will be the supply for the area. Those are already in the ground and ready to go.

Commissioner McCown - I'm concerned about the safety of those poles being in the driving portion of the roadway because they will actually be paved around.

Fred Cooke - they are not actually in the driving portion of the roadway; they're literally right on the shoulder.

Don DeFord - are you going to do striping out there to delineate where the shoulder is so the traffic will know?

Fred Cooke - yes, striping is included in our....

Commissioner McCown - the poles are in an area where we would not allow a pole to be placed if we were issuing a permit; it may be such a thing as putting temporary barriers around them and we may have those available as a traffic diversion.

Fred Cooke - and we'll meet with Road and Bridge.

Commissioner McCown - I wouldn't have a problem with that but it may be that simple - that we place some temporary barriers.

Chairman Martin - the citizens have been driving around them for the past 2 years - they're pretty much aware that they're out there because there's a big column of dirt surrounding those poles and the road as been excavated . . .

Commissioner McCown - and right now that berm protects an individual from hitting that pole.

Don DeFord - we need some direction and in terms of the CO's, I've heard two different opinions between two commissioners.

Chairman Martin - I'm staying pat with we've never issued those CO's until everything has been done. That is my opinion but if the other two have opinions and wish to go ahead and take security as lots, etc. and everything north of the road as Larry discussed with improvements, etc. that will be up to them.

Commissioner Houpt - well and I could do phasing but I want to see more indication, I want to see a stronger commitment from Xcel on a date certain for having the poles removed.

Commissioner McCown - do you think you'll have that agreement that you'll have something to look at by the time you come back Mr. Cooke?

Fred Cooke - yes I do; I'll have a firm answer for you then and understand it was my ignorance that the process that caused to start the houses and thinking we'd have all the improvement in, really we had planned, we thought we'd have Antonelli Lane done, Phase II done and then we'd have the improvements at Ukele because that was already ready to go and slated and contracted for, now we're being brought back in and realizing I do have the obligation to

do Miller Lane, we are going to move forward with doing that, the problem that is created by that is we actually have houses sold to individuals buyers and people have sold their houses that are out without a home and waiting for their home to be finished.

Commissioner Houpt – yeah, but Antonelli Lane is a real problem and if I don't see a commitment, I'm going to have a really hard time supporting this notion.

Chairman Martin – and I have to stand up and its not that I'm trying to be hard or anything else, what it amounts to is that we said that you're building at your own risk and that no CO's would be issued until improvement were completed, etc. and I'm just holding firm to that.

Commissioner McCown – with that I'd make a motion that we continue until the 17th of October at the 1:15 time slot. Commissioner Houpt seconded.

In favor: Houpt – aye Martin – aye McCown - aye

Fred Cooke – one final statement, we've always been willing to talk to the neighbors or any concerns they may have and we're located right on the main street of Silt and we'd be happy if there's any issue that any neighbor needs to discuss with us or have any concerns regarding to be able to meet with them to address that.

**ENCANA OIL AND GAS USA, INC. – SUP SHALE EXTRACTION
CONSIDER A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW STORAGE, PROCESSING AND
MATERIAL HANDLING OF A NATURAL RESOURCE FOR SHALE EXTRACTION AND STORAGE,
SOUTH OF DIVIDE ROAD – RICHARD WHEELER**

Richard Wheeler, Carolyn Dahlgren and Jimmy Smith from Wagon Wheel Consulting were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed. Mr. Woodward, private property owner unable to notify.

Commissioner Houpt – is his property impacted by truck traffic

Jimmy – 8 miles from this property.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 – Staff Report dated 10-03-2005 and Exhibit G -Application materials. Chairman Martin entered Exhibits A – G into the record.

Richard stated this is a SUP for Storage, processing and material handling of natural resources – Shale Extraction and Storage located 15 miles northwest of Parachute, North Roan Plateau on 27,000 acres with access from Sprague Gulch and Divide Road. The area is formerly known as the UNOCAL property where oil shale processing occurred. The proposed shale pit will be utilized to extract shale for the purpose to plate roads and well pads with a mix of crushed sandstone and shale. There is no intent to market the mined materials locally. The material will be used on access roads owned by EnCana, as well as private and BLM roads. The site to be mined is 15 miles northwest of Parachute on an 18 acre piece of land. EnCana intends to use conventional equipment for the mining of the material. Equipment will consist of dozers, front-end loaders, track hoes, and large off-road trucks. The large off road trucks will be utilized to haul the mined materials to upgrade roads and supplement well pad locations. All of the haul trucks will travel internally on EnCana property.

Staff recommendations:

Staff is recommended the Board approve the Special Use Permit to allow a Cuttings Storage Facility to allow a shale storage extraction facility 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 unless explicitly altered by the Board.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
3. Should the need arise, the County reserves the right to retain outside expertise, at the expense of the applicant/operator of the facility, in order to conduct tests or analyses of the physical nature, water chemistry or groundwater properties on or away from the site.
4. That this facility is for the sole use of the applicant. If any other entities are to be added as users, then they would be subject to an additional SUP as well as rules and regulations as administered by the Department of Minerals and Geology.
5. Should the Department of Wildlife find Sage Grouse in the area affected, the Applicant shall comply with all stipulations and conditions.
6. The applicant shall submit an approved Storm Water Management Plan permit from the State.
7. The applicant shall submit a Noxious Weed inventory and maintenance plan.
8. The applicant shall submit and approved Division of Minerals and Geology permit from the State for the proposed mining operation.
9. The applicant shall submit an approved Air Pollutant Emission permit from the State.
10. The SUP for the Middle Fork Pond shall be issued prior to approval of this SUP.
11. The Applicant shall comply with all standards as set forth in 5.03.08 "Industrial Performance Standards" of the Garfield County Zoning Resolution of 1978 as amended.

Richard - as far as rehabilitation measures, reclamation that they're proposing, will be in line with the Division of Minerals and Geology which is a permit that they are in the process of receiving and the reclamation bond is posted with that department. And specifically to the staff recommendation, Section V of the staff report on page 7, approving the SUP for the shell pit and storage facility, it's not just a cuttings storage facility but to allow a shell pit and storage facility with the following conditions and we have some germane to this site, some specific recommendations that are boiler plate in nature, some questions about No. 3 so we added more language to that "should the need arise", the County reserves the right to retain outside expertise at the expense of the applicant/owner of the facility in order to conduct tests or analysis of the physical nature water chemistry or ground water properties on and away from the site. Some question earlier about why we have that there, so I said should the need arise where the County's directly aware of it or some outside agency brings any issues to us we have in these conditions to go to the site. As well as, Conditions 6, 7, 8 and 9, these are all outside agency applications that the applicant is currently in the process of receiving and we're making these conditions of approval that prior to this

SUP that they meet these requirements as far as submitting an approved Storm Water Management Plan they need to submit to us an approved noxious weed inventory and maintenance plan, submit all applicable Division of Minerals and Geology from the state as well as submit to us an approved permit for Air Pollutant Emissions. One other as a timing issue that for them to provide water to this site adequately they would have to receive their SUP for the Middle Fork Pond prior to issuance of this SUP.

Commissioner Houpt – Condition 5 – it seems cleaner to me if we say that they shall follow the DOW's recommendations as they pertain to Sage Grouse. My question with water being piped in, in the report there was some mention of potential welding in the area and wondered what kind of fire mitigation place is in place, a holding tank, or what kind of water in place?

Jimmy Smith – one note of change in the staff report, there was a staff report indicated there was a residence within a ½ mile, Richard and I looked at two sites that day on the site visit and I believe there are no residences within 6 miles, none adjacent to this particular site. The 80 trips per day that were discussed as far as water hauling and materials to the site, that actually relates to approximately 8 to 10 individual trucks making multiple loads from the site, the trucks will not be accessing to and from or State Hwy to the site on a trip basis – they will be staged on site, they may make 10 loads per truck over a short distance and then complete it. There won't be 80 trucks coming off of Hwy 13. The use of this material is seasonable as far as weather conditions and project needs as far as when those trucks are actually up there, when we have those projects or the weather conditions available to do that, those trucks will be taken to the site and staged from that site to whatever roads are being worked on and not be continually going up there on a full-time basis. The Middle Fork Pond – all of the conditions of that SUP has as of now been put together and ready to submit to the County for approval, so the usage of this water will hopefully be available to us once we've done that so all conditions have been met and will be submitted to the Planning Department for review. Actually most of the pipes are now in place that is associated with lines from the wells that are being drilled; there is actually a pipeline adjacent to this facility that can supply for the facility and for fire control. The only welding for the particular extraction of this material, there's no welding involved the only welding would be if the pipeline needed to be laid further down for water but there is actually water available at that site and that comes from Middle Fork Water Storage Pond, the laterals off of it and its treated water and the Storm Water Discharge permit has been obtained to use that water.

Sage Grouse area this is an ongoing and revolving process to educate the employees and those associated and will become very important to all companies.

Chairman Martin noted the strides made by Jimmy regarding this matter. And have to note that EnCana has worked with the Division of Wildlife in reference to the display area, rearing area already and they are at the table on the work plan and they're going to give us a tour of what is taking place – a nice step forward.

Jimmy - one of the permits that Richard mentioned that we need to obtain still is the Division of Minerals and Geology, the reason that has not been obtained to date, EnCana has decided in-house to scale back the amount of product that we're going to use out of this mine and you have to specifically say in that permit what you plan volume is, after the hearing that we had here on the referral, EnCana's looking at the economic value of the shale itself, so they're plans are for using it on all roads has probably scaled back to small lateral low traffic volume roads, rather than spend that money to put it on a road and it now be there two weeks later after high traffic, we're going to minimize the use of this. There are roads that are on EnCana's property.

Commissioner McCown – will there be any upgrade to the product, are you going to screen, crush or just dig it out of the bank in that condition and that's what's going on the road?

Jimmy – actually there will be no screening or crushing involved in this, it will be hauled to the road and walked down with a bulldozed and it essentially falls apart.

Richard – on Condition 5, Tres, did you want to amend that or discuss that with the applicant?

Commissioner Houpt – would like to make this say “shall follow the DOW's recommendation” versus having it sound so conditional.

Jimmy – shall is the way I interpreted it.

Commissioner McCown – it says should they find Sage Grouse. Well are you going to have them comply with the Sage Grouse regulation if there are no Sage Grouse?

Commissioner Houpt – there may be other issues they want them to comply with.

Commissioner McCown – this is specifically addressing Sage Grouse.

Richard – what we have done is based on the application that the applicant has submitted to us concerns the affects of wildlife in that area – that's what they identified and being themselves on the record and stating that's the wildlife in the area.

Commissioner Houpt – I would just like to go on record saying I would like it to be more general, if the other two Commissioners don't believe that's important, that's fine, but I'd like to take the condition out.

Chairman Martin – they've made significant steps to follow the recommendations.

Commissioner Houpt – I'm not saying they haven't, I just saying when we put these conditions together, we put them in so they can be referred to over several years and this is a long term project.

Chairman Martin – thank you, I'll finish, that they have also worked on the other species on there and done their inventory and they're at the table with DOW on every aspect of the wildlife up there and they've been very open about doing so, simply because it is a resource to them as well because they've got such a large area and they're also invaded by the requests of other people to use their facility.

Jimmy – that's true.

Commissioner Houpt – and I applaud them for that.

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 we approve the Special Use Permit for a Shale Extraction and Storage Facility with the 11 conditions as proposed by staff and testimony of the applicant today.

Commissioner Houpt – would you consider making that a more general statement for the DOW recommendations?

Commissioner McCown – no mamm, I think it covers everything that DOW had any concern about.

Chairman Martin – seconded the motion for discussion.

Commissioner Houpt – I think anytime you get recommendations from an outside agency it's important to be general with the conditions as possible especially for a long term project and chances are as long as EnCana

owns this land, they're going to work closely with DOW but land changes ownership and this is a long term project and I'm actually kind of confused as to why that's such a big deal, why we can't take that one little sentence out.

Chairman Martin – and the response is that DOW working very closely and its been a very good relationship that I've seen and if they had more concerns they would have put them forward, and I've requested them to do so, especially on every concern in reference to the wildlife and also these types of projects, face to face with the field office here as well as the State Office, they've submitted everything they were concerned with and I feel comfortable with that.

Commissioner Houpt – okay, it just doesn't change anything, it does, what it changes is it just allow a more blanket statement and condition.

Commissioner McCown – what it changes is the approval of a process that the DOW could come back next week and change their mind and then all of the sudden they would have to comply with and it wasn't placed in evidence here today, so what we're dealing with is what we have in evidence today and that was a statement by the DOW that if this should be in a Grouse area they would have to comply with the regulations and conditions that the DOW put forth, it doesn't mention any other concern Elk and Deer, doesn't mention any other specify of wildlife, so this is what the DOW's concern was today and that's what we're acting on. I do not want to give DOW or any other entity the opportunity to come back next week and go, oh by the way I think there maybe some kind of a worm out there that we want to protect, everything's off. So what we're dealing with today is the evidence we have at hand and that was included in my motion and that was all the concern that the DOW had at the time they presented this. So, if they come up with something new it'll be just like any other permit, it will have to come back for an amendment which would be reopening the permit.

In favor: Houpt – aye Martin aye McCown - aye

SPRING VALLEY RANCH PREL PLAN AND PUD CONSIDER A PRELIMINARY PLAN AND PUD AMENDMENT FOR SPRING VALLEY RANCH PLANNED UNIT DEVELOPMENT. APPLICANT: SPRING VALLEY DEVELOPMENT, INC. – FRED JARMAN

Fred Jarman, Jim Lockhead, Representative, Jerome Gamba & Associates, Inc. Chuck Barry; Michael Gamba and Britt Kelley were present.

Don reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board 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 of 1978 as amended; Exhibit D –Garfield County Comprehensive Plan of 2000; Exhibit E – Garfield County Subdivision Regulations on 1984 as amended; Exhibit F -Application materials to include: * Spiral Bound Binder: Introduction and Supplementary Information; * Blue Spiral Binder: Preliminary Plan Drainage Report dated 12-21-00; * Green Spiral Binder: Water Distribution System and Hydraulic Analysis Report dated 12-19-00; * Binder # 1: * Binder #2: * Binder #3; * Binder #4; Exhibit G – Staff memorandum; Exhibit H – Letter from the Glenwood Springs Fire dated 7-19-2005; Exhibit I – Letter from the Division of Water Resources dated 7-11-2005; Exhibit J – Email from CDOT dated 7-15-2005; Exhibit K – Email from CDOT dated 7-27-2005; Exhibit L – Letter from the BLM dated 7-22-2005; Exhibit M – Letter from CGS dated 7-28-2005; Exhibit N – Memorandum from the County Vegetation Director dated 8-3-2005; Exhibit O – Email from CDPHE dated 8-3-2005; Exhibit P – Letter from Resource Engineering dated 8-3-2005; Exhibit Q – Staff Memorandum dated 10-29-01; Exhibit R – Email from Jim Austin dated September 27, 2005; Exhibit S – Letter from Louis and Donnalyne LaGiglia dated September 26, 2005; Exhibit T – Traffic Study from Felsburg Holt and Ullevig dated August 2005. Chairman Martin entered Exhibits A – T into the record.

Fred stated this is a Preliminary Plan and Planned Unit Development Amendment for Spring Valley Ranch PUD Spring Valley Development, Inc. for a tract of land situated in portions of Sections 14, 15, 16, 20, 22, 27, 28, 29, 32, 33, and 34, T6S, R88W of the 6th P.M. Located in the Roaring Fork Valley, west of Missouri Heights above the Towns of Carbondale and Glenwood Springs on 5,948.277 +- acres. Access is via County Road 115 (Red Canyon Road) via Highway 82, and County Road 115 via County Road 114 (CMC Road) via Highway 82.

BACKGROUND INFORMATION / PROJECT HISTORY

Approval History

Spring Valley Ranch PUD was approved in August of 2000 which established the zoning for the property. Subsequently, the Preliminary Plan for the development was approved in November of 2001. Subsequently, the Applicants were granted an amendment to the phasing plan in the PUD (that will initiate construction of the development in no later than April 2004 and the last phase will be completed no later than 20 months after the start of construction in 2015) as well as an extension of the Preliminary Plan approval to November 5, 2003. Most recently on November 3, 2003, the Board of County Commissioners approved a new Preliminary Plan and PUD amendment for the same project which was intended to incorporate a realignment of a portion of CR 114 as it serves Lake Springs Ranch and Spring Valley Ranch. To date, these Preliminary Plans and PUD Amendments have not resulted in significant changes to the already approved portions of Spring Valley Ranch PUD or Preliminary Plan (such as density, lot sizes, uses, zoning, conditions, etc.). At this point, the Applicant must submit a Final Plat application by November 3, 2005 or the current Preliminary Plan will expire.

CURRENT PROPOSAL

The Applicant requests approval of the following three items which requires a new Preliminary Plan and PUD Amendment:

- 1) *Approval of the list of consolidated conditions of approval from the collection of approvals since 2000 (requiring a new Preliminary Plan and Amended PUD submittal);*
- 2) *Approval of the amendment of the phasing plan to incorporate trails, infrastructure, and open space as depicted in Exhibit 21 (requiring an Amended PUD submittal); and*
- 3) *Inclusion of the amendment of the agreement for Fire and EMS services with the Glenwood Springs Fire Protection District (requiring a new Preliminary Plan submittal).*

As you are aware, the county land use regulations do not offer an amendment process for physical changes to preliminary plans. As a result, while the PUD provisions in the code provide for an amendment process that deals

with zoning matters, any change to a Preliminary Plan requires the resubmittal of the entire project in the form of a new Preliminary Plan. In the present application, the Applicant has submitted a new Preliminary Plan as well as an amendment to the PUD intended to address their three requests above.

As a matter of process, the Planning Commission and the Board of County Commissioners should make two separate motions; the first motion should address the amendment to the PUD while the second motion should address the (new) Preliminary Plan. Lastly, due to the specific and narrow subject of the proposal, Staff has focused its review only on the subject of the three issues outlined above; however, a previous Staff analysis of the entire project is attached for your review.

I. **APPROVED PROPOSAL**

As a matter of background, most of the development is concentrated at the center of the property, on a plateau above CR 115. Two entrances into the project are proposed: One about 1/4 mile east of the intersection of CR 114, and CR 115 (Main Entrance) and the other located west of the CR 115 and 114 intersections on CR 115 known as the Landis Creek Entrance. The property was rezoned in 2000 and consists of the following 13 separate zone districts. The matrix below is intended to show the breakdown of theses districts as well as any residential dwelling units associated with the zone district:

Zone District	Number of units	Number of acres	Percentage of total Acreage
Open Space/Agricultural (Including 2 Golf Courses)	0	1,273	21.4
Golf Clubhouse	0	22	.04
Residential Lots			
Ranch Lots	91	2,981	50.1
Meadow Lot	1	30	0.5
Estate Lots	134	700	11.8
Golf Lots	171	331	5.6
Cooperative Ownership Cabins	75	88	1.5
Duplex Townhomes	30	15	0.3
Commercial / Mixed Use (Village Center District)	75	48	0.8
Office	0	13	0.2
Metro (Fire/EMS stations)	0	6	0.1
Utilities	0	2	0.2
Institutional Facilities	0	11	0.2
Total	577	5,948	100%

Note: Included in the total of 577 dwelling units are 20,000 square feet of commercial space and 75 affordable dwelling units that are included in the RCMU (Village Center) District. Two (2) Fire/EMS stations are proposed within the Metro District.

II. **REVIEW AGENCY/PUBLIC COMMENTS**

Staff sent the proposal to the following review agencies whose comments are provided below and are incorporated in the memorandum where appropriate:

- A. Mount Sopris Soil Conservation District: No comments received.
- B. Town of Carbondale: No comments received.
- C. City of Glenwood Springs: No comments received.
- D. RE-1 School District: No comments received.
- E. Colorado State Forest Service: No comments received.
- F. Spring Valley Sanitation District: No comments received.
- G. Glenwood Springs Fire Department: Has no issues with the plan and that the application contains a letter from the Fire Chief approving the proposed change in the emergency vehicle access roads. (Exhibit H)
- H. Colorado Department of Transportation: Indicated that an updated Traffic Study needs to be prepared reflecting current traffic conditions and that a Highway Access Permit would be required if a 20% increase to traffic occurred at the HW 82/ CR 114 intersection. (Exhibits J and K)
- I. Colorado Division of Wildlife: No comments received.
- J. Colorado Division of Water Resources: Since the there was no change to the water supply plan, the comments provided in our letter of May 26, 2000 still apply. (Exhibit I)
- K. Bureau of Land Management: Provided comments related to the private-public land interface including trespass, trails and access, fire hazard analysis, rights-of-way, and traditional public land uses (Exhibit L)
- L. Colorado Geologic Survey: Provided comments specifically addressing slope issues related to lots within specific phases and further requests the opportunity to review the site specific development of the phases as they are reviewed during final plat to ensure that the identified geologic hazards have been adequately addressed. (Exhibit M)
- M. Garfield County Road & Bridge Department: No comments received.
- N. Colorado Department of Public Health & Environment: Exhibit O
- O. Roaring Fork Transit Authority: No comments received.
- P. Garfield County Vegetation Manager: Exhibit N
- Q. Garfield County Housing Authority: No comments received.
- R. Garfield County Sheriff Department: No comments received.
- S. Resource Engineering: Exhibit P

III. RELATIONSHIP TO THE COMPREHENSIVE PLAN

As you are aware, the Proposed Land Use Designation map contained within the Comprehensive Plan of 2000 originally designated the subject property as Low Density Residential (1 dwelling unit per 10 acres). The Board approved a rezoning of the property to PUD at a gross residential density of 10.3 acres per dwelling which is a lesser density than proposed in the Comprehensive Plan. It should also be noted that the developer proposes 75 affordable housing units in the development which is among the goals and objectives contained in the Comprehensive Plan, however, not required of this development since the proposed density has not been reduced below what the Comprehensive Plan designates. The attached Staff Memo contains a more refined analysis of the project as it relates to the goals, objectives, and policies of the Comprehensive Plan. Ultimately, Staff and the Board of County Commissioners determined the proposed project, as presented here, is consistent with the Comprehensive Plan.

IV. PROPOSED CHANGES TO CONDITIONS OF APPROVAL

The Applicant proposes to consolidate the conditions of approval required by the Board in the various Preliminary Plan and PUD Resolutions since 2000. More specifically, the Applicant requests approval to 1) delete conditions which have already been met or are redundant in other resolutions, and 2) clarify conditions which appear to be vague. These conditions are specifically contained in the following resolutions:

Date	Resolution Type	Resolution #
August 15, 2000	PUD Approval (Original PUD for SVR)	2000-95
January 14, 2002	Preliminary Plan Approval (Original Subdivision for SVR)	2002-07
March 24, 2003	PUD Amendment Approval (Amending PUD Phasing Plan)	2003-19
November 3, 2003	Preliminary Plan Approval (Road Realignment for CR 114)	2003-98
November 3, 2003	PUD Amendment Approval (Road Realignment for CR 114)	2003-99

The Applicant provided a matrix in the binder entitled "Introduction and Supplemental Material" which is also on CD #1 that illustrates what changes are requested. In addition, the same binder contains a final comprehensive list of the proposed remaining conditions. To this end, Staff has reviewed the proposed changes and has highlighted certain significant conditions below for your consideration. Lastly, Staff notes that while a single consolidated list of conditions is being proposed by the Applicant, these conditions will actually need to be separated into either a PUD resolution for zoning matters or into a Preliminary Plan resolution for matters specific to subdivision. Because certain specific and different authorities are provided to the Board in the Subdivision Regulations and the Zoning Resolution, the conditions specific to this project must be appropriately located in resolutions specific to those regulations.

A. Resolution 2000-95 (PUD Approval)

#1: All monies proposed to be spent (\$2,400,000), on the proposed road improvements, may be utilized by the Board of County Commissioners for road improvements on roads impacted by the proposed development as the Board of County Commissioners determines. The applicant will work with staff to determine the best use and allocation of these funds to improve the roads impacted by the Spring Valley Ranch PUD.

The Applicant intends to delete this condition stating that it is superseded by condition #27 in Resolution 2003-98 which states *"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."* Staff agrees with this request and that this remaining condition be contained in the Preliminary Plan resolution.

#12(D) Establish an additional fire emergency access along the east property line to improve fire emergency responses to larger lots. This area is the most hazardous portion of the PUD because it contains a lot of brush and dried plants.

The Applicant intends to delete this condition stating "a copy of a letter dated May 17, 2005 from Mike Piper, the Fire Chief of the Glenwood Springs Fire Department and the Authority Having Jurisdiction (AHJ) for the subject property, is included in the Section labeled 2000-95-12.D. This letter indicates that an additional emergency access to the east would be "difficult to maintain" and is "not needed". Staff agrees with this request as it is consistent with the recommendation of the Fire District.

#24: No hunting will be allowed on the subject property.

The Applicant intends to delete this condition stating that According to communications with the Division of Wildlife (DOW), the DOW believes that it would be beneficial to allow hunting on the subject property in accordance with all applicable laws and regulations. While Staff agrees with the general philosophy of game management on large properties such as Spring Valley Ranch, Staff suggests that should the Board approve the Amended PUD, the Applicant provide a letter from the DOW that supports the Applicant's statement.

B. Resolution 2002-07 (Preliminary Plan Approval)

#12: All residential lots shall have controlled irrigation and that individual well development shall be prohibited completely for new residential development.

The Applicant intends to clarify this condition stating that *Individual well development shall be prohibited completely for new residential development. The water district shall impose a water usage rate structure that encourages conservation*. Staff agrees with this request and that this remaining condition be contained in the Preliminary Plan resolution.

#26: The applicant shall make application to the Colorado Department of Transportation, pursuant to Section 12(b) of the State Highway Access Code, for a permit for the reconstruction of an existing access at the intersection of County Road 114 and State Highway 82. Such application and approved permit shall be tendered as a part of the approved phasing plan and shall be included with the applicable final plat documents, specifically the subdivision improvements agreement that includes security for the intersection improvements.

The Applicant understands this condition requires a permit from CDOT and has the improvements included in Phase 8. There is no change proposed for this condition.

C. Resolution 2003-19 (PUD Amendment Approval for Phasing Plan)

#2: The phasing plan proposed be modified to provide an emergency access road along Landis Creek drainage from the end of the road in Ranch phase 2 to the proposed cul-de-sac at Lot R44.

The Applicant states that this condition was resolved during 2003 PUD amendment application. This issue was addressed in the Phasing Plan included in Exhibit 21 of Binder 4 of the amended PUD application approved by the Board on March 24, 2003. The access road is shown on the Preliminary Plan in the proper location to be constructed in Ranch Phase 2. Further, Staff notes in the phasing plan that “this emergency access road must meet the applicable minimum standards of the International Fire Code and the design must be acceptable to the Glenwood Springs Fire Department.” Staff agrees with the deletion of this condition finding that it is incorporated already into the Preliminary Plan design and phasing plan.

D. Resolution 2003-98 (Preliminary Plan Approval for Realignment of CR 114)

As you will recall, while this resolution approved a new Preliminary Plan application, it was submitted to specifically address the potential for the realignment of CR 114 through Lake Springs Ranch PUD and a very small portion of the southern boundary of Spring Valley Ranch. The Board approved the request with all of the previous conditions to date for the project along with several new conditions that dealt specifically with the realignment of CR 114. The Applicant proposes to delete all of the conditions (they are duplicates) and modify condition no. 31 as follows:

#31: 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.

Read into the record as stated here.

The Applicant requests to add the following text to the condition listed above:

The Subdivision Improvements Agreement (SIA) for Phase 1 of Spring Valley Ranch PUD shall provide that the Phase 1 improvements to CR 114 need not be commenced until 2 years after the date of the SIA for Phase 1, or the approval of the application by the Lake Springs Ranch developers to realign CR 114. In the event the end of said 2-year period falls between October 1 – March 31, the Applicant may commence construction as soon as practicable when weather conditions permit. The SIA for Phase 1 shall provide that the Applicant shall submit construction drawings and security for required improvements to CR 114 at least 60 days prior to the commencement of construction of such improvements.

The reason the applicant wishes to add this language to condition No. 31 is because they understand that the developers of Lake Springs Ranch PUD intend to proceed with actual development activity of portions of their project (as opposed to the dedication of conservation easements over platted areas) following the commencement of development activity by the developers of Spring Valley Ranch PUD. The Applicant also states that based on this condition 31 and its sub-conditions, this sequence of events would result in the required improvement of County Road 114 (CR114) in its existing alignment as opposed to the alternate alignment that was approved through the Spring Valley Ranch PUD on November 3, 2003 by the Board.

It is the Applicant’s opinion that the Preliminary Plan application for Spring Valley Ranch PUD approved by the Board on November 3, 2003 demonstrated that the alternate alignment for CR114 was substantially superior to the existing alignment for the future residents of Lake Springs Ranch, Spring Valley Ranch and the general public who use this road. The revision to this condition is only intended to provide adequate time for the developers of Lake Springs Ranch to receive county approval for a revised preliminary plan, which includes the alternate alignment of CR114 and result in a superior road alignment for future county residents. Staff agrees with this request but suggests that the Applicant work on appropriate language to be inserted into the SIA so that the County will have adequate security so that the realignment can be constructed.

E. Proposed New Conditions

The Applicant also proposes the following two new conditions.

- #1 *The following conditions consolidate, amend, and restate as appropriate the conditions contained in the various resolutions approving, extending or modifying the PUD and preliminary plans for Spring Valley Ranch in Resolutions 2000-95, 2002-07, 2003-19, 2003-98, and 2003-99. The findings and approvals set forth in said resolutions remain valid in accordance with their terms and County regulation. However, the following conditions supersede and replace all of the conditions of approval in said resolutions, and the conditions of approval set forth in said resolutions shall be null and of no further force or effect.*

This condition is proposed in order to provide a clear statement for future development applications that only the conditions of approval that are to remain following this compilation of conditions are in effect. Staff agrees with this requested condition.

- #2 *Prior to the approval of the final plat of each phase, the Spring Valley Sanitation District shall certify that sufficient capacity is available to provide for the development in such phase.*

Staff agrees that because this project is a multi-phased project where wastewater infrastructure will be completed per phase over the course of many years that each phase demonstrates that sufficient capacity exists to serve the phase from the District. The Board has routinely required such a condition in a multi-phased project.

- #3 *All construction for the Spring Valley Ranch PUD shall be in accordance with the International Fire Code.*

While the Glenwood Fire Protection District has committed to serve the property, they also enforce the recently approved International Fire Code. Their recent letter recommends that all construction follow this code. Staff agrees and suggests this be included as a new condition.

V. AMENDMENT OF THE PHASING PLAN TO INCORPORATE TRAILS, INFRASTRUCTURE, AND OPEN SPACE

The Applicant requests approval to amend the phasing plan in the PUD so that it may include phasing plans for the construction of the pedestrian and equestrian trails, water and wastewater systems and drainage structures, and the platting of the open space parcels. These plans and when they are proposed to be constructed in the phasing plan is located in Exhibit 21 of Binder 4. The phasing of all of the residential lots is unchanged from the plan which the Board approved in Resolution 2003-19.

As you are aware, “Note 1” at the end of the Phasing Plan states the following:

Note 1 (applies to entire phasing schedule): The estimated start date for Phase 1 of April 2007 is based on the assumption that the Final Plat for Phase 1 will be approved prior to April 2007. In the event that the Final Plat for Phase 1 is approved after April 1, 2007, then the start date for Phase 1 will be the April following the Final Plat approval. In this event, the start dates for each subsequent phase shall be adjusted accordingly to correspond to the difference between the estimated start date for Phase 1 of April 2007 and the actual start date for Phase 1 based on the date of approval of the Final Plat for Phase 1. The reference to "depending on economic and market conditions" refers to the period of time between the start dates. With respect to the time periods set forth in the column entitled "Estimated Completion of Construction," these estimated time periods may be shorter if required in the applicable subdivision improvements agreement. Notwithstanding any dates to the contrary, the Final Plats for all lots in all phases must be approved no later than 15 years after the date of the approval of the Final Plat for Phase 1. Each phase must be developed sequentially in a manner to insure the installation of the appropriate infrastructure and other related improvements for each phase consistent with the requirements of the Garfield County Zoning Resolution and Subdivision Regulations.

As you will recall, the Board amended the phasing plan 2003 so that it specifically dealt with the timing of the off-site road improvements to CR 115 and CR 114 and this phasing plan remains in place with this newly proposed plan specifically related to start and completion dates under the Note 1 at the end of the plan and addressed above.

Phase	Improvements	Schedule
I	Improve CR 114 from where the existing asphalt ends at CMC to the MAIN ENTRANCE on CR 115 and improve CR 115 from the intersection of CR 114 and CR 115 east to the intersection with Black Kettle Court (Road to the Metro District)	Start in April 2007 and complete in November 2008
III	Improve CR 115 from intersection of CR 115 and Black Kettle Court to the Landis Creek entrance.	Start in April 2007 through April 2009 depending on economic and marketing conditions
VIII	Improve CR 114 from CMC to intersection with State Highway 82	Start in April 2009 through April 2014 depending on economic and marketing conditions

AMENDMENT TO THE AGREEMENT WITH THE GLENWOOD FIRE PROTECTION DISTRICT

The Applicant wishes to submit an amendment to the Agreement that is currently in place where the Glenwood Springs Fire Protection District will provide Fire and EMS services to the property. This amendment is contained in the Introduction and Supplementary Binder.

VEGETATION MANAGEMENT REVIEW

The County Vegetation Manager reviewed the proposal and provided the following comments.

- 1) Regarding the control of noxious weeds: The Vegetation Map appeared to be limited to habitat types and not noxious weeds.
 - Inventory and mapping-The applicant needs to map and inventory the property for County listed noxious weeds and Absinth wormwood (a State-listed noxious weed that is known to be in this area.)
 - Common area weed management-The applicant needs to assign responsibility for future weed management in common elements (roadsides, trails, open space areas)
 - Vacant lot weed management-Noxious weeds in vacant lots are a problem in many subdivisions in Garfield County. It would be a help to the County if the Homeowners Association or developer could monitor these lots and contact landowners if weed control is necessary.
- 2) Regarding Revegetation and Soils: The Applicant has not provided the plant material list and planting schedule. Please provide a map or information, prior to final plat that quantifies 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.
- 3) Regarding a Soil Plan: The Applicant needs to submit a Soil Management Plan that includes provisions 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.

RESOURCE ENGINEERING REVIEW

Resource Engineering reviewed the proposal and provides the following comments which need to be addressed by the Applicant.

A. WATER DISTRIBUTION, WASTEWATER, DRAINAGE, GEOLOGY/SOILS, WETLANDS

1. All of our concerns and comments have been addressed and/or were incorporated in the preliminary plan approval in Garfield County Resolution No. 2002-07 and 2003-95 for the Spring Valley Ranch PUD Subdivision, except as noted in the items below.
2. The construction of "pioneer" roads through the Ranch lot area has resulted in a man made rock fall hazard from boulders piled along the side of the road cut. The boulders need to be removed or stabilized as part of the Phase I construction.
3. The pioneer road through lot R68 cuts the toe of a slope exhibiting hillside creep. The developer should consider constructing the proposed bench fill road platform to buttress the slope as part of the Phase I.

B. ROADS

County Road 114 was redesigned to provide a higher level of safety at intersections proposed for the Lake Springs Ranch PUD project which is adjacent to the Spring Valley Ranch PUD project. Since the County Road 114 improvements from the intersection of Highway 82 to the Spring Valley Ranch project are a part of the Spring Valley Ranch PUD and preliminary plan approval, Spring Valley Ranch had to incorporate these changes into a new preliminary plan approval in Resolution No. 2003-95.

The proposed design provides for increased site distance, reduced road grades, minimized grade change at intersections, right angle or near right angle intersections, and auxiliary lanes at intersections. The proposed design meets or exceeds County design criteria and the applicable design criteria in "A Policy on Geometric Design of Highways and Streets" (AASHTO), "Manual of Uniform Traffic Control Devices for Streets and Highways" (MUTCD), Colorado State Highway Access Code, and the AASHTO Roadside Design Guide.

The proposed modification to the County Road 114 design will result in modifications to the Lake Springs Ranch PUD and preliminary plan and appears to require right-of-way from the Lake Springs Ranch property. It is our understanding that Lake Springs Ranch was involved in the design process and approves of the proposed design. It may be necessary for any preliminary plan approval to be contingent on approval of an amended Lake Springs Ranch PUD and Preliminary Plan, since the proposed design is directly related to the Lake Springs Ranch project.

Any preliminary plan approval should require that all right-of-way for CR 114 be obtained prior to any approval of a final plat.

C. PHASING

The proposed phasing plan does not present any significant technical issues. The proposed phasing of infrastructure construction appears to provide adequate water, sewer and roads for the land use associated with the phasing.

D. CONDITIONS OF APPROVAL

The proposed conditions of approval which are related to technical issues appear appropriate, except as noted below:

- Condition No. 6 regarding CR 114 improvements states that the “Current” conditions of approval would apply if Lake Springs Ranch does not seek approval for the realignment of CR 114. A list of these alternative “current” conditions of approval should be included.
- Condition No. 16 requires an updated BMP plan for preliminary plan submittal. Such plan is not included in Appendix B in Binder 2.
- Condition No. 26 is not a condition but a statement of fact. The purpose of this condition is not clear, but perhaps was based on an inadequacy in the original PUD submittal.
- Condition No. 28 requires a ground water monitoring plan but does not specify how or when such plan is to be developed and implemented. We recommend that such plan be developed prior to the first final plat. The plan should identify who will be responsible for implementing the plan and how it will be funded.
- Condition No. 36 should be rewritten to match the intent of the original condition. Suggested text includes: All lots that require individual booster pumps shall be noted on the appropriate final plat and in the covenants. All lots which require individual pressure reducing valves shall be noted on the appropriate final plat and in the covenants, unless such a requirement is included in the water district rules and regulations.
- Condition No. 37 is unclear as to meaning. Suggested text includes: Prior to the first final plat, the applicant’s engineer shall confirm that adequate flow and pressure is available at all residences and fire hydrants represented by a design node in the water system hydraulic model which shows a residual pressure of less than 20 psi (pounds per square inch).

PLANNING COMMISSION RECOMMENDATION

On August 10th, 2005, the Planning Commission unanimously recommended approval of the 1) proposed Preliminary Plan and 2) the proposed Amendment to the PUD to the Board of County Commissioners, subject to the following conditions:

- 1.0 The following conditions consolidate, amend, and restate as appropriate the conditions contained in the various resolutions approving, extending or amending the PUD for Spring Valley Ranch in Resolutions 2000-95, 2003-19, and 2003-99. The findings and approvals set forth in said resolutions remain valid in accordance with their terms and County regulation. However, the following conditions supersede and replace all of the conditions of approval in said resolutions, and the conditions of approval set forth in said resolutions shall be null and of no further force or effect.
- 2.0 That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission or in the hearing before the Board of County Commissioners, shall be considered conditions of approval, including at a minimum, but not limited to the following:
- 3.0 The following conditions included in the letter received from Nick Adeh of NA consulting dated June 13, 2000, are to be adhered to as a conditions of approval of the PUD taken directly from Mr. Nick Adeh's letter:
 - 3.1 Construct the west entrance to County standards as a paved road and stop CR115 paving at this intersection.
 - 3.2 The remaining segments of the CR 115 that are beyond the property frontage must remain unpaved and rough as is.
 - 3.3 Install selective signage on CR 115 just west of the PUD to discourage use of Red Canyon Road as an alternative access to State Highway 82.
- 4.0 During construction, the applicant will be responsible for all dust mitigation caused by the project on on-site and off-site roads.
- 5.0 Access agreements for out parcels need to be included in any Preliminary Plan submittal and the proposed covenants need to be changed to address these agreements.
- 6.0 The report guidelines included in the applicant's submittal titled, Best Management Practices for Spring Valley Ranch PUD Golf and Common Area be incorporated into a final plan prior to preliminary plan submittal. In addition, the monitoring plan be controlled/implemented by the Home Owner's Association or another body capable of managing the plan. This will need to be clarified by the applicant at Preliminary Plan.
- 7.0 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.

- 8.0 Based upon the representations of the applicant, accepting the provisions of the letter of Mr. John R. Schenk, dated September 12, 2000 (See attached Exhibit 'B'), the following conditions are imposed:
 - 8.1 The Covenants, Conditions and Restrictions (CCRs) for the Village Center shall provide that the Chenoa (Spring Valley Ranch) Home Owners Association will be the governing authority with all appropriate enforcement powers for operation and control of the Village Center, including all commercial and residential areas, as well as open space.
 - 8.2 These restrictions, based upon the letter of Mr. John R. Schenk, (See Exhibit 'B' attached), shall be included in the restrictive covenants binding upon such lands and running to the benefit of the owners of the Chenoa (Spring Valley Ranch) PUD and the owners of the Lake Spring Ranch PUD and duly recorded in the records of the Clerk and Recorder of Garfield County.
- 9.0 Future use of additional wells (Gamba wells) would require the development of water rights and well permits.
- 10.0 The conditions of the Division of Water Resources be complied with which includes: (1) the claimed water rights are dedicated to the project, and (2) the plan for augmentation is operated according to decreed terms and conditions.
- 11.0 Available surface water supplies be used to their fullest extent to provide the irrigation supply to the golf courses in order to minimize groundwater withdrawals. A groundwater monitoring plan be developed to monitor future water levels near the Spring Valley Ranch wells. The monitoring plan should include water level measurements in the production wells and other wells at the PUD that can be used as monitoring holes. The monitoring plan should be measurements made with enough frequency to observe seasonal groundwater fluctuations and long term groundwater trends. Results of the monitoring program should be available to the public.
 - 11.1 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.
- 12.0 The domestic water system must be constructed and operated in accordance with the Colorado Department of Public Health and Environment regulations and standards.
- 13.0 The following conditions pertaining to wildlife from the staff report:
 - 13.1 Dogs: Each residential, commercial and/or industrial lot will be permitted to have up to two dogs and offspring up to three months old. As per Garfield County regulations, this will be restricted to one (1) dog Residents, lessees, and/or owners will be prohibited from harboring dogs on their property unless they have adequate facilities (i.e., a fenced yard, dog run, or kennel) to contain the animals. Dogs outside their yard, kennel or dog run must be on a leash under direct control of its owner or authorized representative. This will be a condition of any approval except dogs will be allowed off the leash for obedience training but under the direct control of its owner or authorized representative as represented in the application submittal. Contractors and subcontractors are prohibited from bringing dogs to the subdivision/PUD site.
 - 13.2 Seasonal Use Restrictions: See CDOW letter of August 31, 1999. Seasonal use restrictions are proposed by the applicant in the submittal and will be conditions of approval.
 - 13.3 Educating Residents as per the CDOW letter of August 31, 1999, will be a condition of any approval.
 - 13.4 Additional Commitments: See letter of August 31, 1999. The Wildlife Mitigation Plan will be made a part of the conveyance as a condition of any approval.
 - 13.5 Enforcement Provisions for Conveyance &/or PUD Guidelines: See letter of August 31, 1999. The submittal seems to incorporate adequate enforcement of conveyance as per this recommendation and will be condition of any approval as represented in the submittal.
 - 13.6 Fencing As per letter of August 31, 1999 (See Exhibit 'G', attached), except privacy fencing which will be allowed to enclose the amount of area as submitted by the applicant in the conveyance Section 3.24, (4,500 square feet for Ranch lots, 3,500 square feet for Estate lots, and 2,500 square feet for Golf lots).
 - 13.7 Horses and Livestock: See CDOW letter of August 31, 1999. As per the submittal, horses will be allowed on the Ranch lots. As per CDOW, All storage of hay should be enclosed by an 8 foot high mesh fence at the expense of the owner.
 - 13.8 Building Envelopes: As per letter of August 31, 1999, except building envelope sizes/areas will be allowed as represented in the applicant's submittal. In addition, SVD will retain the flexibility of adjusting the final location, but not the size/area of building envelopes in the event that environmental disturbances, geologic hazards, vegetation disturbances can be further mitigated.
 - 13.9 Wildlife Mitigation: See CDOW letter of August 31, 1999. As per the submittal, a wildlife biologist analyzed the property, and a Wildlife Mitigation Plan will be implemented as a condition of any approval.
 - 13.10 Bears/Trash Removal: As per the letter August 31, 1999, and the application submittal conveyance Section 3.14, except as per CDOW, compost piles must be contained in an approved bear proof receptacle.
 - 13.11 Riparian/Wetlands: See letter of August 31, 1999, and Section 4.3.4 of Appendix E of the submittal (Wildlife report), will be conditions of any approval.
 - 13.12 Raptor Survey: The CDOW letter of August 31, 1999, and as per Section 4.3.3 of Appendix E of the submittal will be conditions of any approval.
 - 13.13 Golf/Course and/or Open Space Management: See CDOW letter of August 31, 1999. The application submittal appears to follow these recommendations and the representations of the submittal will be conditions of any approval.
- 14.0 No new open hearth fireplaces be allowed within the development. In other words, deny the applicant's request for a variance to County regulations to allow four (4) new open hearth fireplaces within community use facilities.
- 15.0 No short term rental (daily or weekly) of the Wilderness Cabins will be allowed.

Final Proposed List of Conditions of Approval for Preliminary Plan

- 1.0 The following conditions consolidate, amend, and restate as appropriate the conditions contained in the various resolutions approving, extending or modifying the preliminary plans for Spring Valley Ranch in Resolutions 2002-07 and 2003-98. The findings and approvals set forth in said resolutions remain valid in accordance with their terms and County regulation. However, the following conditions supersede and replace all of the conditions of approval in said resolutions, and the conditions of approval set forth in said resolutions shall be null and of no further force or effect.
- 2.0 That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission or in the hearing before the Board of County Commissioners, shall be considered conditions of approval, including at a minimum, but not limited to the following:
- 3.0 The applicant shall make application to the Colorado Department of Transportation, pursuant to Section 12(b) of the State Highway Access Code, for a permit for the reconstruction of an existing access at the intersection of County Road 114 and State Highway 82. Such application and approved permit shall be tendered as a part of the approved phasing plan and shall be included with the applicable final plat documents, specifically the subdivision improvements agreement that includes security for the intersection improvements.
- 4.0 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.
- 5.0 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. The Subdivision Improvements Agreement (SIA) for Phase 1 of Spring Valley Ranch PUD shall provide that the Phase 1 improvements to CR 114 need not be commenced until 2 years after the date of the SIA for Phase 1, or the approval of the application by the Lake Springs Ranch developers to realign CR 114. In the event the end of said 2-year period falls between October 1 – March 31, the Applicant may commence construction as soon as practicable when weather conditions permit. The SIA for Phase 1 shall provide that the Applicant shall submit construction drawings and security for required improvements to CR 114 at least 60 days prior to the commencement of construction of such improvements.
 - 5.01 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.
 - 5.02 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.
 - 5.03 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 provided by the District and that costs for relocation of certain improvement, if necessary, shall be addressed in the agreement. This signed agreement shall be provided to Staff at the time of the final plat.
 - 5.04 Because the majority of the proposed realignment of CR 114 lies within the boundaries of the Lake Springs Ranch 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.
 - 5.05 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).
 - 5.06 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.
 - 5.07 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.
 - 5.08 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 the 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.

- 6.0 A maintenance and repair plan for the internal private road system must be included in the covenants of the master homeowners association.
- 7.0 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.
- 8.0 The debris flow/retention structures detailed on Sheet D-15 shall be located on the drainage plan sheets, including the proposed size of structure.
- 9.0 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
- 10.0 The Applicant shall upgrade the electrical utilities consistent with a contract with Holy Cross Electric, at the developer's expense.
- 11.0 Prior to the recordation of the final plat that includes Lots G84 through G91, the Applicant shall install piezometers along the 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 consideration, including the potential of a comprehensive solution and/or individual lot drainage mitigation.
- 12.0 Plat notes and covenants shall indicate that all lots require a site specific geological and geotechnical analysis prior to any construction.
- 13.0 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.
- 14.0 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 establishment 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.
- 15.0 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.
- 16.0 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 date of Board approval, or conditional approval, unless on extension of not more than one year is granted by the Board prior to the expiration of the period of approval.
- 17.0 School fees, in the amount to be determined for the number of lots depicted on any final plat submittal, as per formula in Section 9:81 of the Garfield County Subdivision Regulations must be paid.
- 18.0 The Homeowners Association must hire at least a Class C operator to operate and maintain the proposed Ranch Lot ISDS systems prior to 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 permit.
- 19.0 Prior to the approval of the final plat of each phase, the Spring Valley Sanitation District shall certify that sufficient capacity is available to provide for the development in such phase.
- 20.0 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 to connect to the central potable water supply system of the Districts in the following conditions:
 - 20.01 Each dwelling unit served by an existing permitted well shall be entitled to one tap for the provision of one EQR from the central potable water system;
 - 20.02 Such owners shall be subject to the same rules, regulations, and policies as all other residential users on such systems;
 - 20.03 Such owners shall be charged in-District fees, charges, and rates even though they are out of the Districts;
 - 20.04 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;
 - 20.05 The main infrastructure and distribution systems for the water supply system have been installed and tested and operational;
 - 20.06 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;
 - 20.07 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;
 - 20.08 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 255 in Water Division No. 5; and
 - 20.09 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.
- 21.0 Individual well development shall be prohibited completely for new residential development.
- 22.0 The water district shall impose a water usage rate structure that encourages conservation.
- 23.0 Well water usage shall be restricted on agricultural lands and that well water only be used as supplemental source for golf course irrigation in the event of a shortage of surface water supplies.

- 24.0 Valid well permits for all proposed wells must be obtained for all of the wells included in the water supply plan and copies submitted to the Planning Department prior to Final Plat Approval.
- 25.0 Subject to the terms hereof, the applicant shall provided a nonexclusive easement to allow for the conveyance of water piped from the BR Hopkins Spring located on Spring Valley Ranch PUD property to a point where the water from the BR Hopkins Spring is used on the LaGiglia property. The easement is not required to follow the historic pipeline corridor and it can be relocated to a preferred location mutually agreed to by the parties who have a right to the BR Hopkins Spring and any property owner whose property the new pipeline may cross. This easement to the BR Hopkins Spring shall be designed to allow access to the spring of an adequate width in order to perform improvements to and maintenance on the spring and any portion of a pipe conveying water. This easement 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.
- 26.0 All lots that require booster pumps shall be noted on any final plat and in the covenants. Unless otherwise required by the water district, all lots that require pressure reducing valves shall be noted on any final plat and in the covenants.
- 27.0 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.
- 28.0 The developer shall include covenants or bylaws obligating the homeowners association to include as a part of the obligations of the development's private security company to enforce the at large dog and cat restrictions included in the covenants and that the covenants be amended to include language recognizing the authority of the security personnel to enforce the regulations
- 29.0 The following plat notes will be included on any final plat:
- 29.01 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.
- 29.02 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.
- 29.03 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.
- 30.0 All construction for the Spring Valley Ranch PUD shall be in accordance with the International Fire Code. Fred Jarman – The LaGiglia's are here today and want to speak to Hopkins Spring. Originally there was a Condition specific to their concerns about an easement grated for the improvement of that line that was No. 32 and is proposed today as Number 25 on page 22. One of the issues that the Jim Austin letter raises is in reference to a comment made by Nick Adeh some years ago on what's to happen on CR 115, Red Canyon Road east and west of the property. Nich Adeh's letter says that those portions of the road should remain unimproved. Jim's comment and question is that may be contrary to the way the County feels that road needs to be developed in the future outside the impact of this development.
- Chairman Martin – this is a very dangerous and narrow road and is for an emergency road – we agreed to keep it open and it will not be the access road to any development. This is an historic road but it has been closed at various times. The development took place that this was not to be the main access road.

Commissioner McCown – asked to see the slide with all the lots. The road initially purposed as an emergency egress off the east side, where was this located? The Fire Department recommended this to go away.

Mike Gamba said it was off either one of these three cul-de-sacs.

Mike Gamba – was has been added since is an emergency access easement and pointed out a loop road with two points of egress. In reality the high wildfire hazard area is in the middle of the development.

Commissioner McCown – respect the Fire Department but doesn't appreciate doing land planning for us because I believe I was sitting here when we discussed those emergency egresses being needed should anything happen on the other area. You would have individuals trapped with west/east wind dominate – how will they get out? That's why the egress roads were proposed.

Mike Gamba – responds – the Nich Adeh only asked for one and it would be one from anyone of those three points of access. They have included wider roads, sprinkling of homes, significant amount of water storage and there's a long list as well as I think he looked at maintain that emergency access that goes to private property would go off into private property. If it's not used a lot it would be difficult to maintain. And when it was needed wouldn't be functional to use.

Chairman Martin – why hunting needs to be reinstituted in this development.

Mike Gamba said two years ago the DOW requested that we remove the stipulation, there's a lot of public property adjacent to this and the elk and deer are migrating to this area and not moving out and they would like to manage the herd better, in any case, any hunting would be in accordance with all their regulations, so if and when this develops out in 15 years as we see it here, there would be no more hunting, but if after Phase I is built you still have 5,500 acres of usable land.

Mike Gamba –similar to Lake Springs Ranch, you may see a portion of the ranch lots may be placed in a conservation trust. And again, hunting in a conservation trust may not be appropriate but DOW would like to see that. Depending on what happens in 10 – 15 years, hunting option may be eliminated completely or possible in some area. The upper bench ranges from 12 – 14 Phases – that’s proposed in 3 years from the start of Phase I on the middle bench. A substantial time frame even if this develops exactly as proposed here.

Jim Lockhead – no objections to language in the Resolution which would phase out the hunting as that upper bench is developed.

Don DeFord posed questions for the applicant to answer during their presentation: 1) specific to the alternate route to 114 at the Lake Springs are and looking at pages 7 and 10 of the staff report. The first question to address is on Page 7 – you set forth “request alteration in the language and specifically would defer construction plans and security for CR 114 2 years after execution of the SIA. How would suggest that purports with state law that requires improvements be secured when the Board signs an SIA. 2) on page 7 – 10 and would you explain how the Phase I improvements will occur as stated on the schedule under the language of the proposed amendment. And specifically referring to a start of April 2007 as compared to a 2-year variable start date.

Jim Austin – gave some background on why they made this filing at this particular point and time and why it essentially doesn’t change the overall development but does consolidate the conditions of approval. As you know this project was originally approved in 1984 for 27,050 dwelling units and 150,000 square feet of commercial. In 1998 Aspen Springs Ranch, a subsidiary of Atlantic Gulf Communities purchased the property and as part of that transaction they entered into what is called an exchange agreement with the original landowners and under that agreement the original owners retained 1400 acres of the property and the agreement stated that Aspen Springs Ranch would apply for a defined project conservation and the original developer would be paid essentially for the property in the form of developed lots. The agreement had a number of provisions, a fairly complex agreement. Pursuant to that exchange agreement, Aspen Springs Ranch applied for an amended PUD and in 2000 the County approved that and it consisted of 577 dwellings, 2 golf courses, and 20,000 square feet of commercial property – the plan you see in front of you today. In 2002 the County approved a Preliminary Plan for the project, since then there’s been 3 additional Resolutions approving amendments to the PUD and/or the Preliminary Plan and each of those Resolutions contain several conditions of approval. Following the approval of the Preliminary Plan, Atlantic declared bankruptcy and the current ownership of a group assumed ownership through loan default and the bankruptcy. The current ownership also assumed the obligations and burdens of the exchange agreement. Spring Valley, the current ownership spent a considerable amount of time evaluating the project approvals, the project design including alternative configurations of the project and as part of that process it became apparent that the exchange agreement simply was not a workable agreement between the two ownership groups and as a result, Spring Valley Development entered into negotiations and consumed a buy-out of that exchange agreement that those negotiations and the process didn’t consummate until January of 2005. At this point, Spring Valley Development is the sole owner of the entire project. Hal acquired full ownership of the property again in January of this year, Spring Valley turned its consideration to the project in light of the fact that the existing plan was due to expire this November. Spring Valley Development was faced with the requirement of filing for a final plat and also began looking at different alternatives for development of the property. In looking at the 5 different County Resolutions and approximately 120 condition of approval contained in those different resolutions it was apparent that he previous conditions throughout those Resolutoin were either repeated, some were re-stated in different language, some of the conditions were modified by subsequent conditions, e.g. Fred mentioned the condition for the road improvements – in one Resolution it put a cap of \$2.4 million on road improvements and the subsequent Resolutoin it basically said the development was required to spent whatever it takes to construct the road for the improvements as proposed. There were two different requirements saying 2 different things. We felt the last one superceeded the first on and are posing to eliminate the \$2.4 million cap.

One of the conditions actually required us, dealing with the access, to come back in and amend the PUD to deal with that east fire access issue so we had, before we could go to final plat, we had to come back in and amend the PUD and address these questions. So, the bottom line is there were several question as to what all the various conditions meant and they are confusing to go through and we could not comply with the conditions in any event by November of 2005. Therefore they decided to do was to basically consolidate all those various conditions into one master list so we’d knew exactly the rules of the game for development of the property. As Fred mentioned, we developed a matrix of all of the conditions, how they would be changed, the rationale for those and spent a considerable amount of time with staff going through those, massaging them and taking their recommendations and comments until we had the list that we have today. From our standpoint, the intend to this is to make a subsidize change in the development that’s been approved by the County in terms of the latest plan that you have before you and our intent was to keep the substance of all the conditions in the various Resolutions the same as they were.

I did have a couple of specific comments as to a field condition and the first relates to Condition 6 on Page 14 of the staff memo. We did have a discussion on this condition at the P & Z hearing and this was our fault, when we transmitted these conditions in writing to Fred it didn’t include the modification made by P & Z and Condition 6 was nullified by P & Z and the modification was that the first and last sentences were eliminated because Best Management Practices are in fact in the Preliminary Plan submittal and in the middle sentence, the words “in addition” would be struck and so as a result the amended conditions 6 would read: “the monitoring plan and we would insert for the Best Management Practices shall be controlled/implemented the Homeowners Association or another body capable of managing the plan.

Fred talked about the letter that the LaGiglia’s submitted to you and we had an extended conversation at the last hearing when we were here about the situation of the Hopkins Spring and dealing with the LaGiglia desire to hook up that spring. Essentially an upshot of that was a condition that would require us at final plat to provide an easement for the LaGiglia so they could construct a connection to the Hopkins Spring through Spring Valley Ranch property to their home. That condition is still in there, basically as it was when you approved it. The LaGiglia in their letter requested that the Spring Valley Development (SVD) consider providing an easement to them a head of the final plat, that is acceptable if they desire to provide that hook-up to the Hopkins springs before we go to final plat, they are willing to provide the easement so they can do that. They also requested that SVD pay for half of those improvement and it was part of the discussion we had the last time and because of the situation with adjoining landowners, other uses in the springs, etc. as well as the consideration of the County in the 90’s process and getting

between landowners in a separate dispute I think that we would submit that is inappropriate for the county to require us to pay ½ - it puts us between a rock and hard space between the LaGilia and 5 different neighbors who also hook up to that spring, so we're happy to provide the easement but not appropriate to pay for ½ of the improvements at this point.

I also wanted to address the email that Jim Austin submitted and Fred discussed – we don't read condition 3.2 on page 4 as in any way binding the discretion of the County Commissioners in whatever you do with CR 115. I'm frankly not sure that it says to the development it really applies to off site road improvements and it appears to say the County would improve those roads and we view this is not something that binds this Board of Commissioners or anyone else.

Jim Austin about the two year requirement and the reason we thought it appropriate to put it in there was to provide for phasing between Lake Springs Ranch and Spring Valley Ranch Road; we strongly believe that the revised road configuration is a much safer and better alternative for our project, Lake Springs Ranch and for all the residents of Spring Valley who use that road. We would like to see it done, however whether or not that road gets done in a realigned configuration is a decision of Lake Springs Ranch; they need to come forward and amend their development approval in order to do that realignment and they're not obligated to do that. In order to not essential waste the resources and improve the road in its existing configuration and then have Lake Springs come in and realignment, we thought it was appropriate to provide a 2-year window by which they would have the option to come in and amend their plat to realign the road and if they don't do it then, then we would be obligated to improve the road in its current status. As far as security to that goes, it would be my view that the SIA should require security from the outset for those improvements for the two year period; we would just be obligated to provide that security and have it sit there during that period.

Mike Gamba - Phasing Issue Answering Don DeFord's question, yes that phasing schedule is not in accordance with the proposed modification of the condition; we would probably need to put an asterisk on that it would be subject to Condition whatever that is.

Don DeFord – okay, we'll just make sure to do that. When you said secure from the outset, you meant secure the construction of the original proposed alignment.

Mike Gamba – correct.

Public comments:

Jim Austin – 3726 CR 115 – apologize to the County Commissioners and had no intention of bringing up Red Canyon in regard to this property frontage beyond the boundaries of the PUD. I'm not referring to Red Canyon; I'm referring to the area from Landis Creek to 100 Road and the area from that portion of CR 115 from the main entrance to Coulter Creek. My point was that Nich Adeh's letter was wide open, that one sentence just left too much vagueness and would like the County Commissioners to address that. I agree with Jim Lockhead, I'm happy to hear them say they had no intention that it would be constraints on the County Commissioners. Let's not talk about Red Canyon, I'm not a fan of Red Canyon and many many years ago, 2 ½ decades ago Jim Drinkhouse told me one of your predecessors had said then a catastrophic event it would close and remain closed. I believe that's still in the future. But the road from Landis Creek to 100 Road and from the main entrance to Coulter Creek where the County has terminated paving, I don't want this language to come back and haunt anyone in terms of the County not being able to fix that road to accommodate the population that is coming.

Kim Reed – read a letter from John B. Wing into the record dealing with the relationship with Hal Terrill until Lemon Brothers too over.

Lou LaGilia – addressed the water issues previously discussed.

Resa Wing – Access eliminated and potential of fire danger – agrees with Larry McCown – impacted on all sides – there is a deal underway and it is troublesome.

Sandy Anderson – 1332 – CR 119 – kept in the dark as to the new owners – not aware to incorporate trails – wants to built and would like to know more about hat and fire mitigation – events on Missouri Heights – last year's fire. Real nervous about fire.

Hal Terrill – 80 years ago. Gave the history of the property. In 1979 history – associated with a family from Saudi Arabia. Not terrorists. Asked to have him buy it. Finally they wanted to develop the property and gave Hal the go ahead. 1980 the development, then the plan and in 1984 it was approved. We held meetings every Saturday with 27 abutting landowners. Weekends laid out the plans, got their input, love it, nothing like it is now. Good ideas from the landowners – this is to tell that he withdraws any support, not because of the plan but the evolvement. Lemon Brother purchased the property through Atlantic Gulf. In the beginning they were the right project – cared about the people and land. Very adamant – soon found out Atlantic Gulf weren't who he thought they were. He divested himself. Chuck Perry is nice – still cares about the land. My hope is that this all works out for the people that live up there – withdraw his support.

Chairman Martin – confirmed that Hal Terrill holds no more interest – sold to Lemon.

Commissioner Houpt – like to hear his perspective on the water.

Hal – 7 owners on the Spring Valley water, the LaGilia own 25%; Pete Cabaña owns 25%; the other 5 owners own 10% of the water. The LaGilia house and the old Ranch were next to each other. That line put in 1912 and it was old, galvanized line – iron line – deteriorates – line was not removed. Got crumbled –line wore out.

Donna Lynn LaGilia –documentation can be provided. The date of 1912 – when it works, it's not to be discarded – worked until Hal Terrill an unilateral approval – removed their line to put in a driveway. Additionally, as far as not paying their bills. Hal Terrill wanted to control the line and offered to be of assistance. Never did receive any electric bills – pump is run on pressure. Ramp Pump – buck stopped with Hal. She can provide documentation.

Applicant:

Jim Lockhead – reiterated that they have an application before the Board for consolidating conditions of approval on previous Resolutions with regard to the second request for infrastructure, there was some questions about what exactly that request was and would be happy to provide you with information as to what it is but essentially it put into the phasing plan the construction of infrastructure, a dedication of open space and the constructed of trails so that they would be constructed at the appropriate time to which those particular improvements were late. These can be included in the SIA, security being provided etc. for those for. It didn't change the timing of provision of any infrastructure, open space or trails, it simply corresponded those to the appropriate phasing.

Commissioner Houpt – a question to that, earlier it was stated that potentially some of the upper lots could be turned into open space, is there still a question that some of the plans that are in place could change the infrastructure plans and that's why its being phasing or is it just being phased or it just being phased for more financial reasons as you phase into the development.

Jim Lockhead – the original phasing plan was developed for the financial considerations of marketing and developing the property in a logically way. I mentioned earlier that Spring Valley Development has looked at alternative development plans and have met with staff on some alternative development plans for the property. Obviously if there's consideration or a plan to move forward with some alternative development configuration we would need to come back before you for that approval, but not decision has been made at this point to develop the property in an alternative configuration. He could outline the history and why we decided to do this, but the decision was that from meetings perspective we first needed to consolidate conditions of approval and answer the question we had before making decisions about our moving forward with the development of the property and part of those considerations as it has been alluded to is equity partners, or marketing the property or doing other things with the property.

Commissioner Houpt - with respect to a couple of the questions from different people that specifically, Mr. Wing's letter, seems to be a real need for some local briefing and communication so that people who do own property around this area know what to anticipate and know who their new neighbors are going to be who are developing the area.

Chuck Perry - Lemon at this point is trying to figure out what it is they've got here and that's the purpose of this application, just what are our entitlements that we're entitled to use and yes there's been discussions with a high quality, high end developer to come in here and maybe do this plan, maybe do something different, they don't know because they don't even know what they have right now, but I can promise you this, the communication will be forth coming to the inth degree, to everyone of these homeowners we'll answer every question they have till they get tired of asking. We're not ready for phone calls right now, when we figure out what it is we're going to do, that's the appropriate time but until then those questions would be meaningless. Until we figure out what we have and what we're going to do, at that point and time is when we would love to communication. I think they're going to be pleased with the end result.

Jim Lockhead, there was nothing changed from what was originally proposed and we did, Mike attended a series of meetings with the neighbors to basically explain the application to them, Mike can't remember if the Wings received an invitation or not. If they did they didn't attend the meeting. They didn't per Mike. We did invite several of the neighbors then to review the application and it was definitely an oversight not to send an invitation to the Wings. Again, they're no substantive change in this and so it's an important way to proceed with development to bring your neighbors in to educate them and get their input as to what's proposed and understand what their concerns are and as this development precedes that will be my recommendation to the developers.

Commissioner Houpt – the communication piece will be very important.

Resa Wing – asked the question, do you have someone that has money in escrow to buy the property right now and develop it? The people I met from California I would like to know if they are the same people that are engaged in a contract right now and if that's the case then why don't we get to meet with them and ask them questions. I most of the concerns with respect to the LaGillas, we had this discussion the last time we were in front of you it's really not a matter within the County's land use issues as it is related to the application, just simply noted 1) as Ms. LaGilia mentioned, there's now a house over where the old line was and so if that line were to be reconstructed it would have to reconstructed through somebody else's property and through somebody else's' house which is why we are certainly willing to accommodate them with a different easement. As was mentioned also, the LaGillas are currently taking water without charge through the well that currently serves the existing ranch house so that's basically a situation that SVD has accommodated them and will continue to accommodate them with water without charge from that well.

Commissioner Houpt – Mr. Wing's letter seems to be a real need for some local briefing and communications who do own property around this area know what to anticipate and know who their new neighbors are developing the area.

Chuck Perry – Lemon is trying to figure out what they have here and that's the purpose of this application, what are our entitlements – and yes there has been discussions with a high quality and high end developer to come here and maybe do this plan, maybe do something different – they don't know because they don't even know what they have right now. But I can promise you this, the communication will be forth coming to the inth degree to everyone of these homeowners and answer every question they have until they get tired of asking.

Jim Lockhead – no substantive change – Mike Gamba did meet with the neighbors. Wings did not get the invitation to review the application. Apologized to the Wings. Important way to proceed brings neighbors and education and we will listen to them.

Resa Wing – asked the question – do you have someone that has money in escrow to buy the property right now and develop it – the people I met from California, are they same people that are engaged in a contract right now and if that's the case then why don't we get to meet with them and ask those questions. I do know that you had a meeting and Nieslanik who leased the property from you at least had a contract and we asked them and they didn't know.

The ones that told an employee of yours to lie and those that told people it only takes 20 minutes to get to Aspen – I want to know more about them and why aren't they here?

Jim Lockhead said the property is currently under contract; I don't know as with whom the Wings met as to whatever was said, there have been a number of groups on the property looking at it – could be any number of people and they've looked at various ways it could be developed.

Resa Wing – the one that she talked to - they had a contract.

Donna Lynn LaGilia – if this is under contract to another party to see their water situation as a sense of urgency; we've been postponed for many years simply because it goes from one hand to another; she also inquired about the path proposed for the equestrian trail.

Don DeFord commented on the discussion of phasing of trails, open space and infrastructure – I think it's important to remember that in a number of developments in the County where the County Commissioners left open the question of particular trails and open space where they were not included in phasing plans, it's been the position of my department and the planning department almost universally that if you don't address them, the developers are required to develop all trails and dedicate all open space in the first phase. The reason behind that is the trails and open space are intended to benefit all of the residents, all of the open space is for all of the residents unless you designate otherwise. That's why it needs to be addressed one way or the other.

Commissioner Houpt – to Fred, this is for consolidation of all the resolutions that have come before us and clarification of what has already been accepted by this Board, are their substantial changes that would address some of, not substantial changes but a lot of words of clarification, updated of the Fire issue with the International Fire Code and cleaning up of this application.

Fred – that is our view of this, that's the testimony provided today and in our view and we spent quite a bit of time moving that that larger matrix that Don referenced and the applicants talked about searching for what may any kind of substantial change, the bell ringers were put in the report that we wanted to draw your attention to, outside of that there really isn't anything. The site specific development plan that you see is the same.

Commissioner McCown – asked both Fred and counsel, there's been a lot of questions and concerns today about who their new neighbors are going to be, if we move forward with this approval today and the conditions as recommended by staff and Planning and Zoning and the security agreement that will be required in the SIA, will it matter if this individual sitting is the developer or if Popeye is the developer, they will still have to follow the same conditions, the security will have to be in place to make it happen or if there's a change they will have to come back before this board and we will have to rehear it. I've sat here for about 9 years and that's the way it's worked in the past, is this one different? So the security will be in place to ensure that whatever their saying is going to happen and it will happen in the phasing and the methodology they say it will happen and there's no variance from that whoever the owner is.

Don – although the developer does not yet have any vested rights at least in my opinion they don't they do have regulatory rights and the rights they have go with the land, whoever owns the land as do the obligations and each is contingent on the other to whoever owns the property.

Commissioner McCown – clarity on the phasing on the open space and the trails, is there verbiage there to make sure it does happen at the dedication of that and the development of that, is there a condition for that to go forward?

Fred – what they are asking, Exhibit 21 that details the – they're asking you the opposite of what Don explained. If they have a set of infrastructure or open space or trails that it is not assigned then we assume it and the Board should have that be a part, all of it put together, in Phase I. What they are asking you is the opposite of that – they're saying we prefer to have the trails that are associated with Phase 5 be constructed with Phase 5 and the same thing with infrastructure – they have detailed those infrastructure components per phase.

Commissioner Houpt – so for years you could have a trail to no where – a partial.

Don – yes that's exactly the problem that we've dealt with in the past, is that you have disconnected amenities. In this subdivision I don't know how they work, I assume that when you say associated with each phase, and you would contain them within the plat boundaries. That's what they're asking for.

Mike Gamba – the proposed phasing of the trails and open space is here on the screen and yes there would be some trails that would temporary terminate until the subsequent phase was developed, in this case there are equestrian trails in the meadow and this is phase 11 and this is phase 6, portions of this would be built before this, in this particular instance for example, this is all an agricultural hayfield right now, the actual construction of a trail per se in this area is large schematic in nature in that's it's an open field and these are equestrian fields essentially. It could be as much 5 years in worst case scenario but I think it depends on sales of the lots it could be compressed to the whole property being developed in a total of 5 years in which case, phases 6 and phase 11 could occur simultaneously or one year apart. The pedestrian trail, there are none, this is the only trail in the proposed in the entire plan, there are trails proposed up through the upper portion of the project, this trails falls in phase 2 here, it actually falls on top of a sewer line serving phase 8 so this trail won't actually be built until phase 8 but there are trails incorporated as part of the roads in all cases with wider shoulders, so even though this specific trail won't be developed until phase 8, every lot is provided with a trail system to the extent that development exists. Open space will be in phases – in phase 1 the golf course open space will be platted a little bit here and there along with some and open space down in this area, this is phase 2 and this open space will be platted, etc.

Don – isn't there a trail that runs on the peripheral of the large lots?

Mike Gamba – there is and there is a proposed equestrian trail again that follows basically through the what are called the ranch lots again that is proposed to be constructed by phase as it's developed out.

Don – do you know if that area is turned into a conservation easement, would that trail then still be dedicated?

Mike Gamba - I would presume so, but I would not speculate – that's the conservation easement.

Jim Lockhead – Don, we're more concerned with dwellings yet the trail would stay.

Chairman Martin – that would be written into your contract in the conservation easement.

Jim Lockhead – it would be a negotiation with the entity receiving the easement where they wanted to see a trail there or not or whether they in terms of the conservation easement want to not have any use of the property whatsoever.

Don understands that but it is part of the problem – it is part of the approved plan.

Chairman Martin – they would have to accept it.

Mike Gamba – it would be subject to it.

Jim Lockhead – it could be.

Chairman Martin – you have to find the right buyer of the easement to allow that to happen.

Commissioner Houpt – clarify more specifically why you're asking for the phasing instead of putting the equestrian and pedestrian trails in first.

Mike Gamba – I would say largely for flexibility of development from the standpoint that after – if this project were to develop out in accordance with the development's schedule that is proposed over 15 years, 14 main bench phases, and 11 ranch phases, I would imagine by the time we get to the 15th year, in my experience I've typically seen some type of modification in the plans and if you have a deeded open space or whatever, then that will basically does not facilitate the future modification of the plan. Let me go back to the whole plan. All this is open space, we have open space in through here, we have open space here, we have open space out in here, the point is if we plat all that open space in phase I which is this development and they by the time we get to phase 5 the developer decides well I think we can come up with a better plan and that means putting houses here and open space here, then we're already stuck.

Don – the problem being that the person who purchased the lot in phase I does not necessarily get what what's represented on that map.

Mike Gamba – no but they would get what's represented on the phase I.

Don – just on the phase I, not the entire project.

Commissioner McCown – but is that how the lots will be sold too? If you're only platting phase I, you would only sell those lots? So the individual buying a lot in phase I would know clearly what they were getting.

Commissioner Houpt – unless they're directly adjacent to another phase where they're relying on the existence of open space behind their home and then 10 years or 5 years later the developer decides to change that and then their reliance when they purchased that property has changed.

Mike Gamba – well if there was a proposed change, we would be back here before the Board and the property owner would have the right to comment on that type of application.

Jim Lockhead – doesn't it depend on core consent of property owners within a PUD for modifications?

Chairman Martin – percentage of the people you would have to have.

Jim Lockhead – I was just asking Don if the County regulations require consent of property owners within a PUD to modifications to the PUD. If its half way built out and the developer wants to change some phase, I thought there was a provision, a regulation that requires consent.

Don DeFord – I don't remember on that, I think if clearly they're required to receive notice, Mark Bean was asked to address this.

Mark Bean – one of the provisions in the Code is that it requires all the all the property owners be notified and that the impacts to the property owners be identified so arguably they not necessarily consent language but as much as they would have the opportunity as you've noted earlier to present and identify potential impacts to them and those would be substantial.

Chairman Martin – they get notice but they don't have a veto, the board would then decide if those impacts were substantial.

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

Commissioner McCown – the action we take today, does it need to be in two separate motions?

Don Deford – I'd prefer that yes.

PUD Amendment – Motions

Commissioner McCown made a motion that we approve the proposed amendments to the Spring Valley Ranch PUD with the final tally would be 30 conditions and I think there was some editing, that was different, this is okay,

Chairman Martin – so this is the approval of the consolidation of conditions etc. on the PUD?

Commissioner McCown – yes.

Commissioner Houpt – what page are you own, what conditions are you referring to?

Commissioner McCown – page 23

Chairman Martin – that's coming from the Planning Commission and staff.

Commissioner McCown – that's the all seeing consolidated list.

Commissioner Houpt – there was – 6 on our copy, there was a correction taking out the first and the last sentence.

Fred – page 14

Commissioner Houpt – yeah.

Chairman Martin – that's the corrective language.

Commissioner McCown – that's from the Planning Commission but I was taking the one from the final proposed list of conditions but mine was from the Preliminary Plan.

Fred – I'm thinking of a good way to go through it may be on page 13 that's where they make their recommendation. It's broken into two sets Larry, we have the

Commissioner McCown – okay, I'm on the wrong set, the ones that I needed to refer to and would like to refer to start on page 13 and run through top of page 17 and yeah that does have the correction in number 6 that – and I would amend my motion to include those 17 conditions.

Commissioner Houpt seconded.

Commissioner McCown – 15 conditions as it were.

Chairman Martin – I guess I'll stand on principle, I've had a real problem with this since 1979 when we met, I think with Hal Terrill in the City Council Chambers and I was the Sergeant at arms and people were up in arms and I've had a history of this all the way through this Commission. I have to agree with Hal that we need to keep it pristine, we don't know who we're dealing with, we don't know what the final project's going to be etc. We went through all this process; we put down the rules and regulations, the requirements, etc. Now we have possibly a new person who may come back and do the same thing all over again. And it gives me a little bit of heart burn that we're on the 4th time on this particular project asking for conditions to be changed and consolidated and what have you. We need to say, this is what it is, go with it or not. This is my comment.

Commissioner Houpt – this question does talk about the phasing does it, I'm getting very confused with these two motions.

Chairman Martin – that will be the next motion. This in only one to consolidate all of the conditions that have gone before and do the editing that we had with the PUD and putting things together that has been discussed.

Commissioner McCown – 1 – 15

Fred – 1 – 15 is specific to the PUD.

Chairman Martin – that's what we have the motion on – we have a motion on the floor.

Commissioner Houpt – they're looking a phasing.

Chairman Martin – that will be the next motion. Let's not confuse the issues. Is this a question for clarification?

Fred – it is. We're trying to determine where the appropriate place would be to include what they're proposing for the phasing for infrastructure, trails, and the discussion we just had and we have number 7 but that doesn't get us there.

Don – I'm trying to find it but I don't see it in the recommendations.

Mike Gamba – it's not the conditions.

Chairman Martin – that would be in the motion.

Mike Gamba – I think the PUD portion of the approval is the portion that deals with the phasing, we have an approved phasing plan, there's no specific conditions other than number 7 so it says all phasing will be done within 15 years.

Chairman Martin – 10 years first phase.

Mike Gamba and also as part of this PUD amendment application requested to add to our already approved phasing plan, the infrastructure, open space and trails and so that's what is part of the application is these phasing plans that are before you and there was no conditions proposed by the Planning Commission or the County staff with respect to what we proposed, other than number 7.

Don – so into number 7 the applicant would be requesting that you incorporate their language as Fred represented it on page 9 – your number 7.

Chairman Martin – over a 15 year period as identified.

Fred you want to include this phasing plan that is the plan that Exhibit 21, Binder 4, so that way it's certainly a matter of record.

Commissioner Houpt – its not part of these recommendations right now.

Fred – it's not an explicit condition approval.

Chairman Martin – and that's not in Larry's motion unless he adds it.

Commissioner McCown – well I will amend my motion to include Exhibit 21, Binder 4 in Section 7 on page 14 for clarity of the record.

Commissioner Houpt – I was kind of hoping we wouldn't put it in there.

Commissioner McCown – well know you get a chance to vote on it.

Commissioner Houpt – I will accept that. Yes, I have a comment now because I'm comfortable with the kind of wiggle room that's put into that – if I were investing in a piece of property regardless of the phase, I would want to know what that end product was going to look like what the whole area was going to look like, where the open space would be, where the trails would be, what values would be brought into that development so that I knew that I was investing into a development that I would want to raise my family in and I can't see – I think those values are waving in the wind if you have this phasing period were you can say, you can, there is a really good chance that this development will change over the years and will look entirely different than what it looked like when you invested in that price of property.

Chairman Martin – you'll maybe be older and wiser by the time it's completed – you never know. That's a long process to do a PUD. 15 years not counting any kind of changes or any kind of delays.

Commissioner McCown – it's going on 5 since it started.

Chairman Martin – 1979 is when I think it was started really. Called for the question.

In favor: McCown – aye Opposed: Houpt – aye Martin – aye

It is defeated on that motion.

Commissioner Houpt – I would make a motion that we approve the, I have to go back to the wording here but, Larry's original motion, without the additional phasing for the amendment to the PUD.

Don – so is your proposal to approve modifications and changes to the PUD plan as set forth in 1 – 15 on pages 13 – 17 as drafted?

Commissioner Houpt – yes.

Commissioner McCown – I'll second.

Mike Gamba – can I make a comment for clarification.

Commissioner McCown – public comment portion is closed.

Don – unless you reopen the public hearing.

Chairman Martin – that is correct, do we have a motion to reopen. There is a motion on the floor which is seconded.

Commissioner Houpt – that's fine. It is just a point of clarification.

In favor – Houpt – aye; Opposed – McCown – aye Martin – aye

Chairman Martin – we need another motion – we can't give up – I'd make a motion to deny the request keeping the requirements exactly the way they were from the last hearing on the PUD and not taking any changes. That's a motion.

Commissioner McCown – which set?

Chairman Martin – the latest one.

Fred - The year 2004 and all the resolutions holding and the conditions of approval based upon all the resolutions there.

Fred – the condition will be from this matrix that you've seen today.

Chairman Martin – in other words it stays status quo.

Don – you had PUD approval in August of 2002 and Amendments of March 2003 and November 2003.

Chairman Martin – I just think there's too many questions and too many issues with this particular PUD and ownership is still up in the air, etc we don't know what's really going to happen with it, I just hate to see an investor come in and start a castle and we become another Cordillera in this particular area. I just don't want to see that happen to Garfield, I think the ownership needs to remain the way it is, a ranch, make it work, make some money, but that's my view – again I love that land and I know that Nieslanik do etc, etc. on through. Unfortunately we don't own it, we can't make those decisions. So that's why I make the motion. I have no second.

Commissioner McCown – you still have a plan in place.

Jim Lockhead – what happens to our Preliminary Plan.

Commissioner McCown - I think his motion died for lack of a second. Well, I will resubmit my motion; I guess that I'm having trouble seeing the significance of committing all of the open space and trails in Phase I when we're not having to commit all the other infrastructure. If you have to commit all the other infrastructure in phase I it's going to create a cost prohibitive project, it will never go forward, it will be piece meal and you will never find an investor that'll buy into it so it's going to sit there and continue to deteriorate and not benefit anyone. John can't go up there no matter how much he loves it and ride his horse, because it's private property. He can't go on there; neither can any of the neighbors. It's private property no matter how you like it, it's a rich man's play toy and they can do with it as they please and as I said earlier, by placing the restrictions and the conditions on here, it doesn't matter who owns it whether its Shearson Lehman or Popeye, they have to follow those conditions, they have to have the security in place to go forward, we are not taking a chance, we're protecting the County's interest by moving forward with this and I don't think it's prudent to ask a developer for a 15 year project to ensure that every square foot of trail is going to be located where they're showing it to us on a colored map today in October 2005 and in 2020 the exact location of that trail be the same place it was on that map. I think they're extenuating conditions and circumstances and the need in this valley may change. The lots are large up there and may require an amendment to this PUD and that is perfectly within the rights of whoever's developing this to provide a need to the community and the innovative planning is the benefit of a PUD. We are in essence taking that innovation away if we support things the way we wanted them in 1997 because I think they have worked to consolidate conditions, to alleviate some of the if'ey conditions that had been placed on various resolutions since 1997 and tried to clean this up and maybe they're trying to clean it up so the new buyer knows what they have – they represented today that the new buyer didn't know what they had so they don't know what they're going to do. Well if we show them today what they have it's either going to go that way or the new buyer is going to have to come before us to make any additional changes. They can't randomly do that they have to come before us. So unpopular as we may be we still have that authority. So I would resubmit my initial motion.

Chairman Martin – the initial one with the phasing.

Commissioner McCown – yes with the Exhibit 21 binder 4 included.

Commissioner Houpt – then I'll second for discussion. Much of what you said makes a great deal of sense and I know that innovation and ideas just progress over the years or sometimes it does, sometimes we make bigger mistakes than they made years ago, but it doesn't make sense to me to have phasing right next to each other that's 5 or 10 years apart when you've included trails and open space in that plan. It just doesn't make sense to me. It's like a trail to no where if you look at this map that's exactly how its illustrated and maybe that wasn't there intent maybe they had other plans for people to be able to ride or bike somewhere else but.

Commissioner McCown – that is an equestrian trail.

Commissioner Houpt – I know that it but they have a pedestrian trail too that goes into different phases.

Chairman Martin – and you also have to remember that the majority of the trails etc, equestrian or not, are for the people who buy there, not for the general public.

Commissioner Houpt – I know that, but

Chairman Martin – looking at it for trails and open space its for a very limited number of people who are going to live there and what benefit does it have for the general public, again, is it a selling point or is it a marketing tool to go ahead and move property. And I look at it as a lost to the general public. But that's my old antiquated ways.

In favor: McCown – aye; Opposed – Martin - aye Houpt - aye

Commissioner McCown made a motion to reopen the public hearing. Commissioner Houpt – seconded; carried.

Commissioner McCown – the applicant may have some further information that my get his off center one way of the other. Indicated they may be a willingness to commit to something so I'd like that brought into the record before we spend the night here.

Jim Lockhead – If I understand the major concern about the Phasing issues it relates to the trails and the open space. From a development perspective on a development of property of this size it clearly makes no sense to require that all of the infrastruce for the entire project be committed at phase 1, there are a lot of these trails are already in place and being used; what I think that we would be agreeable is a motion that would require that the trails and open space be dedicated up front but that the infrastructure be phased in accordance with the phasing plan proposed in this application.

Don DeFord – question to Michael on the infrastructure which I neglected to before, I'm assuming and not being an engineer don't know, but if you design the phases so that the infrastructure will sequentially serve the following phases?

Mike Gamba – yes, for example, this is the infrastructure for phasing for the water system, and this is phase I in that color and it does go all the way up to and include the water storage tank that is necessary to serve that portion of the development. In this particular phasing map the only portion of the phase 2 lots, which there are the phase 2 lots here, that will not be built is that little stub there until phase 2, so yes and I believe Michael Erion has reviewed our infrastructure phasing plans and agrees that everything is appropriate in terms of.

Don DeFord – I just wanted confirm that for the record so we have a statement on that issue.

Donna Lynn LaGilia – it looks like the trails are running 50 feet from her doorway and that's not anything that I would want to approve. I would like this redesigned and to be notified of how that's going to go before I get to a meeting such as this; I'd like a little personal attention as to how much that will impact me.

Mike Gamba – showed the location of Donna Lynn's house; originally that was a trail plan that had the trail coming up here between the ranch house and the Donna Lynn's house and that's o longer proposed, this modification was included in the last of the trails that was included in the last Preliminary Plan application. This distance is estimated at about 300 feet from the trail to her house so it's not 50 feet away. The trail proposed here was approved two years ago.

Donna – that has been moved, and this is the first time to see the adjustment. However, even at 300 feet right where you have that at the lower right corner, that out parcel there, I can hear people and dogs, etc from that parcel to my home which is way more that 300 feet. One of the wonderful things about living there is the quietness and ability to hear the natural sounds of the land. Having a trail that close worries her that it will become a little ci

Chairman Martin at built out it will be like a little city with 500 + homes.

Sandra Anderson – 1332 CR 119 – her property is adjacent and she feels very comfortable with the trail that close.

Commissioner McCown made a motion to close the public hearing again; Commissioner Houpt seconded, motion carried.

Commissioner McCown – I would reinstitute my initial motion with the conditions in number 7 to be specifically related the commitment of the trails and the open space at phase I with the infrastructure being phased in as the particular phases are being developed.

Commissioner Houpt seconded.

In favor: McCown – aye; Houpt – aye; Opposed – Martin – aye – I’m holding onto the old west, I hate to see a foreign investor come in and buy the property and develop it into another Cordillera but that’s my personal view.

Preliminary Plan Motion

Commissioner McCown made a motion that we approve the Preliminary Plan with conditions 1 –30 as denoted in the staff report and I think this is the section that doesn’t have any alterations. Chairman Martin - pages 17 – 23.

Commissioner Houpt seconded.

Don DeFord pointed out in Section 5 beginning on page 17. And remind you that the attorney for the applicant has specific representations they will post security at the time of the SIA, not two years later and present you structured plans based upon the alignment, the current alignment, not the realignment. That should be important.

Commissioner Mccown – I would amend my motion to include that.

Commissioner Houpt – seconded that.

Chairman Martin – that puts Jim on the spot.

In favor – Houpt – aye; McCown – aye; Opposed - Martin – aye.

Williams Energy – Letter of Support – Road Issue

Commissioner McCown stated that Ed Green brought forth a request for a letter of request from Williams Energy asking for support indicating our willingness to accept a road that is going to dissect Hubbard Mesa and in fact give access at Favre Reservoir road and would eliminate the need for JQS access for heavy oil and gas traffic; and he was wanting a letter of support to go BLM that we accept that road if it were built to our standards into our public road system, not necessarily declaring it a County Road.

Don stated that properly this should come before the Board as an Agenda item with the deed and a proposed Resolution of acceptance and then the Board can make that decision. Don volunteered to correspond with them and get that in front of you soon.

Chairman Martin – at the time we have no objections to the proposal, however, we’re not giving full support.

Commissioner Houpt – we need to see more information.

Chairman Martin – we’ve been supplied this information twice.

Commissioner Mccown – what do you need, Don.

Don needs a legal description for what they want you to accept the plat for it that we can incorporate into the record – Mildred’s records so we can bring it in front of you so you can specify if its part of the County primary system, secondary, whether it’s going to be submitted for HUTF funding and you need a position from the Road and Bridge supervisor. But if we have from them the legal description, we can prepare all those documents - they’re all standard documents including the Resolution of acceptance and could get this accomplished in pretty short order, certainly next Monday if they can get it to us, if not the Monday after that.

Chairman Martin – they have met with Road and Bridge, they have made a recommendation to us.

Don – I’ve seen nothing on this and there’s nothing in your record on it that I know about.

Chairman Martin – I disagree, we’ve had a discussion openly with Marvin in this room.

Commissioner Houpt – I haven’t seen anything on paper, I have heard the discussion and I’ve heard that different negotiations have been going on but I would support Don’s request.

Commissioner McCown – and it may become a moot point because the first well they drilled was a bad well and they just continue to use the JQS.

This is on Sam Potter property and BLM property. Private property owner wants the road and BLM is supporting it, etc. It came to us and we discussed that and had Marvin go up and survey along with Craig to make sure, Jeff Nelson and they said it would be better for us if that was there and no use JQS trail.

Commissioner McCown – we have not had a legal description yet.

Put on Agenda – October 11, 2005

ADJOURNMENT

Attest:

Chairman of the Board

OCTOBER 10, 2005 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 10, 2005 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

- ***Human Services - Employee Benefit Services – Gallagher Benefits Services, Inc. Consulting Agreement to provide Employee Benefit Services for 2006 – Judy Osman***

Tim Arnett and Judy Osman were present.

The recommended award for the employee benefit services for 2006 is to Gallagher Benefits Services, Inc. The Broker Selection Committee consisted of Judy Osman, Dale Hancock and Jesse Smith. Three proposals were received – Gallagher Benefits Services, Inc.; Denman, Gray and Company; and Neil-Garing Insurance. After tabulation of the criteria and discussion, the committee recommended Gallagher.

Legal presented the agreement and requested authority for the Chairman to sign.

Don what has been budgeted.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award consulting agreement to Gallagher Benefits Services Inc. for the long and short term disability contract for employee benefit services for 2006 in an amount not to exceed what has been budgeted for 2006 and authorize the Chair to sign the Agreement.

In favor: Houpt – aye; McCown – aye; Martin - aye

Benefit for Tom Morgan – Larry auctioned the items – Ted is doing a lot better, \$9700 raised.

Sheriff - New Subject – Lou went through the process of looking for an operational person and hasn't been successful; therefore the request is that we add to the Sheriff a full time FTE – it would amount to a ½ increase. – There is vacancy savings due to the shortage of staff at certain times during the year.

This is a real need due to being open 24/7 days and is definitely a full-time second person need. Paul Tegtmeier works his best but we need this.

Commissioner McCown recommended sharing this as it is now within Dale's budget and then discuss the position at the budget presentation.

Dale will pick up the cost of the ½ for this year.

- ***Sheriff – Detention Facility Assessment – Lou Vallario***

Lou Vallario and Chief Deputy Sheriff Scott Dawson were present.

Lou Vallario submitted a memorandum to the Board as discussed at the October 3, 2005 meeting addressing the National Institute of Corrections technical assistance report. A copy of the report was attached for the Board's review and comments.

The recommendations included:

- ✓ Create a comprehensive Jail Operations Manual
- ✓ Explore ways to address the cell crowding in the Intake/Release Unit
- ✓ Begin the process to move Community Corrections to its own facility
- ✓ Conduct a comprehensive Staffing Analysis of jail staff
- ✓ Explore ways to expand the space allocated to medical and mental health units
- ✓ Double bunk the single occupancy cells in the maximum-security pod
- ✓ Examine ways to afford inmates in the maximum-security pod more out-of-cell time

Conclusion: The Garfield County Jail is an extremely well managed facility. Its high level of maintenance, cleanliness and the professional demeanor of the staff reflect this. There are deficiencies caused by the physical plant – the most apparent is need for additional space in the intake/release center and the medical unit- but for the most part, this is a well designed and operated jail.

The Jail was indeed fortunate with the recent remodel of the basement level of the courthouse that provided additional property room, laundry and some housing space. Without this addition, it is difficult to imagine where these functions would occur.

The jail staff is respectful to the inmates and they expect the inmates to be respectful to them – which most times they are. There are high expectations on the inmates especially towards cleanliness, and they seem to respond. These are key traits in a healthy jail environment. At no time during the site visit did the TRP feel abnormal tension from the inmates.

There are many innovative practices within the jail. The TRP was impressed with the use of technology to identify inmates and to ensure that the proper inmate is released through the "iris imaging/recognition" equipment. Video imaging and the use of identification cards with the inmate's picture is another area where technology assists in operating a safe jail. The use of the vacuum-sealed packaging of inmate's property assists in effectively eliminating released inmate's claims of missing valuables. The video visiting is an outstanding cost-effective way to provide inmates with visits. This also eliminates the need to escort inmates out of their housing units that may cause safety concerns.

The use of the "Control Technician" position is a very good idea to free up correctional staff that must have face-to-face contact with inmates. This should have its own personnel classification that is not in line with the correctional officers because it requires a different skill set. The sheriff's department should consider expanding this classification to include the function of booking officer – a clerical type position that does not have direct contact with inmates. This strategy is successfully used in many other departments.

The TRP was a little confused with the level of personal security that the correctional staff was utilizing. For example, the TRP has never seen staff, other than those working in very high security units, wearing "stab vests". Because each inmate who is housed in the facility is "strip searched" and periodic cell searches do occur, unless there is an abnormal number of stabbing instruments found (shanks), the jail should be a relatively low risk environment. Ultimately, the decision on whether or not to wear stab vests should occur only after discussion between management and line staff.

Another practice that the TRP observed that is unique to this jail is the practice for all correctional staff to carry "tasars". Usually, less than lethal devices (e.g. taser, Pepperball guns, and sting ball grenades) are only available to supervisors and emergency response personnel (CERT teams). Like the issue of stab vests this is a very sensitive topic that must be handled sensitively. Ultimately, however it is clear that the decision regarding staff's possession of tasars, and any other "use of force" issue, resides solely with the Sheriff.

One of the pieces of this is how to compensate the Community Corrections issue

Iris Scanner – positive identification system to make sure that we are releasing the same person and this cuts down on some security. The property is secured in a shrink wrap system to avoid tampering and cut down on accusations from the inmates. They were impressed with the video visitation system. On the undersized medical area, they haven't decided how to address this. They are working on an overall jail manual encompassing policies and procedures. The Booking Area due to the number of people can be overcrowded at times and the report said the size of the unit is adequate and the suggestion was to move this to where the community corrections are now. That program is occupying expensive space – we'll be at a point where they are maxing out and need to be cognizant and working on this.

When we're fully staffed we are just that and we do not have any back-up personnel for PDO and Sick Leave. The Assessment did provide a tool.

Double bunking is a possibility. Lou reminded the Board that they are required by law to visit the jail.

The bonding area is working out very well since it was opened.

They are looking at night lighting in case of an emergency evacuation.

Chairman Martin – trying to get there and no concrete suggestions from the Community Corrections Board.

Lou – this is on the horizon and the population is going up and they don't see it

Commissioner Houpt – doesn't make sense – we really do need to look at this seriously.

The staffing analysis – Scott worked real hard on this and the report shows minimally staffed and Lou wants to add more staff and the Commissioners will see this at budget time.

In an office setting and patrol you can adjust schedules but the jail staffing you cannot. We have to cover absences with overtime. We burn people out and they have 48 hours overtime when they cover another's position. If there was an accident and the time card shows they had worked 210 hours it would not be defensible. \$580 a day is the cost. Scott looked at this and the number we came up with was the 4.7 to cover all the shifts – we need 11 additional people to cover that. Corporal positions – as you expand your staff you need more management. Looking at classifying sooner and are looking at two people.

Court Services and Transportation is combined. There is still a need to dip into the Detention Staff and right now they are adequately covered.

Commissioner Houpt – have you looked at prioritizing positions as adding more staff is a tremendous increase in the budget.

Lou – getting those people assigned to the post. Patrol needs adding more deputies, phasing.

In the budget he will be asking for 4 additional detention positions. He will try and phase in the actual need for additional officers over the next several years.

4 patrol and 4 detention deputies are in the proposed budget. Once the numbers in the jail are adequately staffed, it will not grow. As the community grows we will need more patrol deputies.

Lou stated he was very proud with the report he received from the assessment.

Chairman Martin – this is direct contact with the inmates to the deputies and it was great to hear that it is working well.

The commissioners were pleased with the report and complimented Lou on the report.

○ **Road and Bridge – Backhoe Procurement – Marvin Stephens**

Tim Arnett and Marvin Stephens submitted the recommended board action which is to award the bid for the procurement on (1) Caterpillar 430D 4 x 4 Backhoe with hydraulic thumb and extended dipper stick to Wagner Equipment company for a net claim of \$8,750. The backhoe was vandalized on 6-22-05 at the Anvil Point Landfill. An insurance claim was sent to CTSI.

We have a guarantee back-back. Marvin wants to sell the Landfill one of the 310's as we upsized and has some savings he can put toward the purchase.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to award the Caterpillar 430D 4 x 4 Backhoe with hydraulic thumb and extended dipper stick to Wagner Equipment company for a net claim of \$8,750 and then look at the potential buy back next year.

In favor: Houpt – aye; McCown – aye; Martin - aye

○ **Oil and Gas Auditor – Socioeconomic Impact Study - Recommendation for contract award**

Doug Dennison and Tim Arnett submitted the documentation to support the recommended award for land issues and solutions study to BBC Research & Consulting in the amount of \$282,119. Doug Dennison, Randy Russell and Charles McLean of the Denver Research Group was the team of evaluators for the proposals received:

Contractor: BBC Research and Consulting; Contractor: SAIC; and Contractor: University of Colorado.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the Socioeconomic Impact Study to BBC Research & Consulting in the amount of \$282,119.

In favor: Houpt – aye; McCown – aye; Martin - aye

COUNTY ATTORNEY UPDATE – DON DEFORD

h. Executive Session: Litigation Update; Legal Advice – discuss the status of Favor Creek, and DDA

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:

Don – Item 1 – The Existing Contract Concerning the Performance during the County Fair – I'd asked that the Board Agenda for next week during the County Attorney's time.

So moved by Commissioner McCown; Seconded by Commissioner Houpt; carried.

2nd – Sweetwater Road – there's a situation that's occurred very near the Garfield County/Eagle County line on that road where private property owner has conducted substantial excavation that potential endangers the County Road from flooding and rockfall, I would ask that the Chair be authorized to sign a letter to that property owner

asking that remediation take place so that the County's property is not placed at risk as a result of those alterations.

Commissioner Houpt so moved; Commissioner McCown seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

3rd – Don asked the Board to consider a request concerning Extension general of the Favre Reservoir Road in the vicinity of Rifle upon onto Hubbard Mesa; a request has been made by a private landowner and Williams Energy that the County consider accepting a proposed new road in that area into the County road system; I would suggest that the motion authorizing the Chair to sign a letter to Sam Potter, BLM and Williams Energy indicating that if such a road is constructed to County standards, surveyed, deeded, and proper BLM permits issued, that the County would accept that into the County road system would be appropriate.

Commissioner McCown so moved; Commissioner Houpt seconded; In favor: Houpt – aye; Martin – aye; McCown – aye.

COMMISSIONER REPORT

Commissioner Houpt – Tuesday, Blue Ribbon Housing Panel in Denver, pulling the final report for November with recommendations for addressing housing concerns in Colorado – financing a huge issue – the issue is that this is a wide spread concern statewide and the difference between the incomes and price of housing in Colorado a real problem we're seeing a large population who may never be able to won a home. Thursday – I-70 Coalition transit planning and they will be moving forward with CDOT to look at the planning component and how to bring private industry in the discussion. Friday – CCI for Legislative and By-Laws and established the agenda legislatively. This week – Thursday – I-70 structure and 1:30 preliminary public meeting on Friday – 1:30; tonight Library Board in New Castle at 6:00 p.m – Pizza.

Commissioner McCown – last wed – worked with the Contractor and Jesse on the TRANSPORTATION MASTER PLAN to bring forward; he found several errors in the projection number and the 25 year plan; Thus – Associated Governments; RAC working group for the Energy Committee putting together a presentation to the Northwest RAC; fundraiser for Tom Morgan; Library in New Castle, cancel City of Glenwood Springs Joint meeting; grant program; Friday – CDOTs and Parachute and Budget at 1:30.

Chairman Martin – White Fish Montana – met with the housing, energy, budget in lieu of taxes, rural school restoration act; RS 2477 – Solicitor general – solicitor for the department

Policies on RS 2477 – don't even accept reviews but they will put their own – as far as they will go – left up to local governments and court system. Energy bill – land offices – Glenwood least rent – report back. Housing and poverty levels are terrible. Now facing – expect ½ million people in their valley – housing market souring - - North – shift in population. Same issues this week as the others. Took part in the call to the legislative call – Senator Conrad Burns – PILT – still a possibility subject to review – could lose those funds – hold to our believes we are entitled to that going back to Statehood. Total – \$100,000 between BLM, Forest Service and County.

RAC – Severance tax fund not sacred – monitoring several pieces of legislative - could affect our budget over the next several years if this dries up. Resolutions of 1788 – show in on the cutting edge but back to Constitutional law.

Ed – in our budget – the severance tax is very nominal - \$120,000 but what it will do to DOLA. ½ million marked for building and the same for next fall.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Liquor License Renewal – Buffalo Valley Inn – Mildred Alsdorf
- f. Rippy, Dow and Katherine – Exemption Plat and Resolution - Authorize the Chairman to sign granting an exemption from the Definition of Subdivision for a 145.710 acre tract

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – f absent item b; carried.

REGULAR AGENDA

PUBLIC MEETING RFTA STATE TRAILS GRANT PROPOSAL – MIKE HERMES, RFTA

Mike Hermes submitted a follow up to the request for Garfield partnership in grant proposal to State Trails Board. In September, 2005 RFTA was before the Board and a discussion was held regarding trails. RFTA is submitting a grant proposal to State Trails for \$200,000 to complete the Catherine Store to Hooks Spur trail segment. The total cost of this 4.5 mile segment is \$1.2 million.

This milestone segment if the last piece of a 35 mile continuous trail between Garfield County, Eagle and Pitkin Counties. The request before the Board is for a \$50,000 grant, the same as provided in 2005.

November 1, the state grant is due and attempting to find out about the contribution of Garfield County. Hopefully they can get it signed in the next few days. \$10,000 additional and hopefully \$5,000 from Carbondale.

Commissioner Houpt – the way you worded the letter, it is contingent on the final budget approval.

LaFarge and Grand River have supported this. It is a great project.

Ed Green – we already have the \$50,000 in the budget.

Dan Blankenship presented the update to the Board stating that the \$50,000 commitment made for the Rio Grande trail construction in 2005 for the 2 ¾ mile Carbondale to Catherine Store segment of the trail should be completed this month. Next year RFTA hopes to complete the 4.5 mile segment of trail. The anticipated goal is to have the trail completed by 2010 between Glenwood Springs and Aspen. The majority of the tail remaining to be completed lies within Garfield County.

Commissioner Houpt made a motion that we support the \$50,000 commitment for the trail contingent on budget approval and authorize the Chair to sign the letter to Colorado State Trails Committee and the IGA concerning

construction of the trail between Catherine Store to Hooks Spur, it's a 4.5 mile section and about ¾ of that is in Garfield County. Commissioner McCown seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

RFTA REQUEST FOR 2006 TRANSIT FUNDING – DAN BLANKENSHIP

Dan encouraged the Board to reconsider their decision not to provide funding for RFTA transit services. The escalating price of fuel is beginning to impact families throughout the region. Grand Hogback bus service is up 15% for the year.

Diesel fuel will affect truckers and just about everything including the bus transportation. The drivers have stated they see ridership up. This is why he is here to see if the BOARD wishes to contribute something to their budget for this crunch due to gas prices going up. They anticipate a 10% increase. They are planning \$2.65 per gallon and could see those prices going up. Most the riders understand there will be a fare increase and need to hold it down not to lose riders. Bus stop at the CMC exit is in need of upgrading and asked if the Board could help with that, it would be appreciated.

Commisisoner Houpt – during Strategic the Board recognized the added expense of transportation for County employees and citizens as well. We have a committee looking at different issues. Bus stops and park n' rides could be looked at and a good idea to look seriously at what we can contribute. Also a discussion on operations.

Ed said the area of concern is to try and find an area for the cars that park on the CDOT right of way on the frontage road.

Silt needs a covered shelter, but this is a discussion between Silt, CDOT, and Garfield County to see if that's going to be acceptable to CDOT. CMC – would like to have a dryer and warmer place for people to wait on the bus.

Shelters run around \$25,000 per stop considering the shelter and concrete pull out.

Left in the BOCC discretionary budget - \$19,000 for this year.

County budget – capital has funds.

RFTA would be a partner in this and anything the County can contribute would be very helpful. CDOT will also have to be involved.

Budget discussion on Friday at 1:30 p.m.

Chairman Martin – discuss everything from trails to transit to fuel surcharge will be open for discussion.

Commissioner Houpt would like to see transit discussed.

Alice Laird – Carbondale Town of Trustees – Resolution passed by Carbondale requesting GARCO support RFTA in 2006 and its not fair to use the 2004 vote not to support RFTA.

Martin – the only ones we can support is the unincorporated areas.

Alice Laird – The resolution addresses the citizens of Garfield County.

Chairman Martin – even thought the municipalities didn't support it; the citizens from outside the municipalities pay the tax on the transit.

Alice – the resolution encourages the County to support RFTA. Carbondale residents were expecting ½ hour service and Carbondale residents still do not have the ½ hour service.

Commissioner McCown – this keeps coming up, Alice comes before us each year and pleads her case and Dan does the same thing and I guess I'm not real clear on what the election said, because it was clearly the ballot question proposed by RFTA that went on the ballot, it's not a Garfield County question. Garfield County had to agree because it was on our Ballot.

Dan – but you added 2/10th of a percent for trails so it was 6% versus the 4% that we wanted and you helped pay for the ballot question.

Commissioner McCown – exactly, now back to the initial point if I may, that was voted on again by the unincorporated citizens of Garfield County. Now had that same initiative been on capital punishment, it wasn't but had it been, and the few people that voted in opposition to that I'm hearing from everyone that well, even though they voted the majority voted for capital punishment, or against capital punishment, because the others voted differently we should either execute 10% or let 10% go simply because there was a minority vote. There was no credibility given to this election because the ink was hardly dry on the election and you folks were coming back to circumvent that process and donate money and Commissioner Houpt supports that and the people in unincorporated Garfield County said NO. Now that puts myself as a Commissioner in an awkward position because I was under the impression that's public initiatives were for is to let the people speak. Now we're saying, yeah it was defeated but there was a lot of people who voted for it – well you can say that about any election; there's going to be people voting for and against but in this country it's still a majority situation, so they have spoken and I feel bad for you folks as I know your budget scenario is the same as ours – our fuel costs are going up comparable to yours, all of our building products that we're making our roads, but I don't get it or you guys don't get it that the people have spoken on funding RFTA.

Dan – the question wasn't whether Garfield County could give RFTA funding out of the general fund, the question was whether the people wanted to do a dedicated tax for RFTA. So you have to keep that straight, you folks sit in a chair and you have to decide how you're going to spend your money; it's a tough decision. Part of the reason that failed was the way it was structured: (1) we didn't come in here and ask to have the whole County included in it – we asked to have it carved out for the areas that we serve; (2) the County added a 2/10th percent sales tax on top of the .4% that we asked for – we didn't think that was going to make it more attractive to people although there are trail supports out there that perhaps could have benefited from it. I don't know if people were saying no to trails, to transit or whatever, but this was not all a RFTA deal and the structure wasn't what RFTA proposed, so I think it was doomed to failure because the amount was too high and included areas of the County that don't get service.

ELECTION - KIDS VOTING – REQUEST FOR FUNDING – LINDA SINGER-FROMING

Linda presented some information and reminded the Board of their contribution of \$4,000 last year.

Kids Voting reached 5 million students in 40 states. In the November 2004 election they had 4,267 students vote alongside their parents in their precincts. See the handout.

“Civics Alive”

Kids teaching kids this year and basically having middle and high schools teach that lesson to peers and younger students in their community.

Commissioner McCown – same needs this year as there was last year?

Linda – it will be less. Putting together the ballot to give to kids from Parachute to Carbondale. We do have a small budget of around \$40,000 a year.

Linda would like the contribution to be at the \$4,000 level.

Ed reminded there is \$19,000 in the BOCC budget for this year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to contribute \$4,000 funded to be appropriated in the 2006 budget process.

In favor: Houpt – aye; Martin – aye; McCown – aye.

PUBLIC HEARINGS:

DISCUSSION OF THE 5TH SUPPLEMENT TO THE 2005 APPROVED BUDGET AND THE 5TH AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Patsy Hernandez submitted the justification and the proof of publication.

Don stated the notification on October 8th was submitted.

Chairman Martin swore in the speakers.

Exhibit A – shows the spreadsheet taken from the Par forms and the impact on the contingency – (\$6,953). Michelle McMullen checks the submittals and it is not included.

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 Resolution for the 5th Supplement to the 2005 approved budget and the 5th amended appropriation of funds. In favor:

Houpt – aye; McCown – aye; Martin – aye.

Patsy – first Monday – November 7 – next supplement, bringing some supplements – closing out the month of September, asking everyone to look at their budgets and check if they are over budgeted or need additional budget amounts by the end of the year, outcome to have strong final budget outcomes.

Strategic Planning – Update - Information on Communications project

Strategic Planning – funding a study to go out and benchmarks – information and updates and extract from citizens.

Communications at Boulder and administration folks and proposals from both that they would see doing. University of Colorado at Boulder – graduate student or honors – political communications – they will be submitting a proposal.

Public Affairs at Denver University – Hillary Smith in Pitkin County a graduate and the Western Slope – talking to all the students and actually placing an intern with us to do the study and will submit a proposal

ADJOURNMENT

Attest:

Chairman of the Board

**OCTOBER 14, 2005
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO**

The Special Preliminary Budget meeting of the Board of County Commissioners began at 1:30 A.M. on Friday, October 14, 2005, 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.

Ed – as part of his job, he is to present an adoptable budget by October 15, 2005 to the BOCC. He thanked Patsy Hernandez and Linda Morcom for their assistance

Financial Health – Ratio Analyses – looks good.

With New World Systems they can get good clean ratios. Liquidity Ratio – cash and investments divided by current liabilities. Industrial standards were used. Since 1999 we have remained above the target – in 2004 we are just above the line.

Current Ratio – all of the current liabilities, accounts receivable – property tax receivables – this is 2:1 and we are on target. In 2005 they anticipate it going up.

Fund Balance to Total Expenditures

The audits like to between 25 to 45 % - we are above the 45%.

Expenditures per Capita - Actual and Constant Dollars

This report says in 1999 per person we expended \$614 per person. As time has gone by we have spent more per capita per person. 1999 was the base year.

Asset Sufficiency Ratio – (ASR)

Entire Revenue for all the major counties.

This indicates the fund assets to the Assess ration.

Operation Margin Ratio

Change in Fund Balance Ratio

Fund balance from last year – this indicates the fund balance from year to year.

This is the type of information they will use in assessing the financial health of the County.

Ed said this is also for the balanced

Accomplishments:

Opened the New Human Services Building

Initiated numerous gas impact studies valued at over \$700,000
Hosted a second round of community focus groups
Hosted numerous hazardous material events at the landfill
Completed a redraft of the Code re-write
Completed Conversion to CBMS
Completed conversion of key modules in new World Systems
Received a clean bill of health from our financial audit
Conducted an employee survey; generally, very favorable results
Continued to develop the safety-council and emergency management capabilities
Established regular meetings with city managers
Established regular monthly meetings with the media
Had a very successful west Nile Campaign
Became the project manager for the LoVa Trail Project
Hosted a successful County Fair
Increased Employee comparators to 90 and retirement counties to 5%
Experienced a reduction medical benefit costs
Obtained State approval of cleanup plan for the Rifle R & B Facility
Through discussion on severance tax options, obtained 1.5 million to use on county roads
Constructed additional space for jail operations under the courthouse
Developed a unified approach with the City of Rifle for a joint City/Police/Court Facility
Increased funding for Human Services organizations from 292K to 350K
And ended up with a 27 million dollar fund balance!

Start 2006 with a \$27 Million.
A lot of initiatives that will draw down the fund balance.
We must have sufficient funds to pay for all our projects and still remain healthy financially.
Ending with 2006 - \$25 Million
Increased property tax increases and increased sales taxes
Revenue Sources (all funds combined)
Sales taxes – are up - \$9 million in those two areas.
Fund Analysis 2006 Budget
Submitted budgets have been critically evaluated
 Line item expenses carefully considered
Strategies focus continues to be driven by constituents
 Focus Group results drove improvement project – these projects contributed to the overall reduction in fund balance for 2006
4% salary and 1% equity pool increase.
3.76 % would be the projected salary increase. Replicate the 4% + 1% adjustments
Health Claims are stable but we anticipate 5% premium increase – 8-10% at mid-year
Patsy included a 5% increase.
Fossil fuel increases are substantial – Gas, Natural Gas and Electricity. This affects:
 Asphalt
 Motor Pool changes
 Indirectly, most everything we buy will be impacted
Strategies Improvement Projects:
Within prices attached.

General Fund Overview
Salaries for Employees
Begin 2006 - \$8.5 million
Estimated Revenue - \$25 M
Budget requests – 21. M
Deficit – low
Ending Balance - \$7 M
The ratio has decreased to 1 to 4
All funding sources going into the general fund was displayed
Key distributions
Human Services - \$350,000 K
Sheriff - \$687 K
Extension
General Fund – Sheriff is the largest
BOCC is the second – grants they issue is 2nd and memberships
General Services – utility bills, etc.
Expenses by classification – salaries, wages and benefits
Improvement Projects – Oil and Gas studies \$498K
Website upgrades - \$57K
Clerk & Recorder's office – 70K
New MV//Recording Clerk
New Elections Clerk driven by work load.
Sheriff – 8 new positions \$426 K
 4 patrol
 4 jail
 operations cost increases
Finance

1st year of New World Systems service. Contract – 32K
Motor Pool Charges - \$352 increase
Natural gas - \$50 increase
District Attorney - \$172k increase
 88K operations
 18.K capital outlay
 Additional \$91.5K for office space rent
West Nile Virus Program
 Only 1 positive case in 2005
 Continued collaboration with municipalities
Budget includes 115K with same contractor
 Monitoring
End of Year General Fund Balances
Projected for:
Road and Bridge 2006 budget
Marvin thanked the staff for the work in the budget.
Replacement of equipment - \$560,500
New Proposed budget vehicles - \$125,000
Projects – added up the man hours – list of roads and bidding out \$3,627,351
 CR 331 Dry Hollow \$2M (1,500,000 received in grants)
2006 proposed gravel/asphalt projects total – \$853,765
2006 proposed technical budget - \$852,500
2005 Proposed Maintenance projects – chip seal – \$686,487
2006 Construction Budget
Snow shed - \$330,000 for cinders
2006 proposed Maintenance Projects for a total of \$1,619,051
New Positions
3 new positions in 2006 for a Swat Team for approximately \$140K
 Those guys to address issues when a normal crew is busy on a job.
Next year they project \$5.09 fund balance
2006 Proposed Capital Outlay
 45 acres across the Airport
 Area for Community Corrections Facility
 Good place for an animal shelter as well
7 million and end up with 2 million next year.
2006Capital Outlay Requests
Facilities mgmt – 5% Airport 38% Fairgrounds 4% COPS
animal
Sheriff – 5 new patrol vehicles and 1 emergency commander truck
Facilities Management \$336K
 Probation Department remodel \$296K
 ADA access to Courthouse plaza – 70K
Fairgrounds 260K
 Outdoor area upgrade
 Asphalt behind grandstand
Airport Improvements - \$1.56 M with an offset with \$1.5 m revenue from FAA

2006 Capital outlay
Animal Shelter \$2M
 In the scooping process
5 year project –
Community Corrections – 40 clients - 2008 This may need to be sooner.
Joint court/police – 1.50M for 2007
Fairgrounds Animal Pens – 0.20M - 2007

Trails
Conservation Trusts Funds
Lottery proceeds \$150,000
Expenditures - \$50
 LoVA – 50K
LoVA Admin 35K
 Crystal River Trail – 5K
Motor Pool 2006
Fund balance ending \$1.92M
Machinery and Equipment
 4 post lift with installation - \$24,000
Vehicles – 12 replacements
 9 Sheriff's Department Vehicles
Motor Pool is continued to grow
Airport proposed Budget for 2006
Has no fund budget balance – 2006 – low fund balance
 EIA in support of the runway assessment
Projects
 Distance remaining runway signs – 60k

DIII upgrade engineering – 166K
EIA - \$105K
DHS – 2006 proposed budget
Fund balance of \$2.m
Child Support
1 child support
1 eligibility technician
Adult Protection
.5 FTE
Child Care Quality
1 part time charged to full time
2006 Proposed budget for Solid Waste
Ending fund balance - \$3.79M
Landfill – Cell Construction - \$800,000
Library Fund – 2006 proposed budget
Ending fund balance - \$1.18M
.25 sales tax = 1.8M
2.1 million for 2006
Capital expenditures - \$416,309 for future improvements.
Need to explore options for increased
Animal Shelter; Joint Court and Policy Facilities; Landfill cell, Runway upgrades
Strategic objects based on citizen input
Impact of oil and gas on:
Sheriff
Community Corrections
Human Services
District Attorney

Summary –
We need to be careful in how we spent the money from property tax revenues and pay down our debt.
2006 – Dramatically increases the road projects
Build a new animal shelter
Refurbish the probation department
Increase salary increases
Improvement projects –
New cell at the landfill
20 vehicles in the motor pool
clean up the old Rifle Road and Bridge Site
upgrade the outdoor arena
continue progress on oil and gas impact studies
Continue to improve wed
Exchange sheriff patrol coverage.
Election Equipment – HAVA – comes down to unknowns

Attest:

Chairman of the Board

OCTOBER 17, 2005
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, 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

Request from Mildred – *New Microfilm Reader/Printer*

Equipment – printers in recording – need to look at getting a new machine due to the researchers. Microfilm and microfiches – so far this year the revenue from the copies is \$109,000. The cost of the machine is \$11,469 and she doesn't have it in her budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the purchase for the scanner. In favor: Houpt – aye McCown – aye Martin - aye

Kevin Story – Sweetwater – County Road 150 - while in the process of subdividing his property he had an excavator come in and he erased drainage. The result of that has been disastrous and the adjacent property owner is very upset. There is also the possibility of large boulders coming off the hill and over the County Road 150. Mr. Story will be happy to reestablish how the drainage like it was but there will still be a problem with a heavy rainfall. He's been served papers by the Sheriff and has 48 hours to comply. He asked for help from the County is assessing what will not work and some suggestions.

Commissioner McCown's concern if to ensure the safety of the county road for the citizens that travel the road.

Don – this is an item he planned to discuss in executive session – there are two things from a legal standpoint of concern: the liability of users of the county road; the other is that we need to be careful involving in an issue we did

not create and undertake liability. This is similar to the issue on drainage in Rifle Village South – where we were asked to take part – we don't have the authority. When you work outside the County property we lose the governmental immunity.

Drainage – always gone across the County Road – there is no way to keep that drainage to get away from the county road.

Marvin Stephens is available to go to the site and assess the situation. He also suggested placing a couple of jersey barriers to prevent a large boulder from coming onto the County Road.

The Board had no objection to Marvin, Jeff or Randy and Bobby going on site to determine what could be done, although Chairman Martin stated they could not tell him what to do only what will not work.

Don – 2 alleged violations – excavation and right of way – is the board directing staff not to enforce those?

The Board wants to give Mr. Story a chance to remedy the situation and suggested an update on November 7, 2005.

Don stated the staff will need final direction from the Board.

COUNTY MANAGER UPDATE – ED GREEN

▪ ***Airport - Out of State Travel Request for Brian Condie and Dale Hancock – Dale Hancock***

The purpose and justification of these travel requests is to be an exhibitor at the National Business Aviation Association trade show (Airport and Economic Development).

Dale – Focus Groups – Economic Development was identified. Brian will be involved a little longer and there is a difference in cost for Brian.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the out of state travel request for Brian in an amount of \$2,023 and for Dale Hancock an amount of \$1742.00 to travel to the National Business Aviation Association trade show in Florida. In favor: Houpt – aye; McCown – aye; Martin – aye.

▪ ***Weed Manager – Colorado Mosquito Control Program – 2006 Cooperative Agreement – Steve Anthony***

Steve Anthony and Tim Arnett submitted the renewal contract for one year beginning on January 1, 2006 and running through December 31, 2006. The contract contains a 9.6% increase and with that the not to exceed cost for the calendar year 2006 will be \$114,532.00 – the County's share is around \$80,000.

Steve stated that the 2005 contributions were as follows:

These are the 2006 proposed assessments: Glenwood Springs - \$8,360; Carbondale - \$4,180; Rifle - \$12,000; Silt - \$3,330; New Castle - \$2,400; and Parachute \$2,090.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Colorado Mosquito Control Program, 2006 Cooperative Agreement for a not to exceed cost of \$114,532.00 and authorize the chair to sign;

Carolyn – also need authority to sign a renewal documents and also on the IGA if needed.

Commissioner McCown amended his motion to include all signature requirements. Commissioner Houpt amended her second.

In favor: Houpt – aye; McCown – aye; Martin – aye.

▪ ***Valley View Hospital – Request for Temporary Access through County Property – Dale Hancock***

Dale submitted a request from Valley View Hospital and its contractor to put in a temporary construction access on the south side of the hospital to facilitate construction of Phase II of their master plan and agreed to make certain repairs to the affected area. The temporary access would be covered with a gravel base to prevent excessive rutting and for keeping mud and dust down. After this is completed the area would be returned to the present condition.

VVH wants to come in and update the Board on their plans.

Commissioner McCown so moved to approve the temporary access. Commissioner Houpt seconded. In favor:

Houpt – aye; McCown – aye; Martin – aye.

▪ ***Airport Rules and Regulations – Minimum Standards proposed changes – Brian Condie***

Brian submitted some changes to the standard operating practices that he proposes. The practices of 10 years ago are no longer valid. We may shortly be facing a possible merger of the two Fixed Base Operators at the airport. The airport has attached the attention of several potential RBO buyers as it has evolved into a busy business jet airport. He listed those changes for Ground space, facilities and accommodations in the letter to the Board. These are standards that Brian would expect from the FBO. A million gallons of fuel puts us in the position to upgrade.

Commissioner McCown – is there room for another – don't prevent someone

Brian – yes there is space – open and free market – competitive. Space available but they would have to deal with access. Not excluding anyone from coming in.

Dry Hollow Road – The state has approved \$1.5 million for gas road work. Formerly we had identified the Dry Hollow Road. Randy - proceed with the grant and get the engineering estimate.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice the items listed for discussion, oil and gas – contract on LoVa trail - road issue

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

Randy Withee- Shannon, Sean, Marvin were requested for portions of the session.

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

▪ ***Denomy, Mary Ellen – Purchase of Services Agreement***

Don DeFord submitted the amendment to the renewal services agreement stating this is for a consultant for auditing services to the Garfield County Assessor regarding property tax obligations and owners of producing oil and gas properties.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the chair to sign the renewal services agreement and initial the change made to the contract and approved by Mary Ellen Denomy.

In favor: Houpt – aye; McCown – aye; Martin – aye.

▪ ***Road and Bridge – Discussion regarding the sale of Silt Road and Bridge Shop***

Don received direction from the Board – will come back after approved by the Town of Silt.

- ***Election - Discussion – Election Costs***

Mildred submitted to the Board an estimate of the cost of the recall election - \$49,415.

- ***Terracon Contract – Approval of Contract for Remediation Rifle Road and Bridge Shop***

The contract for Terracon to do the remediation at the Rifle Road and Bridge site was submitted. The construction task was increased from \$390,000 to approximately \$401,000 to provide additional treatment flexibility in the future. The contract includes remediation, design, installation and startup Garfield County Road and Bridge Maintenance Shop L.U.S.T. sit for calendar and fiscal year 2005, Rifle, Colorado. This is in response to proposal #2005316.

The contact is \$401,000 but only \$40,000 for this year.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with Terracon for a not to exceed \$40,000 for this year and authorize the Chair to sign. In favor: Houpt – aye; McCown – aye; Martin – aye.

County Road 117

Commissioner Houpt - thanked Road and Bridge for all the work on CR 117.

COMMISSIONER REPORT

Commissioner Houpt – everything that Larry had plus an I-70 coalition meeting on Thursday. This week monitoring a workshop on Wednesday and will be attending the legislative luncheon.

Commissioner McCown – met with NRCS state director at the base camp; had a meeting in Parachute with the Town Clerk and CDOT to discuss access issues but CDOT did not show up. Budget presentation last Friday a. m. Library meeting last Tuesday. 6 pm on Wednesday meeting at the Brickyard in Rifle with Appalachia, the new owners of the coal mine in Western Garfield County where they will give an update. They plan on going to a 6 million ton per year operation. Chairman Martin – Follow up budget hearing with the Sheriff after the meeting today.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers - none
- c. Inter-fund Transfers - none
- d. Changes to Prior Warrant Lists

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

BOARD OF HUMAN SERVICES

- **DHS - APPROVAL OF EBT/EFT DISBURSEMENTS FOR SEPTEMBER 2005**

For the month of September 2005 the client and provider disbursements totaled \$261,601.54. Food assistance - \$135,267.00.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the EBT/EFT disbursements for September 2005 in the amount of \$261,601.54 and the chair authorized to sign. Houpt – aye; Martin – aye; McCown - aye

- **DHS - COLORADO PREVENTION PARTNERS PROJECT**

Garfield County is one of 13 counties in Colorado to be identified for participation in a five-year Substance Abuse Prevention Project through a grant the State received from the U.S. Department of Health and Human Services. There is a two-fold project focus: to enhance the prevention system across state agencies that fund prevention, and to enhance local prevention systems throughout Colorado. The local grant is non-competitive; however, monies will be based on community collaboration across various prevention disciplines – behavioral health, health, human services, juvenile justice, transportation and education. The amount of funding will range from approximately \$55,000 to \$150,000. The informational meeting will be held November 8 at the Rifle Department of Health and Human Services.

This is a pilot program and a great opportunity to work with the schools.

The direction from the Board was for Lynn to participate.

- **DHS - ASPEN VALLEY MEDICAL FOUNDATION GRANT**

The Department's Child Care Program has received a grant in the amount of \$9,600 to continue the pass-through of dollars for reimbursement of nursing consultation services to licensed Child Care providers. This is the 3rd year of this grant.

- **DHS - CHILD WELFARE**

The Department will have its annual case and IVE program audit October 19 – 21 and state staff will be conducting this review in Rifle.

○ **DHS -INFORMATION**

The Department is obtaining price quotes for major medical insurance coverage for undocumented children requiring out-of-home care. These children have been determined ineligible for Medicaid coverage by the State.

○ **DHS -COLORADO WORKS STATEWIDE EVALUATION/SITE VISIT**

On October 25 and 26, representatives from the Lewan Group will be visiting Garfield County DHS and talking with some of our community partners regarding some of the innovative programs that we have for our TANF participants. It's a statewide evaluation process and Garfield is one of 16 counties identified for on-site visits due to special programs/practices that are occurring.

○ **DHS - CBMS UPDATE**

Lynn briefed the Board on how the Department and other counties are coping with the CBMS system. There's been an issue of over-payments and CBMS is not totally fixed. Kudos to her staff in working with CBMS.

Lynn submitted a position paper to the Board.

○ **DHS - PROGRAM UPDATES**

Lynn submitted the regular program updates for the Board's review.

BOARD OF HEALTH

A motion to go in the BOH was made by Commissioner McCown and seconded by Commissioner Houpt; motion carried.

Mary thanked the Board for the new Human Services and Public Health Building in Rifle.

○ **BOH - PROGRAM UPDATES**

The Health and Quality of Life Survey of Garfield County residents have been distributed.

West Nile Update - First case of West Nile 46 year old male in rural Garfield County.

Flu Shots – A schedule was submitted for the clinics and Mary stated they did not see a shortage of the vaccine.

Community Safety Fair was a success.

Environmental Health Officer, Jim Rada continues to be a very busy position. There is a good article on Jim in the paper today.

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

TRAILS - CDOT/GOCO/LOVA - SOUTH CANYON TRAIL PROJECT RE: CONTRACTS DISCUSSION AND DIRECTION TO STAFF

Randy Russell, Jeff Nelson, Larry Dragon, and Don DeFord were present.

Don has been working on contract language – a point where we need some firm direction on the CDOT contract.

Jeff Nelson will update.

Various documents were provided to the Board regarding contract reviews and deliberations for the South Canyon Trail. A meeting was held on September 19 in an attempt to move changes in their language forward to meet our concerns. The issues are: the County's inability to commit future funds; the GOCO requirement for maintenance and upkeep and assurance that their funding will go into a facility with a reasonably life of 25 years, and retaining language in the Contract with CDOT that they have no plans that would impinge on the right-of-way license up through the year 2030.

Tim Arnett and Jeff Nelson hopefully will have the final consultant selection process for the design and engineering so it can begin this calendar year and be in time for the construction season 2006.

Work has been ongoing with LoVa and Accounting to establish the account for managing project receipts and expenditures. LoVa staff fully understands and supports the County's position and concerns.

Submitted for the Board's review: Memo from Randy Russell to Wally Piconne (GOCO) dated October 3, 2005;

Contract review memos that Attorney Don DeFord feels appropriate; and contract boilerplates.

Joe Elsen, Program Engineer for CDOT gave the update for CDOT.

Don has the final documents ready for the Chair to sign.

Commissioner Houpt – is there concern; we could get this trail built and CDOT could decide to widen the highway – we would have to relinquish and then be responsible for rebuilding it.

What kind of risk would this Board Take?

Joe – not an absolute zero risk given the traffic volumes a low risk – if the trail were put in, as part of that EIA clearance, CDOT would have to look at a trail.

Larry Dragon – the reality is that GoCo has the reality of this trail and as long as we keep them in the loop, they will not ask the money back but will help us.

Martin – it's a possibility.

Randy – Mike Hermes – GoCo agreed to \$1.5 million to purchase that corridor. Project renegotiated, contributed \$1 million. Conservation easement only exists in Pitkin County. If something fell apart we would own GoCo.

Randy – they have protected their interest.

Don – memo last February – the contract with GOCO – paragraph 6.10 lays out specific remedies and includes returning the fund and remedies after the project is done. Wanted clarification with Wally Piconne on Friday – initially Wally agreed - felt his attorney's would take a position of the return of funds after the project was done. If this license was revoked, they wanted CDOT in the agreement and GoCo kept in the loop and have an interest in protecting the trail. Don appreciates all the work done by CDOT. Paragraph 11 – step forward. What we were looking for in the same statement that GOCO puts in and read – “all obligations” – concerned that CDOT chose to limit that to financial obligations. The CDOT has gone with as far as they are going to go.

Chairman Martin – under Section 14, paragraph C – can terminate this project due to a lack of funding. We asked for the same thing but didn't get it.

Don – maintenance agreements that run in perpetuity. We're as far as we're going to go and need to get going with a contract with CDOT and have a consultation.

Randy – a 2-step process – design and then come back in 4 –5 months now. No final version of the contract.

Ed – risk to us in the next several months is engineering.

Don – not the way the contract is set up.

Commissioner Houpt – Don and Randy raised good points and realizes getting different agencies and the County together. Hearing that everybody is supporting this project.

Joe said CDOT is supporting this project.

Commissioner Houpt – great protections build in here – the intent is to build a trail for people to enjoy. Feels comfortable moving forward with this.

Randy cannot insure that the license agreement – but will work with CDOT to obtain the language.

Commissioner McCown – what if the funding is not available from Garfield County – what happens if we chose not to fund its portion?

Randy – same could be said of GoCo, have language for Garfield County – pro-rata.

Don – recital no. 9 – page 2 of the CDOT agreement – summarizes.

Scope of work – blank page.

Phase the scope of work to reduce your risk.

Don – we can go back and change this language if CDOT's amenable to it, the scope of work as I pointed out specifically includes construction. And if we include construction in this then that's one scope, if we go to design only then we raise the issue that we've faced a year or more ago and that is can we use the federal pass thru funds for a project that does not include construction.

Randy Russell – the intent of our grant application for the T-21 money suggested that there would be at least some construction in the use of those funds. Its minimal now, I think we've only end up with \$50,000 - \$60,000 that goes actually to construction but that was enough to make CDOT happy that we weren't just doing design. There would have to be a really good faith understanding if we were to take construction out of the T-21 contract knowing that we would come back and use the balance. If we were to do that, I'm worried that we would have to restructure all of our budgetary thinking and go to two agreements, which is not something I would be happy to have to move to at this point.

Commissioner Houpt – with all the negotiations that have going on, if it was red-lined and then put back in there's got to be some funding reason why you weren't able to phase that.

Randy R – one of the criteria for T-21 money is that it cannot be exclusively design, there has to be some build.

Ralph Trapani – citizen and volunteer with LoVa – thanked Don DeFord, Randy Russell, Jeff Nelson – just a reminder of what we all went through – executed the right of way for the rail corridor – bring some small risk – some issues are ambient risks in terms of multi-jurisdictional governmental contracts, particular contracts with the use of federal allocated rights of way. Potential for widening I-70, in the highly unlikely event it is, the DOT will find a beneficial use of this and in my experience in widening highways, it's nice to have a 8 or 10 foot platform outside to begin your widening on and any concerns of having to repay to remove that facility to my mine is a zero risk because they will need to incorporate the trail into the construction project and it might save the DOT several million dollars when the time comes. There is precedent has been set.

Mike Sawyer – on LoVa Board – thanked Don and Randy as well in negotiating contracts – faced with situation with dueling government protecting their financial obligations. A very interest in bringing CDOT and the County – in good faith with the Tabor limitations, the County's risk is largely mitigated. We had hoped to have the enhanced funds months ago and to have the consultants on board to gather data in order to design and begin construction in the spring. He's empathetic with the concerns.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the contract with CDOT so we can move the LOVA project forward and authorize the Chair to sign the Resolution.

Commissioner McCown – second.

Don pointed out because this has changed some since we started this contract, Section 7 of the CDOT agreement takes about right of way acquisition; recently it appears that we will have to acquire a very small amount of right of way a vast majority is in CDOT right of way and subject to the license, it does appear we will need a small portion that crosses the West Glenwood Sanitation District property, Mr. Sawyer is working on that issue right now to see if that can be in the form of a donation but CDOT has accurately advised us that even if donated we have to comply with federal acquisition requirements, there may be some cost attached to that acquisition process that I have not quantified at this time and I don't know if anyone has really. Funding provision I wanted to address quickly – Exhibit C – with is attached to the CDOT contracts; it is titled "funding provisions" and is a total estimate of the Work to be performed under this contract and that's the language I referred to earlier. This does have a specific dollar figure attached to it and wanted to make the Board aware of that and to see if this document meets the requirements of the Paragraph 9 of the recitals that the Board is agreeing to which also refers to capital.

Randy Russell – this will get transformed into the Form 463 which is the missing blank page.

Don – is it the work under this contract?

Randy Russell – yes.

Commissioner McCown – Don, under the land acquisition once we start in the process who will that land be transferred to, who will retain ownership?

Don – my anticipation is that it will be Garfield County, as an easement, same as any other right of way that we have.

Commissioner McCown – and it will become part of our road system?

Don – no it will become part of your trail system. Under this agreement you will be establishing a trail system.

Commissioner McCown – will the right of way inside of the CDOT corridor be transferred to us?

Don – only by license. But you will own that portion that you are going to acquire – you will have an easement, you will have a license, a right of way easement.

Larry Dragon – no cost involved – cost could be legal research – cost to the project – covered in the portion of the County's match?

Don – the Exhibit C identifies \$67,000 plus as our fiscal commitment for the match, are those funds available.

Randy Russell – those funds are committed and available from this source and others. Larry has a letter from Glenwood Springs reemphasizing their commitment to this project over time, they're matching essentially the same amount of money that we are.

Motion – In favor: Houpt – aye; Martin – aye; Opposed – McCown – aye

Chairman Martin – I'm going to take a chance, I was going to say no simply because I'm not happy with the contract and still feel it needs to be a phased project etc hoping that we can negotiate and get that done. I'm really right on the cusp but this could be a live or die situation when it comes to the license and so I'm going to

hold out on that and if its not acceptable I'll guarantee you what my answer's going to be – it's going to be no, can't live with that license.

Don – the CDOT grant agreement is the only contract to act on today.

Randy – staff will prepare a Resolution and we have the signatory copies ready for you John.

WEBSITE – PUBLIC ACCESS PROPOSAL FOR GOOD TURN SOFTWARE FOR PUBLIC ACCESS TO WEBSITE FOR CLERK & RECORDER, TREASURER, ASSESSOR – BRYAN SHOULTEN AND SHANNON HURST

Jean Richardson, Shannon Hurst, Charles and Mildred.

One of the Strategic Goals for 2005 is to improve the Clerk & Recorder, Treasurer, and Assessor's databases and convert our data to the website for access to the public. All records would be on the Internet for county employees and taxpayers of Garfield County. The total cost of the proposal is \$37,700. Counties that are using the Good Turns Software include Pitkin, Park and Routt. Alan gave a demonstration on June 14, 2005.

Veri-sign would do the scribe services for the Internet. With the cover sheet handed out, the total cost would be \$37,700 which is well below what was budgeted. We budgeted \$65,000 for this project. Once it's installed it runs on its own and there's no further fees.

Mildred has one of the modules and may not do it this year.

Mildred – until we can figure how we can be paid, grantee and grantor.

Not done until the end of the year

Once installed it runs on its own and no additional fees.

Like the Chair authorized to sign the agreement after Don has reviewed it.

Shannon didn't think this would be ready until the very end of the year.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the Good Turn

Software Contract be approved in an amount not to exceed \$37,700 and that the Chair be authorized to sign the contract.

In favor – Houpt – aye; McCown – aye; Martin – aye.

AIRPORT – RIFLE AIR LLC. REQUEST TO ASSUME FBO LEASES AT AIRPORT – KEN OSTRANDER

Brian Condie Garfield County Airport Manager, Andrew Doremus – Rifle Jet Center, Ken Ostrander President for Rifle Air, LLC, John Jellinek, David Missner, and Leo Edelstein were present and provided the Board of the proposal which is that Rifle Air, LLC d/b/a/ Rifle Jet Center was formed in order to acquire all of the assets of the Flight Department, Inc. Flight Department Hanger, LLC. and Corporate Aircraft Services that are located at the Garfield County's Regional Airport. Rifle Air, LLC has entered into binding agreements with both FBO's subject to the BOCC's approval. The request includes:

1. Approve the assignment and assumption of the Land Leases and Operating Agreements by Rifle Air, LLC. dba Rifle Jet Center;
2. Approve the form of the assignment of the FBO with the Flight Department and The Flight Department Hanger, Inc. and Rifle Air, LLC.

Ken provided an application and stated there were 4 members on the Rifle Air, LLC involved in aircraft ownership/management for several years and our idea is to take two competing FBOs and combine them into one to take the whole airport to another level and increase the professional image of the Airport. Looking at the other surrounding airports – Aspen, Eagle even Grand Junction now, the level of service has really increased at those airports and Rifle has made big steps compared to when I flew in 1986 when there was a little trailer and a mom/pop operation – its made large steps since then but we feel it can go one step further to be on the same scale as Aspen and Vail and attract more usage – more aircraft. Hate to see planes that want to go to Aspen or Vail go to Grand Junction or Denver when they can drop into Rifle and take advantage of easy access to the ski areas, plenty of room in the airport space, hanger space, ramp space, facilities, maintenance facilities, all things like that we'd like to improve. Draw more traffic into Garfield County Airport – the potential is fantastic – I've been flying in there for many years and always looked around and said this could be something special. I feel that by combining both of the FBOs we'd be able to do that and just raise the level of everything to attract these people and get people actually Rifle Airport the place they want to go as opposed to just an alternate for Aspen. There are so many things available in the whole area – we've got new hotels coming in down there and being a pilot myself is a real plus. A lot of people will go to Grand Junction/Denver just because of the hotels as that's where they will spend the night as opposed to getting into Aspen/Vail. Restaurants – a lot of quality ones that I'm discovering and want to make this available to all the pilots so Rifle Airport will be on their list.

Commissioner McCown – agrees.

Brian – Ken and I have been working for several weeks when they got down to the serious part of the negotiations between the two FBOs. This is mostly a formal presentation and the Board can ask them questions in any directions. In the Lease comparison, comparing the two leases and how to bring them together. A couple of things I want to mention on page 8 in the first section – Airport Operations and Maintenance – the one entity now controls the Unicom the operations logs and the hourly service where it was split before; the non-residential property, the Airport Managers residence out there, they agreed to do the \$100 month to month that we're on now and also \$2000 for maintenance of the property every year and the County would pick up anything after that, we have that same contract right now with Precision Aircraft Maintenance and its working out very well. On page 9 the Base Term – this is one of the things that matched up identically and so we will keep the base term and the options to extend. In Section 6, the rents fees and charges there are a little different because of concessions that we're giving to Corporate to keep track of our logs and our operation the Unicom for the County, so we combined the two lease rates as you can on the bottom here and came up with a new lease rate of point .173242 cents per foot – that way the County's not losing any money on that and they're not paying any additional money for their lease and that would be 2005 rate so they'd only get two more months and then it'll be adjusted like we have. On page 10, the one thing that we ran into, the most headache was the fuel storage fees; when the Jet Center came in they purchased a brand new jet tank and gave it to the County on the concessions that we prorated the fuel storage fees and we looked at just now collecting those and it would take us about 10 years of not collecting any fuel storage fees to pay for that tank and that gives us 10 years of maintenance without any revenue so that didn't work. Just having us give us the tank didn't

work so this is the only structure that we had to keep – we have 59% of the fuel sold by Corporate and they're paying the 3 cents a gallon so we will retain that and then we'll go back to the chart, the scale chart for the Jet Center on the remaining 41% which is there. One thing that did not get in here was the landing fees, I talked about that this morning that we will go to 65/35 and then in a couple of years the goal is 70/30 after we've let them get on their feet a little bit and get the operations up and running. You'll see a lot of check by legal in here, when Ken and I didn't know how to convert these two and Carolyn and I have an appointment, she'll work on that this week and we're meeting next week to discuss that for several hours. That's the status of all of those. And we have the two entities that are willing to sell and one that's come in and this was an option we discussed when Andrew came in that one of the FBO's could go out of business, one of the FBO's could buy the other or another entity could come in and buy both of them and that's what's happening today. The only clarification I want to make sure is in Exhibit 4 – the draft assumption, it's my understanding on page 2 Assignment and Assumption, page 2 first right of refusal that was my understanding that was for the first 5 years of the term of the lease and it says right here that this is during the term of the lease which would be 33 years. I need clarification on that but other than that I'm good with everything else that's in this book here.

Chairman Martin – one philosophical question, with all these nice improvements that you're looking at and making a designation, etc. are you looking it again to passenger service just like Aspen, Vail, Grand Junction in other words instead of general aviation? Yes or No.

Ken – not just passenger service, we're very interested in general aviation as well because I've been flying one thing or another since I was 14 years old and so the little guys to us is just as important as the big wigs getting off the gold stream going up to Aspen, it's very important for us and flying all around the Country like I do, over the years its depressing to see how Airports sometime don't cater to GA and when that happens a lot of times you'll see Airports disappearing, closed down and removed and Rifle Airport has the potential to do everything – you've got the room out there which is something that a lot of these other airports don't have where you can have a good mix of general aviation and take care of the jet traffic and commercial as well.

Chairman Martin – because our commitment was as I recall to preserve general aviation for this area simply because everyone else went to commercial and we felt this was a niche we needed to save.

Ken – it's very important.

Chairman Martin – if we're looking at doing away with it that will be a tough sale.

Commissioner McCown – maybe I didn't understand your question either John, when you're talking commercial are you talking a United Express or Delta.

Chairman Martin – yes, absolutely.

Commissioner McCown – see I think that maybe you didn't understand question either.

Ken – well in terms of commercial, in terms of airline, that's really up to the airlines, we have certain procedures that they have – distance from other commercial airports.

Chairman Martin – I understand that but you're also pave the way – car service, hotels, restaurants, all the amenities, you have etc. sure makes it more tempting to change.

Brian – Jim Elwood has talked with me about getting our 139 certificate back in 2007 when they close and so if the airlines in Aspen would like to fund that, I told them we would be happy to accommodate them but that our goal is for general aviation, business jets, and small jets.

Chairman Martin – as long as we're not abandoning our original goal for the airport.

Commissioner McCown – the problems Walker Field has in Grand Junction keeping commercial aircraft landing in there I find Rifle's possibility is slim. That's the reality of it.

Andrew – on the record to go on support for what Rifle Air is intending to do, I've reached a point in mind where its either fish or cut bait, they've decided to move forward with our quality, our ethics, the way we do business so for your knowledge, you will be dealing with someone very ethnical, has the financial wherewithal, good business ethics and improve the airport continued above and beyond the service that I've been able to provide and that's why we've grown to the point we have and I know there's concerns for the small GA guy and if you look at our fuel sales we are currently the cheapest AvGas on the west slope and the goal is to keep it that way, the large airplanes will provide the service for the little guys through the money they make from the big airplanes. The smaller guys will get better facilities, better maintenance, better aviation, low cost based on the service that is driven by the larger airplanes. It's a win –win for everybody and wanted the Board to know they're in support of it and to move forward.

Carolyn – another level of hearing – to look at the applicant under the minimum standards.

Carolyn - there's no decision making today because we have another hearing level that has to occur at a public hearing and that is to look at the applicant under your minimum standards and our rules and regulations and minimum standards. There are two universes of negotiation and document production going on here. 1) is the private side between CAS the Flight Department, Rifle Air and everybody's bankers. I don't think there's a representative here for CAS -

For Corporate Air Services – John LaSalle, attorney representing Ed Watts, the owner of Corporate Air Services.

Carolyn – the Commissioners have different kinds but they are similar in content collateral assignment documents with the bankers for CAS and the Flight Department. As part of those collateral assignments so that the entities can have their funding to different branches of Alpine Bank, we reached an agreement that should the businesses be sold or should either one of them be in default that any assignment to a new FBO would have to have the Board's agreement but the new entity was capable of running a Fixed Base Operator and that's what the hearing is for next week. Then the other level of document production and negotiation is the actual land lease and operating agreement which is between the Board and the new entity and I will draft that consistent with what the guys on the ground have come up with this week and then get it out to all the lawyers so we can hopefully have our say about it before we all sit down again next week. Also, the Alpine Bank is going to the financial entity for the new

John Jellinek – one of the four backers of this venture and yes Alpine Bank is providing whatever financing on the mortgage side of these facilities and the rest of us will be writing a check.

Carolyn – Alpine Bank will want the Commissioners again to enter into some sort of collateral assignment document which I have not seen yet.

John Jellinek, because we're putting buildings around their property we have to have a lease agreement. Andrew is out of Aspen and Ed Watts is out of Rifle.

Andrew – we've already done the assignment through the Aspen office.

Carolyn – we need to know who the banks representative is going to be. Also which lawyer?

John – Mary Ryerson and Lennie Oaks as the attorney.

Carolyn – the bank documents have to be done at the same time. There will be a lot of pieces of paper coming before you for signature once you’ve made the decision that this gang of four.

David Missner and Leo Edelstein were introduced; they are all locals and friends. We’re coming into the critical season in terms of diversions and we really want to be able to execute on the proposal that we’ve given the Commissioners.

Andrew stated we are further down the road that it appears.

Carolyn – we do need Lennie. Carolyn will contract Lennie on Tuesday and hopefully we will have all of these document otherwise we will be asking the Chair’s authority to sign documents assuming you make this decision. The Application was submitted.

A public hearing has been set for October 26 at 2:00 P.M. to hear the testimony and consider the request.

CR 168 EASEMENT – OAK MEADOWS WATER ASSOCIATION – JOHN POSLUSZNY

Commissioner Houpt – reclused herself.

Bob Pennington engineer from Schmueser Gordon Meyer, Joan Polowchena of the Board of the Oak Meadows Water Association, Marvin Stephens and Bobby Branham from County Road and Bridge were present.

A request to bury two (2) 20,000 gallon water tanks on an area of land which falls into an easement of an abandoned piece of county road was requested.

The request is driven by the need to install these tanks at the same elevation and in close proximity to the current water tank; and to avoid disturbing their spring which flows across the higher elevations near the current water tank.

The area is on the plat as a loop of CR 168 although there is some gravel present; the area has not been used and has been overgrown for years.

The abandoned piece of road is at the end of County Road 168 also known as Sun King Drive. CR 168 is located south of Glenwood Springs, off of Four Mile Road.

Oak Meadows Water Association is a private, non-profit organization responsible for providing water to 32 lots in Oak Meadows Subdivision, Filing No. 2 and made clear they are not part of the Oak Meadow Service Company that provides water to the rest of the Oak Meadows Subdivision.

Don showed plats of the subdivision.

Commissioner McCown – general questions – all one common water group – each is independent.

Chairman Marvin – we’ve never used this road before – was it an escape route?

Don – platted as a private loop to provide a way for people to get out in case of a fire.

Commissioner McCown – buried 10 feet deep - this is a workable agreement – a utility permit

Commissioner Houpt – back to its natural state.

Joan it does have weeds and we are trying to get rid of that.

Marvin – these things have to be vented off the right of way.

Don – covered in the permit –

Bobby – the way the situation current is, the road comes up and the private road actually turns into a cul-de-sac at that private road, there’s some dumpsters– unknown to him that we had this additional right of way until these folks came forward, so the area’s pretty well built out as it stands now and I have no problems with going forward.

The Board did not have any problem going forward with a permit.

Chairman Martin – just to let you know in granting an easement does not mean we are abandoning the right of way in any way. We still retain the use and ownership for what’s it’s designed to be.

Citizens Not on the Agenda

Stacey Grambel – JVA Consulting Firm that works with Non-profit Organization across the state of Colorado and here today to let the Board know on an excellent opportunity for non-profits in Garfield County. We are the recipient of the Compassionate Capital Award which is a million federal grant from the US Department of Health and Human Services and this grant will work with local non-profit organizations to build their capacity to serve residents of Garfield County. There’s a number of areas in which the program functions – they’re all direct service areas, homeless, welfare to work, at risk youth, offender reentry, elderly in need and marriage strengthening. What we’ll be doing is having a competitive application process where grass roots and faith based non-profit organizations can apply for grants of up to \$10,000 direct one on one capacity building services and participation in training workshops. This is our renewal grant, we’ve had the program since 2002 and we just opened an office here in downtown Glenwood Springs and hopefully bring ½ of the program to western Colorado. This is just above Anderson Clothing and the phone number is 319-1674. She submitted packets of information.

Chairman Martin – suggested that she give information to collaborative groups.

BEERMAN EXEMPTION FROM SUBDIVISION – RESOLUTION OF RATIFICATION – JOSLYN WOOD AND CAROLYN DAHLGREN

Carolyn Dahlgren and Jolsyn Wood of Hill, Kinney & Wood, LLC. were present. Joslyn representing Barbara Krebs, the present owner of a 5.013 acre parcel of real property identified as 2073 CR 112, Carbondale presented. In connection with the sale of her property, her client discovered that the legality of the creation of the parcel previously referenced is readily apparent from the County records. However research indicates the parcel was legally created in 1974 by subdivision exemption.

The request is to ratify the action taken on July 15, 1974 approving a petition for Exemption form the Subdivision Requirements submitted by the then owners of a 10.013 acre tract, William E. Beerman and Lizabeth R. Beerman.

A Resolution ratifying the action of the BOCC on July 15, 1974 with respect to the creation of the parcel was submitted for the Board’s signature.

Exhibit A – minutes and Exhibit B – unsigned Resolution were submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to ratify the Beerman Exemption from Subdivision and authorize the Chair to sign the Resolution;

In favor: Houpt – aye; McCown – aye; Martin – aye.

RIFLE, CITY OF - CONSIDER A REQUEST TO WAIVE THE ANNEXATION REPORT FOR COMPLETE ENERGY SERVICES/LACY PARK LOTS 1, 2, AND 3. APPLICANT: CITY OF RIFLE – MARK BEAN

Mark presented the request for the waiver and stated that the City extended a waterline to the area as part of the DOE funded West UMTRA site remediation. The property for annexation is approximately 54 acres and 37 acres will be developed by Complete Energy Services, Inc. to provide services to the gas industry operating in the region and the remainder includes Lacy Park Lots 2 and 3 owned by Johnson Construction that currently house a contractor's operation, and Lacy Park Lot 1, the site of the Rocky Mountain Baptist Church of Rifle.

Mark stated that the annexation will not impact the County Road system and the City of Rifle requests that the County waive the requirement of an annexation impact report. The City of Rifle will be holding a public hearing on the annexation on November 2, 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request to waive the annexation report for the City of Rifle and authorize the chair to sign the request.
In favor: Houpt – aye; Martin – aye; McCown – aye.

SUN MEADOWS ESTATES SUBDIVISION – CONSIDER A REQUEST TO AMEND THE SUBDIVISIONS IMPROVEMENT AGREEMENT – APPLICANT: SUM MEADOWS ESTATES, LCC.

Tim Thulson, Mark Bean, Carolyn Dahlgren and Fred Cooke were present.

Tim Thulson stated they still need to get some things ironed out by the bank – should have a clear picture for the meeting on 10-26-05. Paving on Antonelli Lane will be done this week.

October 27, 2005 Budget with Elected Officials.

BUILDING AND PLANNING – CONSIDER THE APPOINTMENT OF AN ASSOCIATE MEMBER TO A REGULAR MEMBER ON THE PLANNING COMMISSION

Mark submitted a memo explaining the make up of the Planning Commission. Recently two members have submitted their resignation: Christina Chapin and Mike Deer. Christina's position was filled by Jock Jacober as a regular member. To replace Mike Deer, there are two alternates for consideration to be moved as a regular member – Bob Fullerton of Carbondale and Shirley Brewer of Parachute.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to appoint Bob Fullerton of Carbondale for the Planning Commission as a regular member.

In favor: Houpt – aye; Martin – aye; McCown – aye.

BUILDING AND PLANNING – CONTRACTS FOR CONSULTING SERVICES WITH BUILDING CODE CONSULANTS – CONSIDER AUTHORIZING THE CHAIRMAN TO SIGN – MARK BEAN

Mark submitted a memo in support of requesting assistance in processing some of the permits saying they have processed 294 permits with 171 of them being residential. This represents \$7,522,028.63 in valuation and \$618,212.51 in permit fees. They do not expect the level of activity to slow down for another month. The request is to enter into Professional Service contract with some of the local private building inspectors to have them perform plan reviews.

Mark requested permission for the Chair to be authorized to sign contracts if an agreement with a private sector inspector occurs before the next meeting of the Board.

Boiler plate agreements have been sent out to individuals they have used before. 55 permits are sitting on the Board and hopefully this will speed up the process. Pay them ½ of the review fees and the other ½ will stay with the County.

This is the busiest time in 5 years. Authorize Mark to work with these gentlemen to enter into contracts.

Commissioner McCown so moved; Commissioner Houpt – seconded;

In favor: Houpt – aye; Martin – aye; McCown – aye.

ROGERS/SPRECHT LIVING TRUST – CONSIDER A REQUEST FOR AN EXTENSION OF THE APPROVAL OF SUBDIVISION EXEMPTION TO JUNE 13, 2006 – MARK BEAN

This is a request for an extension submitted by Mark E. Hamilton on behalf of Ron Rogers until June 13, 2006.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the extension of the approval of subdivision exemption to June 13, 2006.

In favor: Houpt – aye; Martin – aye; McCown – aye.

ORRISON, RICH AND JANET APSEN GLEN PUD – AMENDED FINAL PLAT FOR LOT 1S-8 – INCREASE OVERALL BUILDING ENVELOPE – RICHARD WHEELER

Richard Wheeler, Rick Orrison, and Carolyn Dahlgren were present. Applicant: - Brad Jordan of Jordan Architecture Inc. OWNER Rick and Janet Orrison, located at 0083 Indian Paintbrush on a .50 acre tract.

The following exhibits were submitted: Exhibit A - Garfield County Zoning Resolution of 1978, as amended;

Exhibit B - Garfield County Subdivision Regulations of 1984, as amended

Exhibit C - Garfield County Comprehensive Plan of 2000

Exhibit D - Staff Report dated 10-17-05

Exhibit E - Application for the Amended Plat

Chairman Martin entered the Exhibits A – E.

BACKGROUND AND DESCRIPTION OF THE PROPOSAL

The applicant is requesting to increase the building envelope in the northwest corner of the lot. The proposed amendment to the building envelope would create a 10 foot rear yard setback for the corner of the lot. No changes are being proposed for the front or side yard portion of the building envelope.

The proposed rear yard setback would not encroach on the Utility and Drainage Easement. However, the requested

building envelope amendment is a violation of the current rear yard setback for the underlying zone district. Lot IS-8 is located in the 1/2 acre Residential Zone of the Aspen Glen PUD. In this zone, the minimum rear yard setback is 20 feet. The applicant's request would encroach 10 feet into that setback.

The Aspen Glen Design Review Committee (DRC) recommends the BOCC approve the proposed building envelope. Although, the letter dated September 9, 2005 from the Aspen Glen DRC states "the site plan submitted did not identify the boundaries of the adjusted envelope..." This letter is included in the application materials. Staff would opine the DRC did not completely review a complete site plan to make a recommendation of approval to the Board.

The applicant is proposing a fireplace (open hearth), which is also a zoning violation of the Aspen Glen PUD. Resolution 92-056 states:

The applicant will need to be aware of the PUD requirements concerning fireplaces, wood burning stoves, and gas burning stoves.

STAFF RECOMMENDATION

Staff is recommending the Board of County Commissioners **deny** the applicants request to amend the building envelope for lot IS-8 of Aspen Glenn PUD Filing 2, based on the current underlying zone requiring a 20 foot rear yard setback. The applicant's request will encroach into the rear yard setback by approximately 10 feet. In effect, the request is a zoning violation of the Aspen Glen PUD setback standards for rear yards.

Brad Jordon - September 14, 2005 review letter responding to the staff. Exhibit F.

The review committee has seen the drawings and accepted them. Aspen Glen wasn't aware of this particular zoning issue and Brad understands this is in violation of the zoning. It may need to go to the Board of Adjustment for a variance.

Brad also addressed the way AR 1 and the way the house was sited on the lot does not allow any addition to the house.

PUD Amendment – directed by Aspen Glen that this would be an amendment to the plat.

Mark Bean – the envelopes are meant to comply with the zoning. Set backs are a zoning requirement. This one remedy is to eliminate the roof on the patio.

Mark stated that patios are not conditional to the setback areas.

Brad stated this could be seen as a side yard setback.

Richard said it is clearly staff's opinion that this is a rear yard setback.

Aspen Glen has contacted the neighborhood and no one is objecting to this.

Carolyn thinks we are in the wrong process, creating zoning violations.

Brad Jordon – the

Mark – they can go the Board of Adjustment – hardship of the applicant, their option if they chose. They are creating the hardship themselves by wanting to cover the patio.

Zone Text Amendment is a possibility. Would want to have concurrence and would have to have the noticing done publicly.

Richard relied on the zoning issue from 1992 and staff would be in favor of them coming back with an adjusted building envelope.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to deny this request based on non-compliance with zoning.

In favor: Houpt – aye; Martin – aye; McCown – aye.

PUBLIC HEARING: RUDD, WAYNE – PRELIMINARY PLAN – CONSIDER A REQUEST TO SUBDIVIDE A 48.52 ACRE PROPERTY, CURRENTLY ZONED ARRD, INTO 3 SINGLE-FAMILY RESIDENTIAL LOTS AND ONE LARGE LOT FOR PRIVATE COMMON OPEN SPACE. LOCATION: APPROXIMATELY 5 MILES NORTHEAST OF CARBONDALE ON COUNTY ROAD 114 SOUTH OF SPRING VALLEY RANCH – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, Roland Parker – applicants: Steve Oger, Rick Oger, Gary

Setnes, Roland Parker – Located at 8575 County Road 115 were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits:

- A** Mail Receipts
- B** Proof of Publication
- C** Garfield County Zoning Resolution of 1978, as amended
- D** Garfield County Subdivision Regulations of 1984, as amended
- E** Garfield County Comprehensive Plan of 2000
- F** Staff Report dated 10-17-05
- G** Letter dated June 30, 2005 from Colorado State Forest Service
- H** Letter dated June 30, 2005 from Colorado Division of Water Resources
- I** Letter dated June 22, 2005 from Colorado Geologic Survey
- J** Email dated June 14, 2005 from Garfield County Road and Bridge Dept.
- K** Application for Overview for Preliminary Plan
- L** Memo dated July 7, 2005 from Garfield County Vegetation Management Dept
- M** Letter dated July 11, 2005 from Resource Engineering
- N** Email dated September 26, 2005 from Larry Gepfert – Homestead Ranch HOA

Chairman Martin entered Exhibits A – N into the record.

GENERAL PROJECT INFORMATION

The proposed subdivision is located approximately 5 miles northeast of Carbondale on County Road 115, South of Spring Valley Ranch. The Property lies on the north side of CR 115.

There is a large power line easement that runs generally from the southwest corner to the northeast corner of the property. This is a 150' easement for over head power lines, Book 342 Page 384. Running in the same direction north of the power line is a 50' easement for the underground gas line that is owned by Kinder Morgan. There is an irrigation ditch, understood to be owned by James and Thad Nieslanik that meanders from the north to south of the property. An existing drive starts at the southeast corner of lot 3 and will terminate at the northeast portion of lot 1.

The land is gently sloping on the eastern and western ends of the property. There are steeper slopes in the center portion of the property. The steeper portion of the property is proposed to be part of the open space tract.

Proposed Use

The parent tract of land for this proposed subdivision is Parcel "B" of the 29 Peaks Improvement Survey conveyed to Wayne Rudd through a Warranty Deed on December 31, 2003. The subject property is 48.52 acres. The owner is proposing to divide that land into 4 parcels. The largest of the 4 parcels is 37.16 acres, which will be open space. The proposed open space will account for 76% of the land. The other lots will be 4.15, 3.81, and 3.39 acres, accounting for 1 unit per 16.17 acres of gross land. It is the intention of Mr. Rudd to sell these lots at a discounted price to the 3 applicants, which are long time employees. There is an existing well that will serve domestic water to the proposed homes, one per lot. Sewer will be provided by individual sewage disposal systems (ISDS). The applicants are also proposing to use an underground tank for a fire protection system, which will be filled by the well. Access will be from a dead end road directly off of County Road 115.

Background

This item was heard by the Planning Commission as a Preliminary Plan on June 13, 2005. The Commission voted to recommend approval to the board with conditions. These conditions are listed at the end of the staff report.

The Applicant proposes single-family residential development on the three of the four lots. The fourth lot, as noted previously, will be set aside as open space. The three residential lots are contemplated as a "use by right" in the ARRD zone district and are therefore consistent with the underlying zone district. For other uses, the applicant should consult Section 3.02 of the Zoning Resolution.

After review of the statement and in consideration of the proposed plat note, it is staff's opinion the geological features and soils are adequate for construction of dwelling units. The conclusion of this statement will be most useful for determining the capability of providing safe and adequate foundations for dwelling units:

Based on the proposed size of the common open space and the limited number of lots, it does not appear there will be large areas of the disturbed land that would create a need for weed control. Regardless, the Homeowners Association shall prepare a management plan that will address weed control on all of the lots and right of way that will be disturbed.

The submitted list wildlife shows there is a number of wildlife species that could be affected by humans as well as domesticated animals. The applicants will need to be aware of the wildlife and manage any domesticated animals to reduce impacts it may have on wildlife.

A Drainage Plan was submitted for the applicants by Zancanella and Associates, Inc dated January 26, 2005. This plan finds the proposed subdivision is not located in the 100 floodplain established by FEMA. The construction of residences on the proposed lots may slightly affect offsite drainage basins. There is one irrigation ditch on the property that will not be used by the applicants. The logical building sites are all located above the ditch, so the ditch should not affect the proposed residential lots. It is suggested that a reasonable prescriptive easement for the ditch be assumed.

The hydrological peak flows of the area are primarily derived from rainfall. It is stated in the report that a simple storm drainage system will be more than adequate to handle spring snowmelt runoff. The estimated flows that could affect the proposed residential lots are minor and will be short lived. Any possible damage to buildings could be mitigated through a simple grading plan. This plan could be no more elaborate than berm or berm/ditch on the uphill side of each building or by elevating the finished floor sufficiently to allow flow away from the buildings in all directions. For onsite drainage, detention is not proposed because of the relatively large lots sizes allowing natural diffusion of minor flows generated from the proposed lot improvements.

Domestic Potable water will be provided by an exempt domestic well, permit # 252563. The Overview Well was completed on May 21, 2003. The water requirements for this well are to serve 3 lots with one dwelling unit each. The County typically uses a water usage calculation of 100 gallons per person per day for a household of 3.5 persons or a total of 350 gallons a day per household.

The proposed well location is on the boundary of lots 2 and 3. The proposed water line that will serve the 3 residential lots will run under the access drive. As stated in §9:53 "All lines in a central water systems will be looped, with no dead ends included in the system. Where dead ends are proposed for cul-de-sacs, there will either be a fire hydrant or blow-off valve at the end of the line." The applicants are proposing a ¾ inch frost free hydrant at high point and end for blow-off. Staff finds this is not a looped proposal, yet meets the County requirements.

A 4-hour pump test was conducted by J&M Pump Company on June 1, 2004. The rate of 15 GPM was maintained throughout the 4-hour test. The maximum drawdown was 0.17 ft. The water level stabilized early in the test and did not vary throughout the remainder of the test. Because of the relatively small amount of drawdown, no recovery data were collected.

Water quality samples were collected for the test. The lab test included analysis for various inorganic chemicals nitrate/nitrate, total dissolved solids and some of the physical properties of the water. Chloroform bacteria tests indicate bacteria were absent from the sample. **NOTE:** Results of the analysis only include the negative finding of chloroform bacteria. The applicant will need to submit a complete analysis and findings of the water quality as a part of the final plat submittal.

Currently there is no well sharing agreement. Staff is recommending the applicants prepare a well access, easement, use, and sharing agreement to be a part of the final plat submittal.

Wastewater treatment is proposed to serve each lot through the use of an individual sewer disposal system ISDS. The applicants are proposing the ISDS be installed by each owner in accordance with all applicable

ISDS regulations, and maintained through an ISDS maintenance agreement, to be included in the protective covenants.

A percolation test was performed on the property resulting in a percolation rate of 20 minutes per inch. This indicates a standard septic tank and leach field system will be appropriate. Each lot owner should do a percolation test for the design of their specific system in the specified area chosen for their absorption prior to pursuance of a building permit.

The Proposed subdivision is outside of the Carbondale Fire District boundaries. An independent Uniform Fire Code Inspector – Fire Inspector II and Colorado State Forest Service has researched the site and made several suggestions concerning a fire protection plan. Following are substantive suggestions for protection

- The Applicants should use at least a 7000 gallon tank for firefighting purposes. This tank and piping will need to be backfilled appropriately so freezing does not occur and have a dry hydrant for which the fire department will be able to connect.
- It is also suggested the applicants clear trees and brush within 15 ft from the edges of the structures. Any dead “fuels” should be removed such as slash and snags, trimming ground fuels, ladder fuels and thinning and pruning of live trees/brush.
- Approved noncombustible roofing should be used.
- Incorporate defensible space clearing and thinning as outlined in Colorado State Forest Service Publication 6.302, titled “Creating Defensible Zones”.
- One hour fuels (¼ inch in diameter and smaller) should be cleared within in proximity to the residences.
- Mowing or reseeding can be done to reduce the intensity of a fire in the proposed subdivision.

The access to the subdivision will come from a main entrance off of CR 115. An internal dead end public road is proposed to provide access to each of the 3 lots. This road is configured to terminate with a “hammerhead”. Using the ITT Trip Generation manual, 3 residential lots will generate approximately 28.71 trips at 9.57 trips per dwelling which requires the all internal road be designed to the “Semi Primitive” standard pursuant to Section 9:35 of the Subdivision Regulations. This road type requires a 40-foot right-of-way, two 8-foot driving lanes, 2-foot shoulder widths, 4-foot ditch widths, and a gravel driving surface. The dead end road is approximately 600 linear feet and appears to comply with the required standard. It appears the proposed internal road has been designed to this standard. Dedication to the public of this internal road will be required. Maintenance however, will be the responsibility of the Homeowners Association and memorialized on the final plat as a plat note.

The Applicant will need to delineate, legally describe, and convey all easements shown on the plat to the Homeowners Association. This dedication needs to be in a form acceptable to the County Attorneys Office and transfer shall occur at the time of recording the final plat. These easements shall include, but are not limited to all drainage easements, shared water system easements (domestic wells and water storage tank), storm-water drainage easements, all internal roads (which will be dedicated to the public on the face of the final plat) and any access and maintenance easements that need to be provided for in the common open space.

The property is located in Traffic Study Area 9 which requires a \$195.00 per ADT fee be paid to the county. This will be figured at the time of final plat. The applicant could expect to pay an approximate preliminary Traffic Impact Fee of \$5,600 of which ½ shall be paid at final plat and included as a component of the Subdivision Improvement Agreement (SIA).

The development is located in the RE-1 School District which will require a fee for School Site Acquisition. This fee will be paid at final plat and included as a component of the Subdivision Improvement Agreement (SIA). The formula for calculating the fee is as follows:

STAFF RECOMENDATIONS: Staff is recommending the Board of County Commissioner approve the Overview Preliminary Plan with the following conditions.

1. The applicant shall place the following plat notes on the final plat and in protective covenants:
 - 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 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.”
 - 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.”
2. At the time of Final Plat, the Common Open Space lot shall be deeded to the Homeowners Association.
3. Prior to Final Plat the applicant shall submit a complete water quality analysis.

4. The applicants shall make a cash payment in-lieu of dedicating land in the amount and at the time as set forth in the Garfield County Regulations.
5. The applicants shall pay the applicable traffic impact fee in the amount and at the time as set for in the Garfield County Regulations.
6. Right of way dedication shall be at the time of final platting. A plat note using the standard dedication certificate language as set for by Garfield County shall be used.
7. Due to possible soil and geological issues a plat not shall be placed on the final plat stating; “Foundations and Individual Sewage Disposal Systems shall be engineered by a Professional Registered Engineer with the state of Colorado”
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 Lots 1, 2, 3 and “Common Open Space” of the Overview Subdivision) 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).”
9. As a requirement for the final plat application, the Applicant shall establish an incorporated Homeowners Association (HOA) with established by-laws which shall own and maintain the well permit, central water system, and internal road for the Overview Subdivision. This HOA shall also administer protective covenants governing the operation of the HOA. These documents shall be presented as part of the final plat application submittal.
10. The applicant shall identify all easements on the Final Plat that are referenced in the Title Commitment.
11. The applicant shall provide a map inventory of any County listed noxious weeds and provide a weed management plan that will address any inventoried noxious weeds. The HOA shall be the responsible party for execution and management of the weed mitigation plan.

Roland Parker – This is a four lot subdivision, 3 residential lots of 4.5, 3.81 and 3.39 acres each. Mr. Rudd has owned this parcel of land for several years and there’s a significant both visual and noise impact from the Excel Energy Power Generation Site on the south side of CR 115 so his idea is to provide some discounted lots for 3 long-time employees so they could own their home in this area. We have clustered the residential lots to the eastern most part of this property which is away from the overhead power line impact but the visual and noise impact of the Excel site. The open space lot of 37.16 acres would strictly be for the owners of the parcels.

Steve Anthony walked the property and didn’t find any weeds that needed to be inventoried at this time.

Steve Oger – asked the BOCC to consider; this would be setting a precedent. Asked the Board to approve this.

Roland Parker – original plat when subdivided and we’re actually adding one more home with less square footage.

Carolyn – make sure that these three future owners and there will be an SIA unless Mr. Rudd is going to deed these parcels over to these gentlemen.

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 we approve the overview Preliminary Plan with the conditions 1 – 11 as noted by staff.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Recess

Attest:

Chairman of the Board

Preliminary Budget Hearing – Sheriff

Memorandum submitted - 14% across the Board increase from 2005.

Focused on the smaller portions of the budget – operating expenses represents a 27% increase.

Lou has 9 budgets – general operations – 35% increase – IT - \$20,000

Natural gas – 35% - \$50,345

CARE – increase - \$26,000 – program is working and they are supportive of the animal shelter and want to be a partner to some extent.

Lou believes their services would be like they are now – CARE retains animals for 5 days. But not take care of them after our shelter is met. CARE after 5 days on adoptability. Given the business the mission Lou feels that CARE will be involved in adopting the animals.

The animal shelter turned into a quasi holding facility.

Fire Suppression – increase \$11,693 – assessment of a higher assessment.

Jail – increase in medical contracts - \$117,216

Additional inmate food costs associated with population increase \$37,000

4 additional detention deputies – operating expenses \$8,632

Patrol – 4 additional patrol deputies (operating expenses including motor pool - \$109,864.

Motor pool increases (excluding additional FTE) \$250,910

Total major expenses - \$630,660.

6 vehicles are being requested.

Capital – oven for the jail

2 new computer servers – file bound system and a server to maintain all the records.

School Resource Officers – Coal Ridge and Grand Valley Parachute area. Great program –

Completing new positions – SRO and not increase patrol and deputies.

SCAAP Funds from Department of Justice - \$80,000 – use the money to offset the budget. Offset with some equipment.

K-9 program – only this year if we have the SCAAP funds.

Animal Shelter – 2 Million – personal needs of people and without a buy-in of local people.
3.5 million Included adoption services – 15 staff
2 million

62% of the cost on population basis for Garfield County.

Commissioner McCown – we need to know the answers to all these concerns before we move forward. Written agreements in place and what philosophy we're ascribing to – policies and procedures.

Ed – John Heir – Rifle willing to support capital and operating expenses.

At the Mayor's meeting this will be discussed.

Animal – each entity – own animal control person, Amy would be a Sheriff employee and they would have a Board who would hire –

Haupt – how would CARE fund themselves. CARE cannot do what they set out to do because they are being buried with Garfield County.

CARE overall service - \$156,000 to CARE. \$13,000 a month.

Comissionary is separate and Lou is setting up the fund – once established – assign account numbers to it.

Jail – medical \$117,000

5 to 7 million for 2006

The Board stated they have to have everything in place no later than December 15, 2005.

**OCTOBER 26, 2005
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONER**

The regular meeting of the Board of County Commissioners began at 1:00 A.M. on Wednesday, October 26, with Chairman John Martin and Commissioners Tresi Haupt 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 1:00 A.M.

SUN MEADOWS ESTATES SUBDIVISION

CONSIDER A REQUEST TO AMEND THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE SUN MEADOWS ESTATES SUBDIVISION: APPLICANT – SUN MEADOWS ESTATES, LLC.

The applicant canceled the hearing today.

This was postponed until 10:15 a.m. on November 7, 2005.

CONSENT AGENDA: ARGONAUT FARM – AUTHORIZE THE CHAIR TO SIGN THE MYLAR FOR ARGONAUT FARM – APPLICANT: JOHN COLLINS

John Collins, Don DeFord, Carolyn Dahlgren were present.

Don submitted – some issues that he explained on these documents. These documents arrived at the CA on yesterday and some revisions to make them legally viable.

Plat – document required by the BOCC regulations in completing approval for property split – the Mylar presented to staff and to the BOCC does not strictly perform but can be corrected. It is important for Mr. Collins and other property individuals to have this completed today for closing on Friday. For an Exemption Plat the signature of the owner is not necessary and for that reason when we acquire roads on a property we require a deed. Don reviewed that and for some reason the engineering who prepared for this did a full dedication. Legal description is needed and does not require the signature of the owners. The property owner is not available and

Request to authorize the exemption plat, altering the actual Mylar, the dedication statement and the notary and signature unaltered. If the BOCC does that it will conform.

Mr. Collins stated that is acceptable to us.

Other documents – also need to authorize the chair to sign the Resolution 2005 –82 with appropriate conditions and pointed out, whereas clause – refers to the 81 acre tract and request the legal description.

Last part – you require dedication of property to Four Mile Road to give us right of way and must be signed by the owner. This can't be done until Monday and the attorney has alerted this isn't possible until Monday.

One – hold exemption plat or authorizing to go forward without that document but recorded at the early part of the next week.

Don – the Board needs to authorize the proceeding on this document, either holding the exemption plat until this quit claim deed is recorded and signed by the owner, (next week) or authorizing us to go forward without that document still requiring that it be executed and recorded at the earliest opportunity.

Commissioner McCown – on the quit claim deed – if we were to hold the plat until that deed could be signed and presented at the same time that would put the snafu on the deal that has to happen on Friday, so in essence we don't have an option.

Commissioner McCown made a motion that the Chair be authorized to sign the statement exemption plat, and also to sign Resolution 2005-82 and that the quit claim deed be filed immediately upon signing, no later than Monday, October 31, 2005. Commissioner Haupt seconded.

Don – by implication the motion authorizes the chair to make the alterations.

Commissioner McCown – yes, leaving the legal description, taking out the first paragraph.

Haupt – aye; McCown – aye; Martin – aye.

RIFLE AIR, LLC'S – APPLICATION TO COMMERCIAL AERONAUTICAL ACTIVITIES FBO

Ken Ostrander, President, Carolyn Dahlgren, Brian Condie, Chris Leroy, Dale Hancock, and Andrew Doremus of the Flight Department and John LaSalle representing Corporate Air were present.

This was presented to the Board on October 17, 2005. At that time the Board set the public hearing for today.

Carolyn ascertained that the public notification was in order and advised the Board they were entitled to proceed.

This is an application of Rifle Air, LLC DBA Rifle Jet Center to assign and assume the Fixed Base Operator, Land Lease and Operating Agreement, as amended by and between the Board of County Commissioners of Garfield County, as lessor and Corporate Aircraft Services of Colorado, Inc. as Lessee and the Flight Department, Inc. as Lessee and to enter into certain other supplementary agreements.

No final documents were ready.

The Board was asked to review the terms of assignment and assumption.

The Board accepted the notification into the record.

Chairman Martin swore in the speakers.

Brian requested that Ken address the Board on the terms of the assignments, assumptions, the agreements between the two FBO's that you have, your ability to run the FBO and to meet the minimum standards.

Ken Ostrander – We couldn't combine both leases and get into one lease in time to perform this, so we are going to do an assign and assume or try to get one so Rifle Air can operate both FBO's as one entity for the time being until the new lease that's being worked on between Chris and Carolyn can be completed. There were a few questions that Brian had pertaining to that need to be addressed.

Chris – the assignment assumption agreement between Rifle Air and Corporate is straight forward simple assignment assumption and that document is essentially finished. The document pursuant to which Rifle Air will take an assignment of the Flight Department FBO agreement includes a couple of provisions that modify the terms of the deal currently placed between the County and Andrew's operation and those are the provisions that Carolyn and I are still working on and primarily they consist of including under the FBO agreement the immediate lease of what Brian refers to as parcel 3FL everything on that parcel but the current owned building that leased to Precision is going to be leased by Rifle Air and the other provisions, we call it a first right to lease on parcels 1 and 5 and Carolyn and I are refining just those aspects of the document right now.

Carolyn – and we will present some of this to you for decision, I think it would be helpful to the Commissioners if Ken would go forward with telling you how it is that his organization meets your minimum standards or perhaps exceeds.

Ken – how they meet or exceed the minimum standards set by the Board for the Airport.

Part II general – we are working with a written agreement with the BOCC right now, but ground space, we already have, well we're taking the two FBO's with includes 4 hangers approximately 70,000 sq. ft of heated hanger space, so we would meet that and we also have all the things required here, we have a lobby, telephones and restrooms, handicapped access all that, as far as licenses and certificates, we have all the existing business licenses that have existed at CAS and in terms of certificates, we have a charter operation at Rifle Jet Center which will continue; we're just about to get....

Andrew Doremus – the certificate has been issued, it's just a matter of getting the documentation on the FAA site for the 145 maintenance and they're just waiting on a name change. The management certificate could have been issued today, the number has already been done, however with the combination of the two facilities it would be the ability for a larger staff and some more accountability, the FAA maintenance inspectors offered to increase the, there's a 1, 2, and 3 level of a 145 repair station and he's going to give us all three levels, he wants to wait till it closes, day of closing he will issue it in Rifle Air's name in order to facilitate to be timely otherwise it will be issued in the Flight Department's name and then it will have to be reissued and all this and we always aim to please the government, so we're going to wait and ease the burden of the FAA. Upon closing it will be issued to Rifle Air 1, 2, 3, maintenance agreement. That's where that stands. It far exceeds the minimum standards of what is required.

Ken – we've got the maintenance certificate, we've got charter, and we've got staff that's going to be on 12 hours a day 7 am – 7 pm and then on-call 24 hours. This is the personnel requirement. And as far as employees, we're trying to keep all the staff that is existing there as best we can to handle the load because the volume will go up and it's late in the season to get the new people in there anyway. In terms of meeting the minimum standards, each FBO actually does already.

Carolyn – follow up questions: for Ken – have you provided Brian with insurance certificates?

Ken – what we're doing right now, he has a current certificate for the two existing FBO's and we're in negotiations with two other firms just to wrap everything up into one policy when closing does take place.

Carolyn - Brian – did you receive a completed application from Rifle Air as a new applicant under our minimum standards.

Brian – yes and has everything he needs.

Carolyn – what about the non-refundable deposit of fee that is supposed to cover some of your administrative time?

Brian – has received.

Carolyn - Under the new agreement with the FBO are you recommended to the BOCC that there be any required additions to the leasehold or any required new buildings?

Brian – nor requiring any new leasehold, even though they plan on putting them in, he's not requiring them, they more than exceed the minimum standards for hanger space facilities, and so it wouldn't make sense to require them to make more.

Carolyn – so the issue for the BOCC to make a decision on is that parcel 3FL which Rifle Air wishes to lease, but we're not requiring them to lease and the agreements regarding removal of the County-owned hanger.

Brian – right now – Corporate Air Service leases from us 152,920 sq feet and the Jet Center 130,044 sq feet and combining both of these, they want to lease an additional parcel of about 44,000 sq. ft and that Precision Aircraft Maintenance currently has a lease with the County hanger and we have a provision in our lease with Precision Aircraft maintenance that we can relocate that hanger if we need it for airport improvements. We give him 3 months of notice and then we can relocate it, since that's an asset for the County and we want to retain that, we've worked out an agreement with Ken and these guys that we can at their request when they're ready to put a terminal building in we will give the required notice if it's still under occupancy and relocate that building within 120 days after the execution of that notice and they will compensate the County \$100,000 for the relocation, replacement of that building off of that property.

Carolyn – and if it costs more than \$100,000 to remove and or to reinstall?

Brian – the building had an estimated value when we gave Precision Aircraft of \$78, 000 or \$79,000 and so over the last three years with inflation we've come up with \$100,000; we could always run into asbestos problems, environmental problems, a lot of unforeseen problems in that, I think offering \$100,000 to relocate our building was very nice on their part and capping it so there's no hidden cost on their part would be an appropriate gesture for the County.

Carolyn – is the parcel useable to Rifle Air for the Terminal Building if that hanger remains on it?

Brian – no.

Chairman Martin – is it true what Mr. Condie stated that you agree with that contract negotiation?

Ken – yes.

Carolyn - Precision Aircraft Hanger Maintenance Hanger – we do have a recorded and written lease with Russ Pierce who is the authorized representative with PAM and it's a 3 months notice and has to be a written notice. Mr. Pierce has not given us formal notice of what he's intentions are, I have some information from his attorney here in town that he is likely to move to Arizona next spring or summer. However, I have made it very clear to Chris and I know that his clients understand that lease parcel is subject to that hanger lease with Precision Aircraft Hanger Maintenance and we will have to follow the steps of that lease.

Ken – we're not trying to move Mr. Pierce out at all – we just

Brian – if he decides to stay and relocate the hanger, he can have the option to renew again at the end of that lease.

Chris – the 120 days would be the current lease could be terminated by one of several different ways, it could be terminated by mutual agreement, the tenant has the right to terminate on 6 days notice to you guys or you could ask him to leave on 90 days notice so the 120 day period would be, you would undertake to relocate him within 120 after the term of his occupancy at his current located.

Brian – we can relocate him with 90 days, we can't terminate the lease with 90 days.

Chris – but the relocation would take place after you provide the notice.

Carolyn – when Brian and I spoke with Mr. Pierce's attorney we also made it clear to him that we understood and to the best of our knowledge the applicant understood that the hanger lease is in place and that Russ Pierce will have a place to operate if he so chooses to operate at our airport.

Brian – the other issue is on that we've come to an agreement on or have a new combined lease rate for the existing parcel which is the .17324 cents per sq. foot. That will be on all the combined parcels including three flight lines.

Any new lease parcel, like the option for one flight line or five flight line will be at the then going rate, only a penny more but that's what everyone else will be paying, so any new lease parcels will be at the new lease rate. Then we had the issue until a half hour ago of the current fees owed by each of the FBO's – they pay 30-days in arrears so the fees that have occurred in October don't get paid until the end of November. We worked it out with Ken that they will continue to pay all the fees depending upon their closing date, they will then go back to each FBO and adjust it that way so we don't have to worry about it at all.

Carolyn – these are monthly fees there. The FBO lease payments have already been paid through the end of the year.

Brian – and they will adjust those with each FBO on the date they actually close.

Commissioner McCown – I know I saw it, but is flight training going to still be available for individuals?

Ken – there isn't a definite flight school there but we could make available office space for a flight club or club that could come in.

Commissioner McCown – so if I wanted to take flying lessons I would not be able to do it at the Rifle Airport?

Ken – at this particular time I would say no. There are instructors out there but there no rental space with the FBO.

Commissioner McCown – my question is, after this transfer, and under the new ownership, can I go out to the Rifle Airport and learn to fly an airplane?

Ken – it will continue as it was, the FBO's don't have a flight school per se.

Commissioner McCown – this is a very important of the local community that a need has to be fulfilled and I don't want to see that go away.

Ken – we definitely can't eliminate that – the future is to have a flight school.

Brian – clarification – there is flight training going on at the Airport, but it is usually from Glenwood Springs – we do not have rental aircraft at Garfield County.

Commissioner Houpt – its independent at this time so this shouldn't impact whether there is or whether there isn't but you would encourage it.

Ken – we can make space available for an office if a flight school would like to set up their operations there.

Brian – a flying club could set up and we'd make space for them, my understanding is that you do not intend to put on aircraft on for flight training. They have this option but it is not required.

Brian - If there's enough demand in Rifle, the people in Glenwood will move their plane down to Rifle.

Ken – it's inevitable that they're going to move their flight school down to Rifle.

Brian – we did get new lease boundary almost completed, we're double checking the legal description today but on the application we just need to make sure they have a first right on one flight line, not 1c. 1c is the County's future development for office space and it's listed in the assignment as 1c.

Carolyn – no new buildings are required, do you still want to hear from the applicant on what they're plans are for the new leased parcel and the two first right to lease parcels?

Ken – 5FL – 1FL, you can't have any buildings on there because there's some reflect activity with VOR and the approach going on in there. What we would like to do with that is we would like to pave that area and make some more parking for GA Aircraft. We're going to need more parking for everybody and to separate the jets and GA Aircraft is a good thing for the small aircraft because Jet blasts and Cessna 172 is not a good combination. So we propose to pave that area right now since you can't put a building there now anyway, but move some aircraft in there and make room for more because its inevitable they're coming – to move them off the actual flight line right there and we discussed what 3FL – eventually our plans are to put some sort of passenger terminal facility there just for meeting and greeting passengers coming in there.

Brian – this is the conceptual design that was in the application.

Ken – then the number 1FL, getting calls all the time for hanger space and we're running out of hanger space all the time so right now that would be the perfect choice for another big hanger.

Carolyn – Ken, if the VOR constraints go away on 5FL, what are your plans?

Ken – once again you can't have enough hangers that would be a good spot for hangers. It could be a large with offices attached something like that.

Carolyn – once we have a written document on a lease and the applicants understand this that anything they put up still has to go through your site approval process and drainage process, drainage approval process and excavation and building permit, etc. so it's very conceptual now. As a process issue, we just made reference to the original Application and asked the Clerk and Recorder at the last scheduled meeting become part of the record.

Exhibit identified as the application and placed in the record as an Exhibit.

We will also need a copy of this Flight line as well, since we all referred to that. This will also be an Exhibit.

Brian – one more item of clarification – the fuel storage fees are really confusing because the two FBO so to re-clarify that 59% of fuel stored purchased will be at the 3-cents per gallon and 41% at the scaled rate that the Jet Center used to have.

Carolyn requested a motion addressing all the issues whether or not the application is approved under the minimum standards, whether the chair authorized to sign the assignment and assumption document for CAS and the assignment and assumption document for TFD assets which includes amendment allowing Rifle Air to lease a new parcel and just in case, Carolyn asked for approval for the Chair to sign any documents the Bank requires prior to your next meeting. They might ask the BOCC to sign release documents for CAS and TFD and then we will bring back the new amended restated and consolidated FBO lease and agreement and some new bank documents at that time as well.

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

Commissioner McCown made a motion that we approve the application of Rifle Air LLC. dba Rifle Jet Center to assign and assume the Fixed Base Operator Land lease and Operating Agreement as amended by and between the Board of County Commissioners of Garfield County and lessor, Corporate Aircraft Services and lessee The Flight Department, Inc. as lessee and to enter into certain other supplementary agreements as were discussed here today and the Chair be authorized to sign said agreement and any financial documents that are required regarding this instrument by the Banks.

Commissioner Houpt seconded.

In favor: Houpt – aye; McCown – aye Martin – aye.

EXECUTIVE SESSION – LEGAL ADVICE DDA AND WATER QUALITY CONTROL

Don listed on the Agenda the three items for which legal advice is needed. One of those specifically the Water Quality Control Commission may take some public direction.

The Board, Mildred and Don were to remain. Also the Assessor had an issue and she was included.

Commissioner McCown made a motion to go into an Executive Session and discuss the previously mentioned items for the County Attorney. Commissioner Houpt seconded; motion carried.

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

Action Taken:

Don – the only item asking direction on is the participation in the Water Quality Control Commission Hearing currently set for January 9, 2006. November 1, 2005 Don has to either file a document requesting party status or mail list status or forego either one of those for rights for participation. You can still participate but just as a formal comment. Direction for Don.

Commissioner McCown made a motion to proceed in the mail list and that you prepare the necessary written documents to the presented Water Quality Control Commission.

Commissioner Houpt – it is really important for us to be a party and my statements still stand and so I'm not going to be able to support this.

Chairman Martin seconded the motion.

In favor: McCown – aye; Martin – aye. Opposed: Houpt – aye.

Adjournment

Attest:

Chairman of the Board

NOVEMBER 7, 2005 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 1:00 A.M. on Monday, November 7, 2005 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 1:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Bobby Julick Day – November 17, 2005 Walt Brown asked the Board to make a declaration in honor of Bobby Julick – November 17, 2005. He's won races in professional cycling. He will be here the 16th, 17th and 18th. He won

a Bronze Metal in the Olympics in 2004 and he has quite a record. Walt submitted a draft. Reception for his at Buffalo Valley on November 17, 2005.

A motion was made by Commissioner McCown to declare November 17th as Bobby Julick Day. Commissioner Houpt seconded; motion carried.

Dan Blankenship – **RFTA** – this might be the last opportunity to ask for funding for RFTA – public hearing on the budget for 2006 – making improvements to the CMC bus stop along Highway 82. Not certain of the cost – do some design work and afterwards they could come back with the actual costs.

Commissioner Houpt voiced her support with RFTA.

Don – Mr. Bean concerning Iron Bridge and some contributions for transportation. – about \$40,000. The County Treasurer was to talk to Don – but it was specifically for the Park & Ride at CMC. Don felt it would the direction of the Board to ask the Treasurer to release the funds.

COUNTY MANAGER UPDATE – ED GREEN

- ***Courthouse Plaza – Remodel First, Second and Fourth Floors of Courthouse Plaza – David Koenck***

Ed stated at the move of the Social Services, left some room. There wasn't any funds in the budget \$450,000 that will accrue to the fund balance because we didn't spend it all.

Sopris Architecture, David Koenck submitted the plans for the remodeling of the 1st, 2nd and 4th floor of the Courthouse Plaza.

First Floor Costs:	Sandy's Office Supply - \$2,350.00
	Groth Construction - \$5,700.00 for a total of \$8,050.00
Second Floor Costs:	Sandy's Office Supply - \$2,350.00
	Groth Construction - \$5,196.00 for a total of \$7,546.00
Fourth Floor Costs:	Sandy's Office Supply - \$5,200.00
	Groth Construction - \$8,592.00 for a total of \$13,792.00

Extra Hardware - \$1,950.00; purchase furniture - \$12,000.00 and Planning Estimate \$2,000.00 for a grand total remodeling cost of \$45,338.00

Commissioner Houpt – disappointing – nothing to enhance greeting the public. At the first of the year there will be restricted area and that change will be confusing to the public. The only access will be walled in – wondering why we would talk away access to the public. It makes sense to leave the open area. Isolates us from the Public. No receptionist. On the 3rd floor since the move and they are packed in. We need to take in account serving the public. The 4th floor look good. We're adding more walls and more doors and not taking into account the limited access to the Courthouse. Also not understanding by shifting different departments we are wasting a lot of space. At one time it was discussed that BOCC and Administration would move into the 2nd floor.

Ed – the majority of the Commissioners have stated they are not going to move and this eliminates space for the receptionist. A receptionist has not been approved.

Commissioner Houpt – if people could get off on the second floor and have Linda.

Commissioner McCown – second floor going to administration. We have already approved additional signage.

Commissioner McCown – additional signage – a certain amount of security. People should not be able to wander through this building.

Patsy Hernandez – accounting people – most people are looking for the Courthouse. She suggested changing the name of the building. Signage to say if you're looking for court – go across the street.

Chairman Martin – leave the window alone on the first floor. He suggested to spend time digesting this and offering some new changes.

Dave stated they hadn't looked that closely at the 3rd floor.

Lynn Renick – one of the plans is to knock down the wall in the receptionist area and it's too crowded. They plan to knock off the wall and move it back 5 feet. There's around 24 – 25 people planned for the 3rd floor. It is crowded. It would be helpful for the architecture to look at the 3rd floor for fire protection.

Jesse – renaming this as the Garfield County Administration Building.

This will be delayed until the Board has opportunity to discuss this further.

Commissioner Houpt made a motion to allow staff to move forward with the 4th floor construction. Commissioner McCown seconded. Houpt – aye; McCown – aye; Martin – aye.

Ed – if there's a concern of the 3rd floor we would use parts of the 4th floor. She has only decided to use the 3rd floor. The Child Advocacy Center would take out three people. There is probably room in the Mountain View Building.

Child Advocacy Center – how will it work is the question.

This will be scheduled for a different time.

Don – the firm direction was to go forward with the 4th floor.

- ***Qwest Contract - Renew Expired – Richard Alary***

Tim Arnett and Richard Alary submitted the renewal of the expired Qwest contract to provide Qwest Integrated Services Digital Network Primary Rate Service and/or Digital Switched Service. This is a sole source and Qwest is the only company providing the DSS T1 and two-way DID trunks at this time.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to renew the contract with QBJ Group/Qwest Business Partner for a bulk rate DSS advanced T1 for a not to exceed \$1,151.36 per month/\$13,816.32 a year Contract. This is a 60 month – and Don clarified it was renewal. Houpt – aye; McCown – aye; Martin – aye.

- ***Sopris Architecture – Renew as needed Architectural Services Contract – Tim Arnett***

Tim Arnett submitted the renewal of as needed Architectural Services Contract with Sopris Engineering for one year beginning January 1, 2006 and running thru December 31, 2006. David Koenck requested a 5% increase for 2006. The total contract is a not to exceed cost of \$73,500.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to renew in an amount not to exceed \$73,500.00; Houpt – aye; McCown – aye; Martin – aye.

- ***Out of State Travel Request – Blythe Chapman – Lynn Renick***

Blythe Chapman requests out-of-State travel to Kansas City to provide an FTF visit and possibly bring the youth back to Colorado for a cost of \$768.00.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the travel request for a not to exceed \$870.00. Houpt – aye; McCown – aye; Martin – aye.

Steve Aurand attended a conference but it was all paid for.

○ ***Flexible Spending Account Amended and Restated Plan – Judy Osman***

Gallagher Benefit Administrators have changed their name to American Administrative Group, Inc. and IRS changed some rules adding a 2.5 month grace period for filing claims for the end of the plan year. – March 31, the next year. This is how it works, all health claims submitted or incurred 1-1-2006 – 3-15-2006 will be applied to any unused funds from the preceding plan year first. Once your previous plan year's balance has been depleted, and assuming you have elected to continue participating in the flex plan, claims with dates of service incurred in 2006, will automatically spill over and be paid from your 2005 account balance.

Name Change as well as part of the agreement. Other word changes to provide clarity.

Carolyn reminded the Board that we have an ongoing contract and this will be incorporated by reference.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the amended language to the existing contract; Houpt – aye; McCown – aye; Martin – aye.

Carolyn will get with Mildred on the original contract with Gallagher.

Airport

FAA has approved the runway realignment and that is reflected in AIP the Board will evaluate later today. This means that we can proceed with the Environmental Assessment to completion, we can proceed with the engineering and surveying and hopefully in 6 months we will have a 50% engineering benchmark to evaluate. The FAA will pay for 95% of all cost associated with that and the collateral benefit is now we know which end of the runway they're going to be working on. It looks like the west end the FAA will pay for any road improvements that going up the hill and the County responsible for the East end. Peter Mueller will be here later on today.

Commissioner McCown had heard that our funding was slid back to 2010 and does this change the status.

Brian stated the funding will be available in 2009 but it depends on funds being diverted in Washington based on the devastation of Katrina and Rita.

COUNTY SHERIFF UPDATE:

Lou Vallario provided the update to the Commissioners – jail population – 161 to 174 this morning. Issues and highlight the concerns. 174 are in other facilities – 27 are Community and 6 municipal charges – pre-trial 107 – and ICE – 3 from DOC – seems like we've settled – pre-trial – what is the problem – this time last year it was 60. Lou – ICE holds are driving that – warrants with failure to appear and bondsman's are reluctant to bond out.

Decision Friday – ***animal shelter*** – spinning out of control – numbers higher – concern, fear, and emotion and would like to back burn this and get with a group of people and come back. Design something that will be palatable – number of staff people and re-approach. Not pull it out of capital but back burn.

Ed – front burner the Community Correction problem.

City Managers – only from the City of Rifle – any support for the Animal Shelter.

Lou – we're using worst case scenario numbers and pare this back to more reasonable numbers.

30% of the dogs would possibly be reclaimed.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - Contracts proposed; CR 331 clean up; Divide Creek, Lift – up and Human Service

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.

○ ***Resolution - Commissary Fund - consideration and approval***

The Resolution was discussed and Don has reviewed this and this is in accordance with State law. This is self-funding and is not a separate line item in the budget.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Resolution establishing the Commissary Fund.

Houpt – aye; McCown – aye; Martin – aye

○ ***Policy – Bulletin Boards, Kiosks and other Posting Facilities on Garfield County Property – consider a Resolution***

Don submitted the Resolution that was discussed several meetings ago. This was circulated and one not incorporated in 1a – there are bulletin boards on the 4th floor outside the Court – solely under the control of the Courts and it was identified as to their control.

Mildred – this addresses her concerns and she can keep an eye out as what is posted on her bulletin board.

Don – under 2c – the actual posting by other governmental entities are monitored by the Clerk and Recorder.

Commissioner Houpt – functions by another entity – allowed in the Kiosk – if Richard determined it was a benefit.

Mildred gets a lot of notices to post and we determine what is posted.

Example given – School function for a special presentation on Veteran's Day

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to adopt the Resolution establishing policy for posting facilities on Garfield County property.

In favor: Houpt – aye; McCown – aye; Martin – aye

○ ***Financial Management Guide – Amending – Travel/Business Expense Rules/Limitation for Garfield County Sheriff's Office Employees – consideration and approval of Resolution***

Jan Shute – this was approved but never finalized by the Board.

Lou also included a per diem piece in the policies of the Sheriff's office and all policies will be on the Website.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Resolution amending the financial management guide for the Sheriff's office employees. Commissioner McCown didn't

support this when it was first discussed because it makes a split in the other Garfield County employees. Others are still required to produce receipts and with that said he can support the Resolution.

In favor: Houpt – aye; McCown – aye; Martin - aye

○ ***County Road and Bridge Shop Property – Lease-Purchase Agreement with Town of Silt***

Don - The Agreement from the Town of Silt – pay \$10,000 in annual rent with the first payment due before the end of this year and subsequent amounts of \$10,000 in 2006, 2007, 2009 and 2009 and the sum of \$50,000 for the duration of the lease totally \$260,000 in payment for the facility consisting.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the Agreement with the Town of Silt for the purchase of the old Road and Bridge Facility. In favor: Houpt – aye; McCown – aye; Martin - aye

○ ***Contract negotiations for Don DeFord, County Attorney and Ed Green, County Manager***

Public Discussion:

County Attorney – Don requested authority of the Chair to sign a letter directed to West Divide and the State of Colorado’s Engineer’s Office concerning a dam on east divide creek and the report we received from West Divide concerning the stability of that structure requesting that they remediate any potential danger.

Commissioner Houpt so moved; Commissioner McCown seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

County Attorney - County Manager

2006 - Contracts

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the sign with the Garfield County Attorney and Ed Green as the Garfield County Manager. In favor: Houpt – aye; Martin – aye; McCown – aye

COMMISSIONER REPORT

Commissioner Houpt – Thursday – I-70 Coalition

Commissioner McCown – Wed tour with Northwest RAC; Thursday Northeast RAC in Grand Junction. Request from CMC to endorse an Energy Impact Grant for a new auditorium and they have sent a letter with signature. A motion was made to support their letter of support by Commissioner McCown and seconded by Commissioner Houpt at their new location. This is part of the process where they can facilitate meetings for instructions and large public meetings. In favor: Houpt – aye; McCown – aye; Martin – aye.

Chairman Martin – Wed - CDOT funding – CMC Hwy 82 and CDOT and appraisal on Thursday. Soil Conservation 6 pm Hotel Colorado – attended Sat. Farm Bureau project. NRCS.

Oil and Gas – report – Tres – very lengthy discussion on pipeline from Associated Governments – proposed - debated and adopted the pipeline regulations June of 2006 effective. Editing was necessary. More discussions and hearings before June. The noise regulation was carried over until the 5th of December.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Building & Planning - First Eagles Point – Battlement Mesa Land and Development Company – Authorize the Chair to sign (1) Acknowledgement of Satisfaction of Subdivision Improvements and (2) The Reduction Certificate #8
- f. Oil and Gas - Lake Fox – EnCana Oil and Gas, Inc. – Authorize the Chair to sign the Resolution of approval for a Special Use Permit for Storage and Material Handling of Natural Resources
- g. Building & Planning - Spring Valley Ranch PUP, Inc. – Authorize the Chair to sign the Resolution of approval for the Preliminary Plan
- h. Building & Planning - Spring Valley Ranch PUD Development – Authorize the Chair to sign the Resolution of approval for the Amendment to the PUD
- i. Oil and Gas - Oxy USA WLP LP – Conn Creek – Authorize the Chair to sign the Resolution of approval for a SUP for “Processing and Material Handling of Natural Resources”
- j. Oil and Gas - Middle Fork Natural Gas Compressor Station – EnCana Oil and Gas USA – authorize the Chairman to sign the Resolution of approval for a SUP for “Processing and Material Handling of Natural Resources”
- k. Building and Planning - Traveler’s Highlands Subdivision - Amended Final Plat for Lots 17 & 8, Block 11, Authorize the Chairman to sign Applicant: Harlan McElroy
- l. Oil and Gas - EnCana Oil and Gas – SUP for a Cuttings Storage Facility – authorize the Chair to sign a permit of approval
- m. Oil and Gas – EnCana Oil and Gas USA, Inc – SUP for Processing and Material Handling of a Natural Resource for a Shale Extraction and Storage Facility
- n. Building & Planning – Ironbridge PUD, Phase I – Amended Final Plat Lot 139 and 140 – authorize the Chair to sign
- o. Liquor License – Rhino Liquors and Sunlight Mountain Resort – renewals
- p. Airport – Annual Renewal of Airport Insurance (O&D and Liability) – authorize the Chair to sign

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – p removing b; Houpt – aye; McCown – aye; Martin – aye.

PUBLIC MEETINGS:

TRAILS - MATCHING FUNDS FOR CRYSTAL RIVER TRAIL – DALE WILL AND JOHN HOFFMAN

John Hoffman, Jeff Jackal from Carbondale, Dale Will and other supporters of the Crystal Valley Trail were present. A memorandum regarding the Crystal Valley Trail was submitted. This trail parallels the West Elk Loop Scenic Byway and has been a long-standing goal recognized in both Pitkin and Carbondale's plans. The middle section of the trail route that lies in unincorporated Garfield County has been problematic and an estimated cost of this section is \$390,000. There is no dedicated revenue available for this section of the Crystal Valley Trail.

To date there is a tentative commitment from Pitkin County to provide a suitable bridge for where the trail would cross the Crystal River consisting of two usable pieces of the old Maroon Creek Bridge. Secondly, we have just submitted a State Trail Grant seeking a \$200,000 contribution for the Garfield County middle section of the trail and thirdly, Pitkin County and Carbondale are willing to assume maintenance responsibility for the whole trail.

The request is for linking labor contribution thru the Road and Bridge Department to assist in preparing the trail platform for the asphalt surface. With the linking contribution of approximately \$100,000 value and hopefully a \$50,000 monetary contribution from the County, we can get this trail constructed in 2006.

This is a one-mile section and once that is done they will be all the way to the top of McClure Pass.

\$390,000 is the total cost of this mile of trail. Houpt – we have been consistent with this \$50,000 amount for trails and suggest that because we are seeing some very successful projects coming forth with trails that perhaps it is time to match the conservation trust fund money to go into a pool for this type of project.

Ed – year end projection - \$7.5 million. You have the funds to do this and it is a decision by the Board.

Commissioner Houpt supports putting general fund money into the Conservation Trail.

Ed – keep the trails funds out of the conservation and move management of the LoVa trail into general funds.

\$45,000 would be available out of the conservation trust funds.

Jesse – the in-kind would include setting one or more bridges and R & B does not have the equipment to do this and it is beyond the scope of work for the Road and Bridge.

Commissioner McCown – would have to use Road and Bridge and in turn we would have to put off roads to upgrade, build or take additional monies to build trails.

Jesse – may be some restrictions on trail building.

Don – unique provision that allows the County to obtain assets and so in a round about way provisions we probably could. Where is CDOT in this process.

Dave – in the application process as we speak – their message is there won't be a problem for completing the permit. CDOT understands the time frame. They plan to use the LoVa permit and change the wording to fit the Crystal Valley Trail.

Dave assumes the permit would be issued to the Town of Carbondale., etc

Don – licensed holder on the permit – if the County is owner of the license the County would still have the maintenance. This is unknown at this point.

Dave – what we have to date is an IGA to hire someone to get the permit and later this will be decided.

Overpass with Wingo Junction – state will not grant a permanent easement in a CDOT right of way. You get a revocable license. Noone gets the certainty we would like.

Chairman Martin – the CDOT permit on LoVa has not been completed.

Don – asked if their trails have been built to national standards.

Commissioner McCown - \$390,000 is that under the assumption of worse case scenario.

Dave – yes.

Commissioner McCown – when will you know if you were successful – April 2006.

Dave – what if we're unsuccessful with the grant and suggested the fallback would be getting the trail as far as Carbondale can go.

Commissioner McCown – high growth area – revocable areas – CDOT may need to improve that highway – wonder what would be sacrificed if that road needs to be widened.

Dave – 120 foot right of way – goal is to be as far away from their pavement as possible.

Commissioner Houpt – restrictions – time and ability to help with certain portions. Important to support his trail project - \$50,000 is very consistent with what we've done with other trails.

A motion was made by Commissioner Houpt to direct \$50,000 for this project in the 2006 budget and let Ed work with this to best determine where the funds come from and seconded by Commissioner McCown. The least of my concern is the contribution of \$50,000 and our Fairgrounds used to receive. Does have a problem with the \$100,000 and doesn't see us being able to pull out and if we get to the \$100,000 and we are only ½ mile into the project. He sees Garfield County is encumbering money to complete this trail. If we pull road crews off to do this project we are hindering roads. Not sure it's government's responsibility to pay for recreation. For his part the in-kind part is still on the table.

Commissioner Houpt – sees this as a means of transportation and can see the benefit of R & B working on trails.

Commissioner McCown – alternative transportation – CDOT is not coming to the table. The CDOT right of way should be part of the County government.

Commissioner Houpt – a great benefit to the citizens we serve.

Ed – best guess is that we'll only have about \$145,000 going into conservation trust, do you want the other \$5,000 out of the general fund.

Commissioner Houpt – that would be fine and it's a part of my motion. What is \$5,000 when we have a fund balance of \$7 million?

Chairman Martin – we need to prepare for the future and put our strategic plan in place and that is to make sure that our infrastructure and our citizens are taken care of and not cutting the programs that we have in place to do what is necessary not what amenities are and I have a real hang-up in reference to the design and the size and the use and limited use of trails in they way they're used now, a trail is about a 2 foot wide, you walk on it and you get to and from different places, that's my idea of a trail, and we're talking about here is a lane of traffic with bridges, etc. that is passable, built by ASTO standards for a vehicle to go down, that's what it is.

Commissioner Houpt – an alternative mode of travel and recreation.

Ed – so the total amount to come out of general fund would be \$40,000; \$35,000 for administration of LoVa and \$5,000 to augment this request.

Chairman Martin - you're still \$10,000 short. When we talked about this many years ago we said we said we would use Conservation Trust Funds because we didn't have a tax, we didn't have a source of income and we weren't going to use the general fund dollars for trails, etc and only use it out of the Conservation Trust Fund – that's what we told the citizens, I did 9 years ago that I would stick to that and if we had another source of revenue to convert to trails and what have you then we would form a trails commission etc. we haven't done that – the taxes has gone forward for a vote – it was defeated, the people said no, they like trails but they can't afford trails and I'm going to honor that. That's where I'm standing on what I told the people 8 years ago.

Commissioner Houpt – times and priorities change but.

Chairman Martin – that's true but the vote was denied and it wasn't too long ago.

In favor – Houpt. Opposed – McCown – aye; Martin - aye

We have to find another source of funds for trails to build trails, I'm not against trails but I'm going to honor where we're supposed to be spending our money and the priorities that we set by this Commission, let's work to find money for trails but it has to be somewhere other than the general fund dollars, we have to establish how we're going to do that so we can help these folks. Our priorities are still to be taking care of the roads right now – people have been waiting 20 years to have their road fixed and they still haven't seen it – I think we need to honor that and get those roads fixed before we built new stuff to go ahead and put more maintenance and more responsibility on the County and its funds.

Commissioner Houpt – our roads aren't safe for bicycles to ride on and it is a travesty that we have not considered that, priorities change, needs change, populations change and I don't know if you're referring to the RFTA vote but that was a very distinct and very different vote that people were voting on and nothing to do with whether we match conservation trust funds money or invest in alternative modes of travel.

Chairman Martin – it was an open space and trails tax question and it was soundly defeated, we have to come up with a different way of funding those and I'm not against trails. But we need to make sure we honor our priorities to the citizens who voted and that's what I'm going to do.

Dave Will – just want to leave here with clarification on a couple of things - 1st I'm assuming that I need to now withdraw this grant which is fine and knew this was a possibility when we started out and 2nd for the record that Pitkin County has a Crystal River Master plan that has called for the Bike trail up the Crystal River and we're a couple years late in getting started. The direction I have is to get started next year so with that happening and the planning I'm aware of the Town of Carbondale is doing, by this time next year what I predict will be sitting up there is a bike trail to Prince Creek Road and stops and starts again at the County line and next year when everyone's sitting here looking for ways to fund this trail, we will not be able to go for a \$200,000 State Trails Grant. Next year at this time Pitkin County will be worrying about how to get through this complicated canyon further up stream.

Chairman Martin – and subdivisions and everything else, I understand, it's the same difficulty we have this year. But you'll still have those discussions with them, it doesn't mean you are abandoning the project, it means that you've just rearranged your facing; if we can find funds to make it work we'll see how it is. I looked at the ariel maps in reference to the Old Crystal Railroad right of way and the trail that is there and that right of way still exists and there's a road that runs along there, it may be the location of along CDOT right of way that's a real issue, maybe we should look at other alternatives but there are ways to solve the problem, it's just not to throw money at an issue and it goes away. That's not what's happened, it's a whole bunch of other things associated with.

Public Comments:

Bill Fails – live at 4239 Hwy133 adjacent to the trail. This trail section you talk about comes through my father in law Bob Perry and it comes through me and a lot of the Pitkin County segment is also through me on both sides of the road. I have by being out there all the time doing irrigation a pretty good view on the safety on this road – and my I would want my kids to bike to town and we did but I can tell you that my house sits off the toe of the hill and we would sit out there with our binoculars shaking my daughters on their bike, but this is a scary section of road and there's a huge benefit, one of the things we do is safety for the citizens and this is a gigantic safety benefit I think. I think everyone would use it. I took my cows down to Rex Coffman two weeks ago and Cecilia Nieslanik was out blocking her gate so we didn't get on her nice lawn, she's just thrilled on the Rio Grande section out to the coal load out facility, her back bugs her and she's working on a treadmill in her house and she thinks this nice section of road is fantastic for pavement for the trail, so you're hitting a diverse group of people who really feel this is a nice asset. I know everyone's budgets are limited; my budget is limited more than I wish. We were sorting those Thompson Creek cows and you guys just spent a huge amount of money with Road and Bridge hauling how many truck loads of road base to marry a dead-end road that doesn't go to anyone's house goes to our Thompson Creek land and we let the snowmobile club have a parking lot there. A recreational asset I would say and that's why we do it, give that parking lot to the snowmobile club but you put as much road base on that segment it would take for this trail. It didn't serve any house, what it does do is going to make people come even faster so instead of going through my fence at the bottom of that road every other month, they will come through every other week now..

Chairman Martin – a phone call and it said please stop all activity until we get all our cows down and sure but we see that as an improvement for the agricultural use and you use it at Jerome Park, etc.

Commissioner McCown – would you agree Bill that was a County Road and we did the improvement on and so on this State Highway to upgrade the safety of that State Highway shouldn't the State Highway Department do that.

Bill – I don't know how you drive up things and the citizens don't understand.

Commissioner McCown – well if we'd called Carbondale and told them we would like some improvements on CR 109, you think they would have done that? That's the one going back toward Aspen Glen. Think they would have done that – no. It's outside their jurisdiction.

Bill - no they wouldn't. That's a tough thing for citizens to get their handle around – they don't care who does it just that it gets done.

Chairman Martin – I'm sure they do.

Bill – I just think there's an opportunity here for you to really leverage your money, this is an asset for the community that will be enjoyed and will increase the safety. The amount of your contribution is not a big

percent of the whole budget. If we can make it a team effort and all pull together I think we can do it. Commissioner McCown – you scare me when you talk about doing something to 133 because it goes through me on both sides of the road, I haven't heard any talk of CDOT widening the road. I have heard talk of resurfacing it within the next couple of years but they do have a 120 foot right of way. I urge you to find some money or somehow we can support this because it will be alleviate a huge safety concern.

Chairman Martin – we're not against the safety of that road, we're still not against the idea, it's just where do we find the money and which priority do we rearrange. In our Focus Groups the trail is a priority but not a top priority and maximum our budget. Carbondale passed the open space and trails – but it didn't pass in other parts of the County. The trails from Battlement Mesa, also a trail from New Castle to Silt for the High School but the LoVA trail was the highest priority.

Commissioner Houpt – there also has to be a shift in how we view this county and we need to shift with the County. Commissioner McCown – not going to shift funds to build trails and not improve roads in the West end.

HUMAN SERVICES COMMISSION – THREE NEW MEMBERSHIPS

Heidi Pankow for the Girl Scouts, Barb Donnelly for Development Services and Jackie Skramstad for Behavioral Health Services have submitted applications to replace members who have left their post.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the three new members. In favor: Martin – aye; McCown – aye; Houpt – aye.

BUILDING AND PLANNING COMMISSION – MEMBERSHIP APPLICATION

Steven C. Reynolds submitted his application to serve on the Building and Planning Commission.

Mark Bean – this has been made public but not sure it was published. We have two openings for two alternate members.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to appoint Steven C. Reynolds to the Planning Commission as an alternate. Commissioner Houpt wants the other alternate position noticed.

In favor: Houpt – aye; Martin – aye; McCown – aye.

AIRPORT – MINIMUM AIRPORT STANDARDS REVISION – ED GREEN AND CAROLYN DAHLGREN

Ed Green presented for Brian Condie saying at the October 17, 2005 BOCC meeting, Brian recommended the Minimum Standards be revised to set a new level of service at the Airport. His suggestion is that these should coincide with the date the Rifle Air LLC becomes operative.

Carolyn mentioned there were other standards that Brian and she wanted to bring to you.

Only happens on the closing of the assignment document.

Commissioner McCown – if this minimum standards are in the best interest let's not regress back to a lower stand

Carolyn – Brian brought this forward based on the one FBO.

Discussion.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to make the motion and revert back if the current FBO's remain in place.

In favor: Martin – aye; Houpt – aye; Opposed – McCown – aye.

AIRPORT – LAYOUT PLAN APPROVAL – ED GREEN AND CAROLYN DAHLGREN

Ed Green submitted the airport layout and requested approval by the Board.

Peter Mueller submitted in 2004 and they have taken all this time to review it. Realigning the runway includes the instrument approaches and this was adopted earlier in 2004 and a signature of the Chairman is needed.

Review for a 7,000 foot runway. Peter showed the changes eliminating the changes.

EIA has been on hold and they have authorized this to go on simultaneous 12-47-00 – preliminary plans at the west end and we need to get started – survey work and preliminary work. Back to the Board with a proposed release to contract – may get started on this. Anticipating construction to be completed by 2009 depending on FAA funding. Additional land acquisition – some owned by the Town of Rifle and Snyder owned land.

Today he needs the Chairman's signature.

No money in the capital budget – Ed – moving money from capital to this. Programmed in the long range \$1.2 to defray the cost.

2006 - \$16,000 is needed. Match 5% of the total.

Ed green stated this is manageable.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Airport

Layout Plan and authorize the Chair to sign all copies. Houpt – aye; McCown – aye; Martin – aye.

PUBLIC HEARINGS:

ACCOUNTING – 6TH SUPPLEMENTAL TO THE 2005 APPROVED BUDGET AND 6TH AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

The public notice was submitted.

Patsy Hernandez and Carolyn Dahlgren were present.

Exhibit A – changes to contingency line items with par forms; Exhibit B – changes to the 2005 based on supplement requests and pointed out for Road and Bridge funds – but they are asking this to go to the fund balance. Patsy asked them to do this to have a strong number of fund balance.

Chairman Martin entered the Exhibits A and B.

Ed – this changes the end of year fund balance and increased from 27 million to 25 million. Commissioner

McCown – projects that didn't get done – a false sense of security but these projects will be re-budgeted for next year.

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 Resolution for the 6th supplement to the 2005 approved budget and the 6th amended appropriation of funds. In favor: Houpt – aye; McCown – aye; Martin – aye.

ACCOUNTING – 2006 PROPOSED BUDGET – PUBLIC COMMENTS PRIOR TO CONSIDERATION FOR ADOPTION

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Take public comment and then move to the end of the 1:15 agenda.

Exhibits – notebook draft budget.

Ed – a list of items to confirm by the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to continue this until after the 1:15 time slot; motion carried.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Emzy Veazy III – addressed a previous concern regarding televised meetings for the Commissioners and was quickly informed that this has been done since January 1, 2005. However, the Planning and Zoning is not yet televised because they meet in the evenings.

PUBLIC MEETINGS:

AIRPORT – RELEASE TO CONTRACT – AIRPORT DISTANCE REMAINING SIGNS AND FOG SEAL – PETER MULLER

Tim Arnett presented the recommended award to Acme Electric, Inc. to furnish and install six L-858B Runway Remaining Signs for a not to exceed price of \$26,400.

Peter Mueller prepared the plans and specifications and the legal notice for the paper.

Two projects and two different documents. One is for work this year and one is for 2006.

Runway signs – supplemental funding was approved earlier today. Bids were opened a week ago and noted this was to PRT Consulting, Inc.

There is no term and asked that the document state 2005. The engineering work and the installation are two agreements.

Commissioner McCown we need to authorize the expenditure to PRT in the amount of \$9,860.00 for work already completed and then as laid out in the contract \$32,060 upon completion of the final work and inspection. So I would make that motion. Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

Peter Mueller explained that these signs are 4 foot by 4 foot signs that are lighted that are every 1,000 foot down the runway and there's six of them, so when you go down the runway you see 6 it me and there's 6,000 feet left. When you see the number 3 and you're still moving pretty fast, they you better start worrying about it. What this does is it allows the pilots to be aware that the end of the runway is coming up before they can see it.

Acme Electric Contract

Commissioner McCown made a motion that we approve the bid to Acme Electric Contract in an amount not to exceed \$26,400.00 for the runway remaining signs. Commissioner Houpt seconded. In favor: McCown – aye; Martin – aye; Houpt – aye.

RELEASE TO CONTRACT - NO. 4 – BETWEEN OLSSON ASSOCIATES AND THE BOARD OF COUNTY COMMISSIONERS

Carolyn stated this is a standard form release to contract.

A motion was made by Commissioner McCown to release Contract \$11,925. Commissioner Houpt seconded; motion carried.

BUILDING AND PLANNING – LOS AMIGOS RANCH SUBDIVISION – CONSIDER A REQUEST FOR A PLAT AMENDMENT FOR LOT 1, FILING 1 – HAYDEN RADAR

Fred Jarman, Hayden Radar, and Jan Shute were present.

Fred submitted the following Exhibits: Exhibit A – Staff Memorandum; Exhibit B – Application materials; Exhibit C – Garfield County Zoning Regulations of 1978 as amended; Exhibit D – Garfield County Subdivision Regulations of 1984 as amended; Exhibit E – Partial Release of Right-of-Way and Easement; Exhibit F – Letter from SGM dated October 1, 2005; Exhibit G – Letter from Balcomb and Green dated October 25, 2005; Exhibit H – PUD Zoning Map of Los Amigos Ranch PUD; and Exhibit I – Letter from Qwest dated 10-28-05. Chairman Martin entered Exhibits A – I into the record.

DESCRIPTION OF THE PROPOSAL

The owner of Lot 1, Filing 1 of the Los Amigos PUD requests the ability to remove certain easements from the plat for Lot 1. Specifically, the Applicant wishes to remove the following easements:

- A) 35-foot **natural gas line easement** provided to Rocky Mountain Natural Gas Company (a recorded easement);
- B) 45-foot **access easement** between Lot 1 and the rest of the Los Amigos Ranch Development which is now called Elk Springs Ranch (a platted easement);
- C) 20-foot **sewer line easement** (a platted easement); and
- D) 10-foot **telephone easement** to Qwest (a platted easement).

STAFF COMMENTS

Lot 1 was originally part of a larger 14-acre lot in the Los Amigos Ranch PUD and zoned multi-family to accommodate approximately 96 multi-family units as is shown on the PUD map included with this memorandum as **Exhibit H**. It was subsequently split into Lot 1 and Lot 2 and has also been removed from the Los Amigos (now Elk Springs) Homeowners Association (HOA). The Auburn Ridge Apartments were constructed on Lot 2 and the beginnings of a multi-family unit development occurred on Lot 1 but were abandoned leaving bare foundations on the lot which remain today. The utility easements which are to be eliminated by this request were intended to serve those abandoned units. Similarly, the access easement was originally platted as an historic access to the adjacent lots in Los Amigos Ranch PUD. The Applicant intends to redevelop Lot 1 in a different manner than originally proposed. As such, the Applicant wishes to clean up the plat by removing the unnecessary utility and access easements then intends to submit a different development plan to the County for approval for the lot in the future

Three of the easements (telephone, sewer, and access) are easements created simply by depicting them on the final plat for Lot 1 and are not the result of separately recorded easements. Staff has contacted QWEST which expressed no issue with the abandonment of the telephone easement. Schmueser Gordon Meyer (SGM) provided a letter (**Exhibit F**) on behalf of Spring Valley Sanitation District indicating they had no objection to the abandonment of the sewer line easement. Balcomb and Green, representing the Elk Springs Homeowners Association provided a letter (**Exhibit G**) stating they had no objection to the elimination of the access easement. To this end, re-platting Lot 1 with the elimination of these three easements will effectively vacate them.

The fourth easement to be vacated, a 35-foot natural gas line, is a separately recorded easement filed in the records of the County Clerk and Recorder's Office in Book 959, page 392 and Book 950, page 667. This easement was granted from Pat E. Dowdy Revocable Trust and Patsy J. Dowdy Revocable Trust to Rocky Mountain Natural Gas Company in 1995. Note this easement also included a 50' x 50' meter station site on Lot 1 which is not being vacated by the present application. To this end, the Applicant provided a document entitled "Partial Release of Right-of-Way and Easement" which has been recorded in the County Clerk and Recorder's Office in Book 1721, page 37. This document releases the obligations and terms of the easement back to the Applicant (with the exception of the 50' x 50' meter station site on Lot 1). A legal description is provided in the document which described the area of the easement to be released. This is attached as **Exhibit E**.

SUMMARY & RECOMMENDATION

Staff finds that the removal of the aforementioned utility and access easements from Lot 1 will not adversely affect any adjoining property and will effectively unencumbered Lot 1 from unnecessary and illogical easement placement. Further, all of the parties to which the easements have been granted have expressed no objection to their removal. 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 with the following conditions:

7. That all representations of the Applicant, either within the application or stated at the meeting before the Board, shall be considered conditions of approval.
8. 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.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the plat amendment for Lot Filing I for Los Amigos Ranch Subdivision with the two recommendations made by staff and the chair be authorized to sign the amended plat.

In favor: Houpt – aye; Martin – aye; McCown – aye.

BUILDING & PLANNING – IRONBRIDGE PUD PHASE I IMPROVEMENTS –

Defer until next meeting.

Mark needs to do further research.

Election

Mildred Alsdorf – explained that Rio Blanco is interested in purchasing the old 550 Optic Scanner that has been replaced by the ES&S 650. The County Clerk of Rio Blanco is interested in leasing or purchasing through the 2006 election. They will do either.

Commissioner Houpt stated that whichever way would work best for them.

Commissioner McCown that Mildred finds out the residual value and whatever is a fair price, he has no problem

Mildred will contact ES&S and Rio Blanco and Mildred will work out a price.

This is not programmable like the 650 and could not be used as a back-up.

ACCOUNTING – 2006 PROPOSED BUDGET – PUBLIC COMMENTS PRIOR TO CONSIDERATION FOR ADOPTION

The public notice was accepted and put into the record. The Exhibits were identified and now it's discussion time. Ed supplied the Board with any issues related to the 2006 budget.

Ed stated the first item is we talked about in the presentation about the 4 + 1 merit and equity pool and the question is now that the Board's seen all the numbers, is this something that you're willing to go along with.

Commissioner McCown – I am.

Chairman Martin – this is what our overall goal was and we should stick with it.

Commissioner Houpt – looking at everything that's been proposed and the numbers are you still comfortable with the 4.1%.

Ed stated this gets us very close to our initial goal which is to be in a lag situation at 93 – 94%, we might need one more year but I think this will get us really close.

Chairman Martin – wanted everyone to know that's listening that the 4.1% on the pool does not affect elected officials, elected officials salary remain the same unless changed by the State Legislature and we do not get a raise every year and we're not padding our own nest giving ourselves a raise.

The 4% is strictly based on merit; each employee is evaluated and in the appraisal process and what they get in that appraisal determines how much of the 4% pool they're entitled to. The 1%

Is an equity adjustment that deals with the comp ratio of employees overall. In terms of where they fit in terms of salary within the other government entities in the surrounding areas. The Board has stated in the past that they want to be in a good solid lag position. When we first started this our overall comparable rate was 70. Now it's about 90.

We want to get to about 93. The 1% allows this to gradual built that in. Last year we built a gap between those who have been employees for a while and allow a gap between the new hires.

Commissioner McCown clarified that some employees will get less than 4%, some over 4%, and some will get zero based on their performance and some will get close top to 10% based on their performance.

Ed – the next item is that the health insurance will probably increase in 2006 and best guess is about 8% at this time and what the Board agreed to the last time this prospect arose was that we would defer the increase to employees their share until the following January when the salary increases and that premium increase would align. The cost of that is \$25,000.

Commissioner Houpt - We had a significant savings.

Ed - This year we saved \$.5 million in medical benefits; we were in a group with low risk to the carrier and we had zero increase in the year and in addition we were also in a group that received a premium holiday in August.

A Power Point was given showing the list of improvement programs and associated costs – these have been built into the budget.

- ✓ Ed – the biggest cost is the continuance of the oil and gas projects.
- ✓ The clerk & recorder staff increases – elections and impacts on recording to make sure things. New equipment.

Board approved.

- ✓ Next is ½ shared FTE with the City of Rifle – IT and work in Rifle and supports the buildings in place. This position will work under Brian and take some direction from John Heir – 2080 hours in IT – Rifle will pay us as Revenue.
- ✓ Road and Bridge – rapid response team – 3 individuals to take on special assignments, pothole, as an example. Marvin would do the directing. This would be a mixture of crafts. This came up in Strategic Planning to immediate respond to resident complaints.

Commissioner McCown – the concern wasn't the lack of work but the windshield time because of the logistics of the county. They will be up Roan Creek fixing a sign and someone will call south of Carbondale with a pot hole or a plugged culvert, its quitting time by the time they get there and that's the problem I see with one team.

Jesse suggested they would look at how to use resources and not allow them to be pushed from one area of the county to another but have District 1 or District 2 respond to it in those kinds of situations.

Commissioner McCown would rather have this as Marvin's call. He would like to have this evaluated.

Commissioner Houpt agreed. It's a commitment of 3 new positions

Jesse – reminded the Board there's been no addition to the Road & Bridge in 5 years.

Snow Shed – Road and Bridge –

Commissioner McCown – this would benefit the Silt and Rifle Districts but not Glenwood.

Salt and Sand – Ed agreed – this is the second and third loads - \$330,000. Saves operational time and no more frozen cinders. This is a luxury item per Commissioner McCown. This will not help the Roan Creek and Parachute – it only helps a few trucks – for \$330,000 you can buy a lot of plastic. Scratch it per Commissioner McCown

Commissioner Houpt – why this would be a huge benefit with 3 other staging areas.

The decision was to hold in abeyance.

Animal Shelter

The Board talked about that and Lou's opinion is similar to hold off. Too far too fast with a very expensive building and put it on hold and reevaluate it per McCown.

Lou agrees – rework it and not tie up the capital – come back in the spring and /or summer.

Lou was asked to put together a comprehensive plan. Par down the committee and come up with size and operation costs.

Commissioner McCown – the group will have to come to some philosophical choices – holding or adoption facility.

Lou – what services to provide – partners, size of the facility.

Commissioner McCown – the program is working with the cooperation of CARE. Operate as usual.

Leave the \$.2. in abeyance.

Take out the \$500,000 DOLA grant.

Moving up the Road and Bridge DOLA for additional work on Mamm and Divide Creek – move to December.

DOLA Board doesn't speak as one in this regard. Asked Tim Sarmo and he felt comfortable but the Board suggests otherwise.

Sheriff – 8 more people.

Commissioner Houpt – very compelling report and can support this especially in the jail component.

Lou – the 4 in the jail – this is generated from a shift related factor. Stress and stretch on the staff. Future he sees an additional 10 in the jail and 10 in patrol. Too adequately man the area there are only 2 deputies. Try to do 4 a year in 3 years. Lou doesn't pad his budget. You provide the services that are expected. Don't fear the "what if's in the County."

Commissioner Houpt – constituents expect service.

Lou – matching the manpower with the calls for service.

Commissioner McCown – in the jail and patrol – an increase in overtime – 8 new ones doesn't seem to be an easement in overtime.

Lou – 2004 – reduced the 2003 overtime; what is happening – PDO and sick days – still exist. Doesn't see the overtime reducing – training and meetings – all overtime.

Overtime will always be there.

Commissioner Houpt – supports the 8 new positions with vehicles

Commissioner McCown – no problem but anytime we have personnel its reoccurring costs – and those cost compounds – this isn't a one year cost. \$400,000 and in 10 years you're up to \$800,000 on those 8 people. The problem is that the people who are demanding the services are not paying the bills.

Approved.

Outdoor Arena - \$250,000 improvements – more like \$500,000 to fix the drainage problems – look at it as 3 football fields and 18,000 cubic yards of material and replacing with 11,000 cubic yards – there really isn't an acceptable alternative.

Jesse and Marvin looked at the \$250,000 in the budget and one thing that might be possible is to simply address the outdoor arena itself and raise that and swell it and move the water to a particular spot and then drain that spot. At the same time provide additional sand in the chute and arena area. An existing pipe is clogged, clean the pipe – abandon that pipe and put in a larger pipe. We're berms and stopped water coming from the North. This will not solve the drainage problem but more usable in the arena. The earthwork, Marvin felt he could do that doing the off-season in-between snows – could swell that arena and regard the south end to alleviate those three ponds. This is what they can do if we only had the \$220,000. Wouldn't require taking out the fencing, but Marvin thinks he can do it with the fencing in.

Commissioner McCown can't support this. Rodeo's go forward even in the rain. No one anticipates a dry arena – can support the three areas with some pipes. But reconfiguring the arenas – two different opinions. It is a multiple use facility – add sand to the footings – not in favor of sub excavating and replacing it.

Chairman Martin – arena is showing wear – really needs to address the ponds and safety issues. Put in new stalls within the parking area – re-leveling.

Jesse – looking at demolishing the concrete stalls.

Income generated – quarter house shows – new stalls rentals would generate revenue. \$8.00 for stall and we clean or \$5.00 and they clean them. If we build 200 box stalls we would rent them out. Ed put that in the 2007;

Chairman Martin favors putting this forward.

Commissioner McCown – not spending over \$100,000 – stalls will be – prefab stalls \$230,000 must be spent on fencing. Coming from Capital - \$220,000 budgeted.

Commissioner McCown – we used to spend the Conservation Funds – leave it in and go as far as possible with the safety issues.

Stall issues – go ahead and get a price – or come back – concrete stalls are impeding traffic flow.

Improvements to the Fairgrounds for auditing purposes.

Asphalt behind the Fairgrounds - \$30,000 – before the oil prices shot up – more like \$40,000 – adjust that to \$40,000.

Conservation Trust distribution – commit \$260,000 to the Fairgrounds and it's also important to commit to trails – look at the possibility of finding funds for the Crystal Trail at least the \$50,000.

Commissioner McCown – we overspend to the LoVa folks - \$85,000 to LoVa. The spending at the Fairgrounds is a County facility. The Crystal River Trail is not on our property and views it differently.

Chairman Martin – a way of spending taxpayer dollars. We need to take care of the priorities we have and when we can take care of all our needs before we create the new project.

Commissioner McCown – create a recreational district that creates trails. No one has done this – create a funding source. All of the trails need to form a recreational district – build, maintain a tax and not rely on other entities. The people need to know this is what the people are voting for. In the Focus Groups trails were not a high priority. Agree to use the Conservation Trust as far as it goes.

Probation Offices – 4th floor remodel.

Chairman Martin – as landlords we need to upgrade our facilities.

ADA upgrade – Courthouse Plaza – already acted on this.

Ed took out renewing the 3rd floor bathroom – wait on this.

Fleet – Road and Bridge trucks are out of the Road and Bridge Fund.

Not in the fleet – none of the heavy trucks are in motor pool. Buy under a plan and turn them back every year and purchase these four proposed.

Commissioner McCown – look at what's costing us on the buy-out. Need to do a cost benefit on this.

Jesse – one of the all wheel motor graders broke down and it was covered.

Emergency Management Vehicle

Chairman Martin – not sold on it – will tolerate it.

Lou – response vehicle – Jim is a hands-on – Hazmat team – need for some equipment to be able to respond.

Looking at it as a model for another agency. F150 – to improve Search and Rescue – take Jim's current vehicle and improve Search and Rescue.

Chairman Martin – use of this vehicle to and from work; transportation is an excessive expense. A one ton Ford getting 8 miles to the gallon. Need a diesel vehicle.

Weed truck, Emergency Management and Coroner – vehicles – the Coroner is requesting the one 4 door 150 pick up with lid in the back. A hurst is not a good off road vehicle a \$30,000 vehicle.

Weed truck – will make two trucks.

Supported by Commissioner McCown – Ok with vehicle replacements and new ones.

Human Services – approved new positions

Landfill – supports the work proposed.

Don – one issue – make sure we update the closure costs – keep increasing that.

Jesse – consulting firm and submitted to the State – already approved.

Don – the cost keep escalating. \$1.2 million now Per Jesse

Cell usually lasts 3 years with the new screening machine, chopping tires, saving – also recycling and saving money.

Changes for the BOCC budget

\$350,188 for Human Services

Fire Districts – still earmarked for Sweetwater.

Memberships – small increase 10% in Associated Governments 1st in 21 years. Evaluation of all the dues and some of the towns are paying as little as \$250 and will take a new look.

Northwest COG –

Commissioner Houpt supports. – Commissioner McCown – no change; Chairman Martin – no change. Not supported.

Between CCI and Associated Governments cover all we need.

Chairman Martin – Healthy Forest is their concentration and away from Affordable Housing.

\$41,476 to Rural Resort – dues? Why that much?

Rural Resort is a lot less – last year we put in more for assessment for I-70 corridor. Now we're talking about a sliding scale to those that are immediately impacted but looking at what levels of membership Rural Resort – is \$5,500.

Commissioner McCown reluctant to support the \$41,476. Delete it.

Commissioner Houpt wants to find out what it was.

Smart Growth Grant – should not have been carried forward.

Commissioner McCown – problem belonging to entities that assess us a fee. We cannot be assessed basically.

I-70 Corridor Coalition – Don will check the agreement again, he's familiar with this issue has come up and thinks it was Rural Resort and thought it was I-70. Every year it's subject to appropriations. We also had it for the Fixed Guideway Authority as well. Don – on the I-70 coalition, he will pull the agreement, they can make the assessment and we can refuse to pay but then we won't participate anymore. So we can get out of it.

Commissioner McCown but the problem being is they don't budget and let us know what we're going to have to pay and it's always after the fact and we have no control over that. When we paid it last time I said I would pay it this year but I will not support it again next year. You don't pay then you're not a member. Commissioner McCown – it's not an unwillingness to participate, I would just like to know what its going to cost.

Commissioner Houpt – a meeting next week and the big push is to find out what that assessment level will be so people can budget for it and not a moving target.

DA's Budget – one aspect is that is Juvenile Diversion –Youthzone. Chairman Martin they had it renewed this year and the \$40,000 was put in to distribute to youth services.

Ruedi Power and Light – membership costs, water rights under Road and Bridge since they use the water.

Commissioner McCown – there's disparity in travel and travel related budgets between the three Commissioners.

Commissioner Houpt ran into problems going to a conference and Commissioner McCown stated that his feeling is the appropriation of funds to the Commissioners if its going to be \$10,000 for one it all to be \$10,000 for all, \$4000.00 etc. should be equally distributed. Tresl alluded to the fact that she was representing a different group of constituents and I feel that the groups I represent are just as important and I don't want to get into that.

Commissioner Houpt the reason I came up with \$10,000 is that's what's available for John for Travel - \$10,374.00 and I doubt if I'll use \$10,000 but I wanted to pull it up to the level that John had it available for his travel.

We've both been involved with State and Federal Committees and Commissions and I would love to see you Larry get involved in those as well.

Chairman Martin – some question about my \$10,000 – that is all reimbursable simply because I belong to a different committee and they have a trust fund that pays for that travel, it's not taken out of ours, its reimbursed back to the County.

Commissioner Houpt – we pulled up the receipts today John and the County are assessed from our Pilt funds by CCI to go into the account for public lands for travel. I've had numerous discussions with CCI.

Chairman Martin – if we didn't have any board member that was on that committee, we'd still be assessed because of the number of public land acres that we have.

Commissioner Houpt – but Gunnison has opted out; you can opt out if you decide not to be involved. I think it's important to be involved and not disputing that, but what I am saying is that it's what Larry said, we should all have the opportunity to represent this county – you have the opportunity through general funds and Pilt funds and I think Larry and I should have the opportunity from general funds to have that same level of representation through travel and I don't see it as any difference.

Chairman Martin – I don't see it that way.

Commissioner McCown – I agree to a point Tresl but I don't agree on representing this county going to seminars, conferences, functions and representing something other than what the majority of this county adopts as their policy. I have a problem with that and I know that you've done that in the past and you don't give any credibility to a majority vote but given the structure that we have on this Board, it's still a best out of 3 for a majority vote and when that is policy setting, that is the policy that Garfield County adopts and if you go to a conference on taxpayer money and allude that we're supporting something other than that, it's a misrepresentation of Garfield County.

Commissioner Houpt – and that isn't something that I have done, I'm very specific and NACO is very specific on this, I'm very specific when it is one commissioner's position.

Commissioner McCown – so it is your position

Commissioner Houpt – it is my position

Commissioner McCown – as a Garfield County Commissioner

Commissioner Houpt – as a Garfield County Commissioner

Commissioner McCown – but not the position of Garfield County

Commissioner Houpt – but not the position of Garfield County and that is allowed and encouraged through the NACO policies.

Chairman Martin – I still have a disagreement with the assessment; that assessment will take place no matter if we have someone on a committee or not, it is based on that we belong to CCI and that we have public lands and

that we receive Pilt, has nothing to do with my ability to travel or not – I happen to be the co-chair or the vice chair of Public Lands for Colorado, therefore I'm also on the WI Board and they reimburse Garfield County for any expenditure. I don't see how that's an expenditure.

Commissioner Houpt – well the \$6374 we were assessed last year went directly to the Public Lands Fund for travel – I was told that by the director of CCI.

Chairman Martin – it will be assessed if we have someone on that committee or not, if we belong to CCI and have public lands and receive Pilt, it will also go into there until we decide we're not going to belong to CCI and that's the way its been since Pilt was established.

Commissioner Houpt – and there are counties who have opted out, so there is always that opportunity to do that and I'm not suggesting that we do that.

Commissioner McCown – when they opt out they get the full amount of the money but they have no representation on that board?

Chairman Martin – that is correct. They still have the requirement to use Pilt money the way they would if there were on CCI or not.

Commissioner McCown – they could still go to those meetings and pay for the travel out of the general fund and represent their position as a Commissioner, but not sit as a member on the Committee.

Commissioner Houpt – this is all about being involved.

Commissioner McCown – I have never in 7 years as a Commissioner even come close to spending all my \$4,000. I belong to the Northwest RAC and I'm reimbursed for all my travel there and any over night housing, meals, whatever, and I don't anticipate being a heavy traveler – I can't imagine spending more than \$5,000 of the County's money to travel representing the County at some point you have a cost benefit factor and think we surpass that pretty quick when we get above that number.

Commissioner Houpt – so John's above that number and I don't anticipate using \$10,000 but I am a member of the Energy Environment and Land Use Committee for NACO and I do a lot of the meetings for CCI around the State because I'm the Western District President, one of the chairs for the land use natural resource committee and I'm involved in these different meetings and I certainly don't think that I abuse the use of public funds, I paid for my convention to the annual conference for NACO last year and I took some Resolutions forward that people in the Silt and Rifle area wanted me to take forward as a member of the energy environment and land use committee. And had success with that, I think it's important that we do become involved and I don't think – John's involved as well. I just think if one Commissioner's receiving those funds and it's a matter of semantics however you look at it we're paying for it regardless then I should be able to do that as well.

Chairman Martin – I think any Resolution or any issue that comes up nationally needs to be approved by the Board and taken forward as an approval of the Board and as you found out in reference to surface use and drilling, public lands has the upper hand on that particular one because they are involved with it more than energy and land use, so that needs to come before public lands as you took the Resolution before as we did and that's why I amended yours in Hawaii and that's how it got passed.

Commissioner Houpt – we don't need to get into that right now, what we're talking about is representation in this County, all three of us were elected and for you to receive almost \$11,000 for travel when I'm receiving \$4000 is not equitable and Larry's made the decision not to do state and national –

Commissioner McCown – no, I do state, I just do it at a different level; I don't go to Denver every Friday. I would live with \$5,000 per Commissioner.

Commissioner Houpt – and cut out the Pilt fund? Because you are not.

Commissioner McCown - \$5,000 is what we're allocated.

Commissioner Houpt – no we are not – we are allocating \$12,000 for John.

Chairman Martin – are you suggesting pulling out of CCI and Public Lands?

Commissioner Houpt – we don't have to pull out of CCI.

Commissioner McCown – I wouldn't support pulling out of public lands.

Chairman Martin – that's the only way that you can, public lands, we are second largest receiver of Pilt funds in the State of Colorado and you don't want to proceed with that discussion – that's \$1.100,000 million of Revenue coming into this County. We need to protect that and we got a \$300,000 increase by the work that we did, this is just for Garfield County that money is assessed if we have someone on that committee or not and if we utilize that ability to be on that committee then we need to do so, if there's any expenditure to Garfield County while doing that particular subcommittee, its reimbursable 100% - its still that \$6,000 will go away no matter what.

Commissioner Houpt – all a matter of semantics but what you two are saying is that John's work is more important than mine and I would love to hear what our constituents have to say about that and I would be willing to cut it down to \$7,000 but \$5,000 will not allow me to represent at the same level that another one of the County Commissioners is being allowed to represent this County and I don't believe that John's work is more important than mine. Commissioner McCown – now that's where you went wrong – you said representing the County. When we send John or we send you to a conference, you go with a policy that is supported by the County and that is by a majority of two Commissioners, or we don't sent you.

Commissioner Houpt – Larry, do you know what John brings forward every time, I don't/

Commissioner McCown – Yes I do.

Commissioner Houpt – well we don't have the discussion in public session do we?

Commissioner McCown – I've never been surprised by any of the results of his meetings.

Commissioner Houpt – have you been surprised by the results of mine?

Commissioner McCown – yes I have. I was surprised by the fact that you give absolutely no credibility to this Board deems as a majority decision. You totally lend no credibility to that, you go off on your own and you say that you have your own constituency that you represent and that's fine, but if there is a policy decision made by this Board and the majority votes for that policy decision, that is Garfield County's position.

Commissioner Houpt – and I do represent that and if I don't agree with that position, then what I represent is Garfield County's position and I say however, this is my position and I think that that is logical and fair and what we're charged to do as people who are elected to represent people within this county.

Commissioner McCown – I see it as a duplicating effort that if John is the chosen person to represent us on public lands and I serve on Northwest RAC and you serve on Rural Resort, when you go to Rural Resort and you

speak on behalf of the County, I don't have a problem with that. If you are carrying our philosophy forward if that's the majority of the Board. If I go to Associated Governments and I carry the philosophy that's the majority of this Board, I don't have a problem with John going to NACO and carrying forward the philosophy of this Board, but I see it as redundant if you are going to Rural Resort and giving a philosophy of this County and a policy we've adopted and I come along behind you and pay the same fee to enter that, well, that the majority of the Board, but I am representing a group of constituents that don't feel that way.

Commissioner Houpt – well with NACO you're only allowed to sit on one committee and I thought it was very important for us to have somebody on the energy, environment and land use committee because that is what is impacting this County.

Commissioner McCown – isn't that a sub-committee under public lands?

Commissioner Houpt – no, they're separate committees.

Chairman Martin – they're intertwined.

Commissioner McCown – the \$5,000 is what I'll support.

Commissioner Houpt – well I would come down to \$7,000 I think there's a real problem if we're going to start allowing other people to have more opportunity to represent than others.

Chairman Martin – I was happy with \$3,000, but I'll go with \$5,000.

Commissioner Houpt – so you get \$12,000 John – I would like to know what our constituents think about that kind of inequitable division of opportunity to represent.

Commissioner McCown – I don't know if you all look at it as an inequitable division or just a complete overspending on travel, if this Board spends \$30,000 a year traveling.

Chairman Martin – I think we need to cut it to \$3,000 to \$4,000.

Commissioner Houpt – it's a very small amount of money when you see what is accomplished and when you look at the ground of what've discussed today, we're putting \$260,000 into Fairgrounds which is find.

Chairman Martin – heritage of Garfield County and it needs to be preserved.

Commissioner Houpt – and the travel represent building the future – I don't like to waste my time being in meetings that are not meaningful and that's why these things exist – it's an economy of scale. Counties have a great deal more pull when they work together and that's why organizations like CCI and NACO exist.

Commissioner Houpt – to Patsy, apparently two of the Commissioners have decided okay to have levels of travel that are not equitable.

Chairman Martin – I do believe you are out of order; what it amounts to is its fair and equal and its consistent, it's \$15,000, \$5,000 for each receipts are required; if there's an expenditure above and beyond that we need to know about it.

Commissioner Houpt – and we're also going to pay the \$6,400 fee for to join CCI for Public lands; CCI is \$15,000.

Pasty clarified – she will put the \$15,000 in one line item or is this Board wanted her to take travel and travel related and attach a sub-account number to that and then attach \$5,000 to each sub-account.

Commissioners agreed.

ADJOURNMENT

Attest:

Chairman of the Board

NOVEMBER 14, 2005 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 1:00 A.M. on Monday, November 14, 2005 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 1:00 A.M.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Ray Pointer – Crystal Valley Trail – to the Commissioners, don't believe everything you hear about this trail. This trail is not a done deal. As a Pitkin County resident, this whole thing is not being reported. Some new information is bring brought forth to garner funds and it's a very intolerant situation to deal with. I'm not a wealthy second home owner and a lot of misinformation is being distributed. We support a trail in the Hwy 133 corridor as it provides a need but the cost estimates from \$10 a foot to \$80 a foot. Eagle County spent over \$100 a foot.

Eagle determined that trails only serve 1% –2 % for transportation. First phase – they are one mile short of the BRB Ranch where there is 442 acres of open space – they didn't own the land and this land if valued at \$6 million. They violated the charter and misappropriated funds and all sorts of weird land deals; spent \$23,000 cleaning up someone's property. He's been following it since 2002 and there's a campaign by the county to discrete the neighbors. County estates and claim denying access – on and on – petitions– some don't want it at all. The tree places they plan are affecting; Pitkin County has thrown away over \$6 million dollars. Be careful any about any decisions and make sure the information is accurate. Eagle's nest – closure during mating season – DOW said closure doesn't work – environmentalists are against this. Some want to urbanize the Crystal River Valley. A lot of conflicted formation.

Chairman Martin – stated he has been threatened by some citizen; there are interested property owner that owns ½ mile of the stretch of property in Garfield County where the trail is proposed. There's still a great deal of work to do and we need to find out the right solution. He said he appreciates Ray coming down and we need to continue finding

solutions. Ray said he has given all this information to all three newspapers but they have refused to print it. These trail folks purchased property fraudulently. The majority of those property owners, 70%, along the proposed trail would rather keep it within the Hwy 133 Corridor. He encouraged the Commissioners to work with CDOT and stay out of the critical habitat – the ways things have transpired, transportation is absurd. The first phase is stopping short of BRB Ranch and there have been several shady land deals. We find the information is inaccurate – it's for recreational – there is right of way on Hwy 133.

Chairman Martin – State Trails Commission on these short segments need to work with Mr. Dragon on this type of trail of segments from County to County and it's a challenge to the State Trails Commission on how to fund these trails.

COUNTY MANAGER UPDATE – ED GREEN

- ***Fair Board – applications from Jim Sheets, Caley Gredig, Mindy Castle, and Lenny Beaulieu – Jesse Smith***

Fair Board – three written and one verbal resignation.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve these appointments and also directed staff that a letter be drafted to those who resigned thanking them for their service.

In favor: Houpt – aye; Martin – aye; McCown – aye.

- ***Change the Name of the Building to County Administration***

Linda Morcom reported on the typestyle saying it is hard to identify from this list however, the range from is from \$1160 to \$1460 for letters and freight but not covering putting them up. The Contractor did it for us the first time.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the renaming the lettering from Courthouse Plaza to County Administration not to exceed \$1500 for that purpose. In favor: Houpt – aye; Martin – aye; McCown – aye

- ***RFTA – Bus Stop - Ironbridge***

Ed stated that during out budget discussions last week with Mr. Blankenship also addressed the Board and requested funds for a bus stop. And there's a letter he provided dated November 10th requesting those funds out of the special distribution.

Chairman Martin – Don Deford and Mark Bean who came up with the source of the money, it was from the Ironbridge Development and specifically allocated for RFTA.

Don has had discussions with Georgia about this – the actual Resolution is not really clear under what circumstances it is to be released – it is to be collected for RFTA for a capital project, the Resolution didn't actually say how it should be released, our feeling is that the Resolution was the Boards and the Board should authorize release, so what we're looking for is a motion authorizing the Chair to sign a Resolution authorizing release of funds collected for RFTA as part of the Ironbridge Subdivision process and to authorize that release on a continuing basis.

Commissioner Houpt so moved; Commissioner McCown seconded.

Chairman Martin stated that Dan was contacted by the Treasurer and he is very excited about getting the money already and hopefully this will be a positive vote for him.

In favor: Houpt – aye; Martin – aye; McCown – aye.

- ***3rd Floor Use of Space***

Lynn and Jesse discussed space and at this point the space on the 3rd floor is okay. Lynn made some additional changes and proposes to move one wall and to relocate the mail boxes. Tim, the architect and Lynn met and found a solution for the Fire Marshall by moving one piece of furniture and relocating the first aid kit. Lynn's staff is not always in the office, they are interacting with clients plus if we create a youth facility it would remove 3 people. If there were a demographic shift, Lynn is saying there would be 3 offices to spare and one already empty space so if it got crowded the SEP staff, who are a stand alone component, could move to Mountain View Building. She sees the ability to expand by 7 staff in the future.

The Board approved moving forward with the 4th floor remodeling.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice – two SIA – Ironbridge and Sun Meadows; enforcement of Mobile home Park; water quality control and CR 233 – Denise.

IRS Rules – Carolyn will prepare a memo to the BOCC and this will be on the agenda the first meeting in December.

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:

CR 233 –Don stated that it would be beneficial to obtain an evaluation and report from the County Surveyor and asked the Board to authorize the County Surveyor to file a written report evaluation both the records and plotting of the road, together with necessary expenses at a cost not to exceed \$10,000; this would be on the west side coming north.

As a back-up in case Scott couldn't get it done for 2 months, would like to use the former County Surveyor Sam Phelps since he did the south end of the same road.

Commissioner Houpt so moved; Commissioner McCown seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

COMMISSIONER REPORT

Commissioner Houpt – Tuesday – Denver - Blue Ribbon Housing met and they are working on recommendation; Thurs. Rural Resort and I-70 Coalition. Community Plan for Oil and Gas -Wed in Rifle and Thurs in Silt both starting at 6:30 p.m.

Commissioner McCown – last week met in Grand Junction – Northwest RAC – tour of the Gateway Resort. The group is hoping to interface with BLM and the Wilderness protection while utilizing BLM land and future plans for an educational resort facility. Gateway Resort is owned by an individual who owns the Learning Channel and he has a unique concept to utilize the area for educational purposes and to draw individuals to the area. The possibilities of

the values of combining BLM and private resources regarding trails and trail heads. Tues-the Sage Grouse meeting; Wed. - Wildlife Review in Rifle ie private Elk Hunting.

Chairman Martin – Employee of Road and Bridge Joe Erickson retired last Wednesday; met at 10 am with CDOT in reference to Referendum C and the windfall of \$7 million for transit. This area will receive \$2 million and requires \$200,000 as a match. The South Bridge Project was discussed and the cost of the bridge is \$12 million; intersection of Highway 82 – \$2 million and then the securing of the right of way – takes away all the TRP’s – met with Glenwood Springs. \$1 million from Allard; EIA is new money. They need 20% of the new money just to get started. All projects identified will go away – includes other TPR’s outside our area.

Commissioner Houpt –this does impact others – needs to continue to work with Glenwood Springs – \$2 million for EIA.

Commissioner Martin - City of Glenwood Springs has to fund it – time line to get it done is 4 years. Earmarked at \$6 million.

Soil Conservation Meeting – nice turnout – Greater Sage Grouse workshop at 6 pm November 14, 2005; Bobby Julick – Buffalo Valley on November 17.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Brooms Place Subdivision/Robin Fritzlan – Resolution of approval for the Preliminary Plan, authorize the Chair to sign.
- f. Springridge Reserve PUD – Authorize the Chair to sign the SIA and Final Plat for Phase II

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Consent Agenda Items a – f and authorize the Clerk to hold the final plat for Springridge until the County Surveyor signs; Houpt – aye; Martin – aye; McCown – aye.

REGULAR AGENDA

BOARD OF HEALTH IMMUNIZATION CONTRACT WITH CDPHE

Mary Meisner presented the task order dated October 7, 2005 with CDPHE – routing number 06-00144 for the period January 1, 2006 till December 31, 2006 for \$9,781.00 for the Immunization Contract and requested approval of the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve routing number 06-00144 for the period January 1, 2006 till December 31, 2006 for \$9,781.00 for the Immunization Contract. In favor: Houpt – aye; Martin – aye; McCown – aye.

BOARD OF HEALTH UPDATE

Methamphetamine Lab Clean Up Code - Memo from Mary regarding establishing a code for the County and take a pro-active role.

Carolyn and Mary have been meeting on this for a year and it is time to move forward and asked the Commissioners to approve time. The Code would look like – places a lot of responsibility on the homeowner. The County Attorney has a copy and Jan Shute sent out a memo and the western slope and Denver Metro has a code. El Paso and Morgan County and Broomfield have an informal process but are using the experts in the Health Department. A lot of infrastructure to look into. What’s the extent of the problem? Sheriff Lou Vallario was to be there. This involves houses that have been used to make Meth. Vehicles as well have been used to haul the materials.

The county can file something with the clerk that this house has been cleaned properly. Property owner’s responsibility and the County Commissioners are the verifier.

Jan – Weld, Arapahoe, Adams, Denver, Boulder and Jefferson County actually have the infrastructure in place to do the reviews. Morgan and Broomfield are relying on an industrial hygienist to file the immunity.

Commissioner McCown – is this state mandated. Jan said it is getting to where all the Counties will have to do it.

The Statute clearly identifies the property owner as the responsible party. It is very expensive to clean up.

Mary is looking for direction today to continue. The Board approved continuing with the code.

Flu Vaccination

20,800 doze of flu shots.

November 5th – Northwest Testing – Communication was tested

PUBLIC MEETINGS: GOCO CONTRACT - DISCUSSION OF- RANDY RUSSELL AND DON DEFORD

Randy presented the authorization for the Chair to sign the Great Outdoors Colorado Contract for Construction of the South Canyon (LoVa) Trail.

The contract with CDOT has been approved and signed on their end and they are issuing a Notice to Proceed.

Randy stated this is the final piece of the puzzle for putting funding for this project into place. He has worked with the Accounting Department to ensure that this account has the appropriate line items for tracking the match, revenue and expenditures. The \$50,000 contribution to this effort for 2005 will seed all initial activities this year. Funding is in place and/or authorized from all partners in this effort. Cash flow issues may require that the project be completed in 2007 but efforts will be undertaken by LoVa to seek additional funding or a float loan to assist in completing the project in 2006, at some significant savings for all concerned, if design and construction cost estimates and schedules warrant that, and it is possible to do that. We won’t know that until after preliminary design and construction staging is addressed by the consultants.

Don expressed there was still some risk and liability concerns and briefed the Commissioners on those.

Don reviewed those with the Board.

One of the tree issues is the inclusion of the provision related to license agreement. CDOT has indicated they will put language in related to notification of GOCO. Should the license be revoked, and no liability

Key issues – 6.7 provides the guarantee – that sentence limits your liability – ie. indemnification. – limit to fiscal year limitations.

Concept of your liability for breach – if you can’t fulfill your obligations to GoCo – if the grant has not fully been paid, GoCo can withhold payment of the grant. If you complete the project, all moneys paid and then go into breach – maintenance and or closures. GOCO’s remedy is to withhold other grants.

Don stated the Board is legally able to go forward but a sticking point is could GoCo seek reimbursement for the grant money already given. There is a general catch all remedy phase and it doesn't limit Go Co seeking those. Good communication is essential.

Cash flow limits – Randy Russell said some funding is coming in 2007 and they went back and moved some of the construction into 2007 and it solved the cost allocation problem.

Larry Dragon said the risks are small to the County. Hope to have action for them to proceed. Understand they are close to making a decision on the design and construction individuals.

A motion was made by Commisisoner Houpt to approve the contract between Garfield County and GOCO and authorize the Chair to sign. Commisisoner McCown seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

Randy commended District 3 CDOT staff for their cooperation on this.

WATER ISSUES – UPDATE – RICK LOFARO - Stream Health Initiative – the Nature Conservancy. USGS Rick Lofaro, Sharon Clark, Albert Slat, Janet were present.

Randy Russell submitted a letter of support for the Roaring Fork Conservancy's grant application for EPA 319 funding that is housed in and distributed by CDPHE.

The informational presentation is a yearly update on the water quality and quantity studies that we have funded for the past two years. Building and Planning has a \$20,000 line item to support these efforts this year and funding will be allocated to the Roaring Fork Conservancy, U.S. G.S. for their water data retrospective and Aspen Biological Laboratory for their Stream Reach Health Analysis.

Building and Planning has requested \$15,000 for this line item in 2006, reflecting the near completion of the U.S.G.S. retrospective which had received the largest funding allocation this year.

Power Point Presentation was given.

Request for a support letter for an EPA grant to bring in additional resources to support this. This would allocate \$8,000 to this project.

\$18 million provided to our local economy from Angling alone. Two seats to have filled and support letters inviting members. The request is to have a Letter of Support for the Grant Proposal submitted by the Roaring Fork Conservancy and authorize the Chair to sign the letter.

Commissioner McCown made a motion that we sign letter of support for the 319 Grant to the Roaring Fork Conservancy. Seconded by Commissioner Houpt.

In favor: Houpt – aye; Martin – aye; McCown – aye.

AFFORDABLE HOUSING PROJECT – KEATOR GROVE – SUSAN SHIRLEY

Susan Shirley, John Baker and Kay Phillips, Russ Crisewll and Genevieve Powell were present.

Narrative and Budget.

Mountain Regional Housing Corporation (MRHC), 326 Highway 133, Carbondale presented a summary describing Keator Grove, a 52 unit residential neighborhood planned for Carbondale. This is the first major development project for MRHC and came today to discuss how this project may provide a unique opportunity for the public sector motivated less by profit and more by the ability to create quality housing at an attainable price for valley residents in an excellent location.

The town of Carbondale Trustees agreed to consider fee waivers and/or deferral as their contribution to this project. Today, we are asking to discuss partner or participation options for Garfield County which could include one or a combination of the following:

- Outright grant
- Low to no interest loan with the land to be subordinated against any construction loans
- Pre-purchase of units
- Other

5.5 acres in the center of Carbondale – John Baker

Close to the entire necessary infrastructure to be affordable. Access through Hendrick Ranch. It's approved for 52 units, 16 units for multi family, and look at the project.

8 affordable deed restricted housing - time-line is critical – start construction in March/April – manufactured housing – with stips. \$30 a year for gas heat.

Susan – attempting to do something in this project with energy efficiency and apply for LEAP certification for this project.

Commissioner McCown – deed restrictions?

Susan – 100% deed restricted – required to be a unit – but no income restriction.

Discussion:

Commissioner McCown – can someone move into the home with no cap on the resale price. First time sale is affordable and from then on it's not.

Susan – a need for those who work in this part of the valley.

John Baker – for other developers – receiver site for Affordable Housing.

Houpt – restricting to homeowners - -

Russ Criswell – Trustee – Carbondale is enthusiastic about this project – all neighbors are behind this - we agreed is to accept housing litigation; how to make this affordable housing. Renting back has been discussed. Carbondale has donated the fees. Zero lot line on one side. A lot of amenities are next door.

Worked closely with Genevieve Powell – Garfield County Housing would do the deed restriction. They support this project – just seeing the support from Carbondale and Pitkin County – it will help fill the critical need for affordable housing. We will handle the deed restriction. 19 units in Garfield County so far.

Susan – what we're doing to help move this project forward – took over in August – Mercy Housing – Town of Carbondale has extended the request to file the PUD into May 06. A number of grants to support and buy down the cost for buyers. Working with CORE for energy saving appliances, high interest in taking on the construction financing.

Consider a grant of \$50,000 in pre=development – must go back to CDOT for reconfiguration and match the \$450 or more to help acquire this land. Would like help for this critical housing.

Commissioner Houpt – the unique opportunity if they strive to make it affordable. Most of the houses are free market. Colorado Affordable Housing Panel and major – how to bring local private and public together throughout

Colorado. High level of free market – the goal isn't to have affordability but to make sure we have that affordable housing in to the future.

Susan – it is our intention to have it 100% affordable.

Commissioner McCown – would this apply for CHAFA – would it qualify?

Genevieve, it's for rentals only.

The Need medium housing costs in Carbondale; the median cost in Carbondale is \$399,000 for housing. Entry level housing.

Russ Criswell – excludes large businesses from buying as second homes.

Request today - \$50,000 grant and pre-purchase housing.

John Barker – transition – it was primary rental – a tax credit project failed in Carbondale last year – this is to be flexible – 8 units – other affordable land outside Carbondale. Willing to take a look at different scenarios – lease/purchase for example.

Chairman Martin – questioned government loaning money. He asked Carolyn to look into this

Blue Creek was over \$200 a square foot – these are running over \$320 a square foot.

Commissioner Houpt supports the notion of partnerships but we need a better understanding how this will play out.

Final scope – Commissioner McCown said there are still a lot of balls up in the air; will these be deed restricted or free market.

100 deed restriction – yes. Part of what you see – holding back, land purchase - won't mind if that's a condition.

RE-1 school district – they will not sell their land – land swap was suggested.

Commissioner Houpt very interested but feels strongly about it being truly affordable housing – maintaining into the future. These are attainable but not many who would qualify including Carbondale and School Districts and property only for the very wealthy.

The Commissioners asked Susan to keep us in the loop.

Susan – 100% deed restricted.

Chairman Martin – need it to be 100% affordable.

Asking for \$1.5 million today and they need a commitment of participation from Garfield County. Pitkin County would be the other partner.

Value of the land should bear the equity for the banks to go forward.

Genevieve Powell – this is the type of housing traditionally for profit builders and the land price is so high that it drives the price of the units up. And that's why they're asking for grants.

Commissioner McCown – supports affordable or attainment housing – inviting the same from each county – non-profit developer is what is needed at this time in the valley. You need a funding mechanism – not depending on the government as your funding.

Susan – no assets – make less than 10% profit and it would be seed money for other. This project needs fairly fast help.

John Barker – takes a lot of time to get something like this going, they've spent over two and one-half years and this is the beginning.

Commissioner Houpt asked about the range that would help and can you put in writing what the ultimate project is going to be in terms of percentage of affordable housing; first I heard \$50,000 then \$500,000. Fronting the money is the big question. – need to get more information from the legal department.

Susan the request is \$50,000 grant in pre-development getting to us right of way and the remaining was loan, \$450,000.

Chairman Martin – that was my legal question, I don't know if we can loan it or not.

Susan – understand that may be a problem but yes we can put in writing.

Commissioner Houpt suggested getting information from our legal department and a better understanding of what the development will be. She supports the notion of getting this going in the region understanding Larry's concerns but the years that you have been the only game in town and she would not offer the same partnership to a private developer.

Chairman Martin – it is a development issue, a growth issue and its providing a development transfer rights from one county to another one, receiving those and releasing some of those other developers in the other counties to build projects otherwise that they couldn't – its many ramifications that we need to look at. Keep us in touch – it's a very intriguing idea to try and get it together but we need to hear from our legal staff.

Election - Voting Machine – Mildred asked the Board gave direction to go ahead.

The Board gave Mildred direction to go forward.

PUBLIC CITIZENS NOT ON THE AGENDA

Tim Thulson – Sun Meadows Estates LLC with regard to the propose to be moved to the end of the agenda; this has been discussed this matter with Tom Beard with regard to the Battlement Mesa application and he had no objection.

BIG R COMMERCIAL PARK SUBDIVISION – REQUEST A ONE-YEAR EXTENSION TO THE PRELIMINARY PLAN APPLICATION – FRED JARMAN

Fred Jarman, Carolyn Dahlgren, and Barbara L. Clifton for Bob Regulski were present.

This is a request is to grant a one-year extension for the Big R Commercial Park Subdivision.

The Board approved the Preliminary Plan on December 6, 2004 for the project located on the southern property line and County Road 221 on the northern property line for the 32.36 acre parcel in Silt. Due to some water issues, the request is made to extend this until December 6, 2006.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to grant the request and grant a one-year extension for the Big R Commercial Park Subdivision until December 6, 2006.

In favor: Houpt – aye; Martin – aye; McCown – aye.

IRONBRIDGE PUD

PHASE I IMPROVEMENTS – CONSIDER A REQUEST TO RELEASE FUNDS SECURED FOR SIA TIED TO THE IRONBRIDGE PUD – LB ROSE, APPLICANT – MARK BEAN

Mark Bean and Carolyn Dahlgren were present.

Mark requested to defer this to next week's meeting.

ZONING VIOLATION – ALLEGED LOTS 2 & 3, RIVER RIDGE PUD – MARK BEAN

Mark Bean - Attorney Barbara Kozelka, attorney for Karen Stowe sent a memo to the Board noting that the duplexes and storage structure had been removed. Staff inspected the site and determined that the structures are no longer in place. Ms. Stowe has complied with the agreement made previously with the Board.

PUBLIC HEARING:

PUBLIC HEARING:

BATTLEMENT MESA PUD – STONE QUARRY ROAD – PRELIMINARY PLAN TO SUBDIVIDE A 69.36 ACRE PARENT TRACT INTO 7 PARCELS. DEVELOPMENT PROPOSAL AT THIS TIME IS FOR A GAS STATION/CONVENIENCE STORE ON ONE OF THE COMMERCIAL ZONED LOTS.

APPLICANT: BATTLEMENT MESA PARTNERS – RICHARD WHEELER

Richard Wheeler, Carolyn Dahlgren, Debbie Dulley, Chris Cole of Balcomb and Green and Tom Beard were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard 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 Subdivision Regulations of 1984 as amended; Exhibit E – Garfield County Comprehensive Plan of 2000; Exhibit F – Staff Report dated 9-14-05; Exhibit G – application; Exhibit H – Ltr dated 8-29-05 from Town of Parachute; Exhibit I – Ltr dated 8-16-05 from GarCo Road and Bridge; Exhibit J – Memo dated 9-6-05 from Steve Anthony – GarCo Weed control; Exhibit K – Ltr dated 9-6-05 from Colorado Geological Survey; Exhibit L – Ltr dated 9-6-05 from Resource Engineering; Exhibit M – Memo dated 9-7-05 from Dan Cokley – SGM; Exhibit N – Ltr dated 9-8-05 from Grand Valley Fire Protection District; Exhibit O – Ltr dated 9-2-05 from the State Department of Water Resources (SDWR); Exhibit P – Application materials to SDWR dated 9-19-05; Exhibit Q – Ltr dated 11-7-05 from Wright Water Engineers; Exhibit R – Ltr dated 11-08-05 from the State Department of Water Resources.

Chairman Martin admitted Exhibits A – R into the record.

GENERAL PROJECT INFORMATION

Property Description: The 69.36 acre parent tract is located in the Battlement Mesa PUD on the east side of Stone Quarry Road and on the south side of Battlement Mesa Parkway. The property is a large vacant parcel of land. This preliminary plan is being submitted to create several large lots that will be separately developed in the future. The application is for seven parcels. Even though the application plans show six tracts, Tract 1 will have two lots. The parcel breakdown is as follows:

1. Tract 1 Lot 1 and 2 is 6 acres
2. Tract 2 is 25.68 acres
3. Tract 3 is 1.08 acres
4. Tract 4 is 11.42 acres
5. Tract 5 is 17.37 acres
6. Tract 6 is 7.09 acres

Proposed Use: At this time the only proposed use is for a service station and car wash on a Lot 1 of Tract 1.

Background: As part of the Battlement Mesa PUD the tracts have several different zoning designations and uses. Tract 6 is zoned "PSR" (Public Semi-Public Recreation) and will be used as a future park. Tract 3 is previously reserved as an Access and Utility Easement, although not yet platted as a ROW. Tract 2 is "LDR" (Low Density Residential). Tracts 4 and 5 are zoned "MDR" (Medium Density Residential). Tract 2, 4, and 5 will be further developed with specific lot layouts and uses. Tract 1 zoned "BC" (Business Center) will be partially developed for a gas station with the remainder to be developed in the future.

ADDITIONAL INFORMATION:

1. Protective Covenants, as amended are submitted with the application materials.
2. A phasing plan is not proposed at this time. When each one of the tracts is developed a phasing plan, if appropriate, will be submitted at the time of subdivision.
3. Each tract has access to a public right of way. Initially, Garfield County Road and Bridge Department had concerns with the exact location of ingress and egress for Battlement Parkway and Stone Quarry Road. After further review, Road and Bridge has issued Access Permits for this subdivision, specifically for the proposed gas station/convenience store (permit GRB05-D-98 and permit GRB05-D-97). It is staff's opinion that all access issues that were brought before the Planning Commission have been resolved.
4. A report submitted concerning geologic hazards recommends that a 25 foot setback be maintained from all structures built adjacent to steep slope escarpments.
5. No radiation hazards were identified on the site
6. A title commitment is included with the application materials.

SUPPLEMENTAL INFORMATION

Geology and Soils: A Soils report was submitted and possible problems were identified. This statement is from Resource Engineering: "Due to the widely varying site soil conditions, hydro compressive and expansive clays, we recommend that a plat note be added that requires all lots to have an individual site specific geotechnical study before a building permit."

Richard stated that Exhibits P, Q and R address access and water.

Access – the possibility of an intersection feeding up – there is a bank presently here. After further review, Road and Bridge issued two accesses to this Lot 1.

Letter from the Town of Parachute with regard to impacts to I-70 – Exhibit H and at this time these future tracts will be divided into a denser and the applicant can be required to pay road impact fees on those lots. The tract being developed is not subject to road impact fees.

Staff is carrying over the recommendations from the Planning commission.

PLANNING COMMISSION RECOMMENDATIONS: Planning Commission has recommended approval to the Board for the Preliminary Plan of Lots 5-1 and 5-2 of the Battlement Mesa PUD with the following conditions:

1. All representations of the applicant, either within the application or stated at the hearing before the County Planning Commissioners, shall be considered conditions of approval unless otherwise modified by the Board.
2. Access for the subject subdivision shall be in accordance with the Garfield County Road and Right-of-Way Use Regulations, including taking permitting issues to the BOCC, if necessary.
3. The applicant shall place 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. “No open hearth solid-fuel fireplaces will be allowed anywhere within the subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.”
 - 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.”
4. Due to possible soil and geological issues a plat note shall be placed on the final plat stating; “Foundations shall be site specific and engineered by a Professional Registered Engineer with the state of Colorado”.
5. A plat note shall be placed on the final plat stating; “25 foot setbacks shall be maintained from all structures built adjacent to steep slope escarpments”.
6. Prior to the Preliminary Plan Application going before the BOCC, the applicant shall address Exhibit “O”. Specifically the applicant shall pursuant to CRS §30-28-136(h)(II) file a report with Garfield County and the State Engineer documenting the amount of water which can be supplied to the proposed development without causing injury to existing water rights.

STAFF COMMENTS

The applicant has filed a report with the County and the State concerning the ability to adequately serve the development with water without causing any material injury to existing water rights. The State has issued a written opinion that the District does have adequate water to serve this development without causing material injury to existing water rights, see exhibit “R”.

Applicant: Tom Beard – a corner in the 1982 PUD – they have a customer who wants to build on this and purchased additional commercial land. It's a convenient store for the neighborhood.

Carolyn – current regulations – process is clear – there is no phasing plan and make sure the final plat has all these parcels on it – also construction drawings showing the accesses going off.

Debbie Dulley – final plat would be similar to what's being shown in the Power Point. The driveways to the church and fire station have been built. The easement for tract 1 Lots 1 and 2 will have a road easement.

Commissioner McCown – the developer only had an interest in Tract 1 but because of our current regulations they had to show the other tracts.

Tom – there was no phasing plan as it was intended to be built all at once. The difficulty is to have a PUD is to have some flexibility for future planning. The PUD is inflexible. Tract 6 was supposed to be an elementary school site and now it'll be turned into a large public park and they have to plat it as a park.

One other point – the Town of Parachute – form letter that is sent out. In a meeting where they held a meeting with CDOT and agreed to pay 25% of a study – to try and assist the Town in doing a study to show that the Battlement Mesa hasn't generated the problem. The last study was done in 1997. The Town Administrator stated they send it out just to keep track of the issue.

Don – to avoid issues at final plat, Debbie mentioned something that he hadn't seen on this plat and that is an access easement of Tract 1 to service Tract 1 and Tract 2.

Debbie – Lot 1 and Lot 2 will have a joint driveway, not Tract 1 and Tract 2. This is a private access easement.

Don – in terms of Tract, has any part of that been dedicated as a public road yet?

Debbie – it's a utility and access easement and he has not been platted.

Don – is the intent at some point to plat it as a public road? Or is it going to be a private road again.

Tom Beard – don't believe we can plat it as a public road for county ownership.

Don – if the Board will accept it you can. We need to talk about what the future of that is and not necessarily when,

not by date but in terms of the development, when that will be developed and when you will be securing the cost of that.

Tom – at such time that we can prove it necessary I believe – at this point and time, sometimes in large plans like this, roads are designed because they seem to make sense at the time; if a traffic engineer took a really good look at that section of road referred to as Tract 3, it pretty much goes in-between things and T- ins to a gravel sectioned road. It's probably best not to create a T-intersection like that. At such time that the traffic engineer says it needs to be created, there's an 18" or 20" water line existing in that road because the two parcels you see to the left of Tract 3 in bold on the south part, a little smaller on of the two is the actual pump station for Zone 8 pressure tank for the water system and the larger rectangular is a several million buried gallon water tank.

Don asked if these had been established as parcels for the metro-district.

Tom – yes they have and the water line runs in that alignment and goes out to East Battlement Parkway in Tract 3.

Don – that will have to stay as some type of utility corridor is not an access corridor then.

Tom – unless things change, with its intersection with CR 302, which is no longer though in traffic planning to be the best things to do with any volume of traffic is running it into a much smaller road, but we'll have to see what the traffic needs are at the time – there'll need to be some egress and ingress to the park, Tract 6.

Don – going to the northern part of Tract 3, is there a purpose in if not dedicating to the public, establishing that as public access at this time since it serves the fire station and the church already?

Debbie – it's established to some degree by exception because the parcels on either side of it have been platted.

Don pointed out that as a public road there are great liability advantages to having that dedicated and with the public using it, the owners of Battlement Mesa may want to consider that.

Tom – that may be a great suggestion.

Don said you may want to get at least to pass the Board's approval today so that you could go in and plat it that way if you wanted to. The rest of it is unbuildable as a parcel so you may want to set that aside as some type of a utility corridor but not dedicated as a road. Trying to clean this up a little bit so when we get the final plat there's some certainty to it.

Tom – due to the short time frame of this, is this something we can clean up when we final plat Tracts 2 and 6 once we decided what those uses were versus Tract 1.

Don – as part of a resubdivision process, I think so. You might want to indicate that as part of this final plat that it will be addressed at the resubdivision point.

Commissioner McCown – but you might want to address the short portion between the two lots on the north at the time you're doing this drive access if you will.

Carolyn – a question - offsite improvement that Richard mentioned at what the County Engineer said that there might have to be a cut in the middle of the road, the medium cut. If so the SIA would normally have you present security for that offsite improvement as well as the onsite improvement and wanted to clarify if that's something required.

Debbie – there will be a medium cut required for the Kum and Go Convenience Store in Battlement Parkway, I'm unclear since we're applying for a building permit for that property now, is the medium cut subject to the final plat or is part of the building permit.

Carolyn – not building permit, I don't think there's a way to do it in building permit.

Chairman Martin – access permit.

Debbie – we have it indicated on our access permit.

Commissioner McCown – that's where it should be.

Debbie – There is no bond.

Carolyn – we will have to reference those road permits in the SIA Debbie and Chris.

Debbie – is there an SIA required if that public improvement is part of the access permit?

Carolyn – not if it has already been included in that.

Debbie – it has been.

Carolyn – okay.

Chairman Martin – access permit with no bond.

Carolyn – so there's actually not going to be any public improvements here unless you decide to dedicate the north end of Tract 3 at this point and time.

Chairman Martin – as a public access.

Commissioner McCown – why would that require public improvement if it donated in its present condition to the driveway.

Carolyn – it's the only public improvement, it already exists however, I'm just trying to think out what's going to have to be in the SIA because it sounds like for Lots 1 & 2 there are no public improvements, there's going to be a private drive and private utility.

Debbie – because the driveway in Tract 3 already exists there would be no public improvements required.

Carolyn – right.

Richard – concerning Tract 5 is the proposed access going to be a private shared access to Tract 4 or will that be something to the south of CR 302?

Tom – don't know.

Richard – so access to Lot 5 hasn't been determined yet.

Debbie – not determined yet. No site plan. It's bordered on two side by County Roads and most probably the access would come thru Tract 4 but not site plan so we haven't determined exactly how that will be done.

Don – minor but there needs to be approval of Tract 5 and needs to be made subject to the attainment of an approved access permit from Road and Bridge Department – they'll deal with site line and appropriate improvements.

Commissioner McCown – Item Number 2 under the Planning Commission Recommendation satisfy your needs?

Don – no staff report –

Commissioner McCown – “access for subject subdivision shall be in accordance with the Garfield County right of way use regulation including taking permitting issues to the BOCC if necessary.” Doesn't this subdivision in fact include all 6 Tracts?

Don – actually there are 7 because Tract 1 is being split into 2. You're also approving 2 lots so you're approving 7

parcels but getting back to your question, I think it does with one exception that north end of Tract 3 is a bit odd and it should be dealt with specifically.

Commissioner McCown – more concerned about Don’s question on Tract 5.

Don – yes, the answer to that is yes.

Carolyn – under state law we have to show each and every lot has access to a public right of way.

It does, on both sides.

Chairman Martin – just that there isn’t a drive-way cut that would have to be filed for an access permit.

Staff recommends the Board approve the proposed Preliminary Plan with conditions 1 -5 as made by the Planning Commissioner.

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

In favor: Houpt – aye; Martin – aye; McCown – aye.

A motion was made by Commissioner McCown we approve the Preliminary Plan for Lots 5-1 and 5-2 of the Battlement Mesa PUD with the conditions noted by the Planning Commission some of which have already been answered including No. 7 to include the access to the small lots that have already been platted at the north end of Tract 2 and Tract 6 addressing that access at the time of final plat. Commissioner Houpt seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

SUN MEADOWS ESTATES, LLC – AMEND THE SUBDIVISION IMPROVEMENTS AGREEMENT – APPLICANT – SUN MEADOWS LLC. – MARK BEAN

Tim Thulson, Mark Bean, Fred Cooke, and Gregory S. Forbes were present.

This was continued from a previous meeting held on October 3, 2005 at which time the amendments were discussed and provisions of an amended SIA.

History – we’ve had a number of problems with this project 1) midway through the CDOT application at Ukele – and Miller – challenge and improvement not done by the original SIA and has now expired; challenge to get the improvement done or bonded to get CEO’s. 2) Challenges – the releases under the letter of credit – actual costs were used and letter drawn down more that was appropriate - \$188,000 left.

3) SIA – basic framework – outstanding issues 1) had to do a new traffic study and have been done – we believe we have some answers but not CDOT confirmation we have a solution; what we’ve done – go back and recalculate their numbers – estimates – shows \$667,613 outstanding that needs to be done. That only allocated \$188,000 for intersection. Reissue a new letter of credit - \$667,613 less what we can get your approval on.

With regard to the next challenge – no construction releases and to address the contingent Ukele Lane, subject put up two lots under the escrow - \$280,000 total value; draw downs from Alpine Bank but the \$188,000 remain – under the Amended SIA we would be all lowed to obtain CEO and the primary reason – can’t continue with sales in case of all the planning didn’t work out. Long and short - \$188,000 to do the roadway improvement and offering to bump this up by \$280,000 for the land.

Study that we received last Thursday night - Fred explained where we are with CDOT.

Handout

Update – 1st segment of the lots on Antonelli Lane – improved and a 5 item punch list. 2nd - Antonelli Lane – asphalt mat installed and some drainage improvement to be done – Xcel with pole holding – problem with Xcel – all materials on site – that will complete the improvement for 2005 for Antonelli – putting a final road in Spring.

Last – final phase - 12 lots south of Antonelli land – wet utilities, talking about scheduling the dry utilities – Fed or March – after the road base in – cant’ be done until Xcel completes the pole installation.

Improvements on Hwy 6 & 24 – inform from Traffic Study – they clearly feel no improvements are needed at Ukele Lane – still need approval from CDOT – surety lane – estimated at \$75 – 80,000 in improvements.

Improvements a Miller Lane would go to 6 & 24 intersections. East bound deceleration lane is warranted and needed without Sun Meadows – safety stopping in a road in the turning of cars

The other point he brought up is westbound right deceleration lane will be needed – in review of the potential of those two improvement – based on existing ror that both those improvements can be made with one caveat – right deceleration - a 4-foot shoulder – traffic study will not be required – also stated off of Miller onto 6 & 24 – recommended. Not enough right of way – traffic engineer has recommended it be installed.

Tim – incorporated – full blown interchange – Railroad right of way – license – get some transfer from Union Pacific – better working with Department of Defense. So what we’re proposing is what can be done. Big issues is the 1) security; 2) County take lots; 3) CEO’s and building permits prior to all improvements.

Commissioner Discussion

Under old SIA – estimated costs per Tim - \$677,000 would bring up the improvements.

Fred Cooke – estimated cost of 6 & 24 improvements. Ukele – \$65-\$70,000. Estimated at \$200,000-\$240,000 and to do the improvements – \$325,000 – \$350,000 and pledging security of \$480,000

Don – value of those lots – Tim will get those appraisals in the next couple days.

Commissioner McCown – are there going to be improvements at Ukele Lane – let permit lapse next March. Unless CDOT buys off – permit lapses – traffic problem back– needs CDOT to sign off that no improvements are needed. Traffic study takes in, need Dan Roussin to submit like a waiver to acknowledge – avoid a later date coming back.

Don – Miller Lane – when to State for approval.

Fred – once determined when required – 1st traffic study to CDOT. They tell us and then construction drawings – 90 to 120 days.

Don – may come back with needing the full interchange.

Tim - \$468,000 is the limit.

Don – can you go to a 3rd lot?

Fred Cooke – Bank formulas – they can't do a 3rd lot. As they build and sell they could. Could hold off on sales of 12 lots south until we've determined along 6 & 24 what is needed and put up additional security.

Commissioner Houpt – makes sense holding off on a certain portion of it anyway.

Fred Cooke – one other option worth entertaining – what's going to be required and costs – make cash in lieu of those payments.

Tim Thulson – really minimizes to withhold and make no sale on those 12 lots. Nothing of real clarity from CDOT. Traffic study immediately to CDOT. 120 days is optimistic.

Additional topic – Dec 1 – CO's issued.

Fred – two houses complete and two more shortly after.

Don – other issues are Miller and Ukele.

Fred – put the final lift on Antonelli - install all dry utilities – Xcel to put in the dry utilities – sub and main base on the road until they do those improvements.

Tim – as an additional provision, not enter into a contract for sales until approval from CDOT.

Don – fundamental of Subdivision. Lots of North of Antonelli – functional lots at that point. Lots in escrow – the north of Antonelli – when will those be ready for construction?

Fred – end of April 2006.

Don – what we're holding – 2 lots plus \$188,000 in security and additionally hold security until improvements are done.

Commissioner McCown – seems pretty secure – public perception – and allowing them to go forward.

Commissioner Houpt – asphalt mat, has it alleviated the problems? Antonelli Lane – Marvin has stated it is acceptable – temporary stripping – two bids in to do it.

Commissioner McCown – ride ability – unevenness between the seams and corrugates from a smaller lay-down machine if you will, it doesn't have the ability to lay a level course so the machine that comes in after this will have to have the ability to be layered so that it will fill the voids and still guarantee a 2 inch surface in the skinny areas if you will but to fill in those areas that happen to be low giving a level surface. This does not create a safety issue, just quality.

Don – Is there a possibility though that we would have to have security to rebuild the road that's already there?

Commissioner McCown – we've completely satisfied in talking with Marvin with the sub-grade, the structure, the quality of the base paving coat – that can be cured with the overlay – don't anticipate it having it rebuilt.

Fred Cooke – the original requirement was to put down 2" of asphalt in the spring, we're going to be putting a 3" mat to be laid down at that time. And also understanding that this time of year it was extremely difficult to find anyone whatsoever to get to pave the road and were lucky to get any kind of a mat on it.

Don – to the Board, if you go forward as requested by the applicant, what you're giving up right now is essentially the right to vacate the plat as it applies to the entire subdivision. That's a drastic remedy but is– it is a remedy that would alleviate the impact concerns of the subdivision because obviously it would not be developed as originally proposed. It has the obvious devastating impact on the developer and people who may potentially live in that subdivision someday. But it is your ultimate remedy because of the other side of this if the County's faced, as Commissioner McCown said, adequate security, short of vacating the plat you do not have adequate security in place to complete the improvement that you originally required. So the County has that risk that you have to be concerned with today also.

Mark – do we have the right to vacate that section south of Antonelli lane still?

Don – yes, and the consent to vacate the plat is still there but once this agreement is restructured I'm anticipating that the developer will meet the markers set out in the proposal and have in place a design and security and completed improvements in a manner they haven't been able to achieve so far.

Tim – and under the amendment, the County would retain all the rights that have been held in escrow.

Don – the major concern in this is the intersection with Miller Lane and that the County would have to end up having to construct that intersection with inadequate funds.

Mildred – had a call saying out of state vehicles were working on this road.

Chairman Martin – make sure all contractors are licensed in the State.

Commissioner McCown – as a point of clarification, if we approve this SIA today, basically the one before us is not much use as far as specificity.

Don – the existing was expired and we're doing a new agreement; we'll start from scratch on it. The existing one is an outline to provide you with an idea of what we're thinking about. Tim and the developer have laid out their concept and some answers to questions for the Board and Don that will give you an idea of what we're looking at in the SIA and we need an indication from the BOCC if the concept will meet your concerns, if they do not then effectively this Subdivision is at halt until something else is developed. If you do believe these concepts are adequate, please indicate that to us and then we will be back with a detailed draft.

Commissioner McCown – everyone's best interest to work together. It wouldn't be wise for us to put the plat given the investment that has been made, a partially completed road, a partially built subdivision, and folks wanting to move in to homes, I don't think that would benefit anyone. The \$468,000 in security and Don will work out on how the lots are going to be transferred to the County or held as security.

Tim – we would deposit those into escrow immediately with the signing of the SIA so the County would have deeds held in escrow and if we violate that SIA, then you go to Title Company and say they violated and they'll give the County the deed.

Commissioner McCown – that would be fine, but I would also like in the SIA the stipulation that should the intersection at Miller Lane and 6 & 24 exceed the \$468,000 that the developer would still be responsible for those improvements, the County would assist in the acquisition of right of way possibly but I think that particular improvement still needs to be born by the developers.

Commissioner Houpt – agreed, and would like to see formal appraisals of those lots.

Tim will work on the SIA with the amendments discussed today and bring it back to the Board.

Commissioner McCown – mentioned the Coal Ridge High School and how they obtained some railroad right-of-way, they worked on it for 5-years which is not uncommon but hope that we don't have to encroach on railro

Don – what about Issuance of CO's?

Commissioner McCown – this has to be a part of this to make rest of the dominos stand up; I think we have to allow it; I would not be in favor of selling any further lots on the south side of Antonelli Lane until all improvements are completed, or at least until it's determined that adequate security is available for all improvements that are required. Tim – we're talking notice to proceeds with engineered drawings?

Yes.

Commissioner Houpt – asked to see a time line on this as well; concerned about a greater problem being created if more lots are allowed to be developed and sold.

Commissioner McCown – they can sell lots without building permits and without those and CO's they can't create to the problem.

Fred – conditions they are dealing with regarding right of way and we will move forward as expeditiously with the work but if run into obstacles whereby we're having to acquire right of ways or property, whatever that is, it could significantly delay the work of the project. We'd ask the understanding on the Board and we would put adequate surety in place to make sure the cost of all the improvements we're doing would be covered.

Don – The SIA we would require adequate security and if that's in place then we issue Building permits but not CO until the improvements are in place and would anticipate that would be here and we have a time-line to complete improvements and I would suggest that we put end of 2006 as that time period including Miller Lane and Antonelli Lane if needed and then if that can't be done, if there's something that unavoidable for the developer they can always come back to the Board and ask and that's happened frequently also.

This was acceptable by all three members and Don and Tim will come back with a draft of the SIA.

CMC TRAVELER – VEHICLE REPACEMENT

Ed Green – CMC Traveler – anticipating purchasing a bus in 2006 and asking us to participate for seed money - \$8500 new money – they need a match.

Commissioner McCown made a motion to approve the 20% not to exceed \$8540 for the CMC Traveler.

Commissioner Houpt seconded. Ed they are trading in and this is helping upgrade their fleet.

Outside the Human Services Grant – this will come out of the general fund.

Nothing out of the human services grants.

In favor: Houpt – aye; McCown – aye; Martin – aye

Attest:

Chairman of the Board

NOVEMBER 21, 2005 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 1:00 A.M. on Monday, November 21, 2005, 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

Residents Committee - Missouri Heights Water Users Alliance

David Miler, Don Edmonds, Becky Chase and 2 other residents from the Missouri Heights area were present. David explained to the Commissioners that the residents of Missouri Heights had recently developed the Missouri Heights Water Users Alliance, formed to become involved in assisting with the Comprehensive Plan for Study Area I. This came about with the development of the 94 units for Hunt Ranch. This was the catalyst however; it goes further in that they would like to be a part of the development that is sure to follow this Ranch in more development. Missouri Heights sits on a high mesa and the water is limited. They would need staff's help in developing the methodologies and asked direction from the Board. Come back with a Master Plan to keep ahead. They said they would be interested in a Citizen Advisory Committee and if the BOCC would support it.

Chairman Martin informed Dave that this was good timing because the Comp Plan is on the County's strategic planning agenda. This is also part of the Planning Commission and referenced that Mark Bean the Building and Planning Director would be the contact person.

Commissioner McCown – asked if someone in the group had the technical knowledge since their technical name contained "water".

David stated that they do have.

Chairman Martin noted that the current Master Plan does speak to this but it needs to be updated.

Crystal Valley Trail

Kim Stacy asked the Commissioner to reconsider the Crystal Valley Trail commitment. She alluded to the number of residents who would use trails as an alternative means of transportation and highlighted the school bus route where kids could use the trail for transportation. There is a great need in the entire valley for non-motorized pathways in the valley. With the increase in traffic it is hard to get from one place to another. She stated that the 3 mile segment of trail that would be in Garfield County would mean the trail from Carbondale to where Pitkin County starts would mean an on and off highway for this portion. This is very dangerous.

Chairman Martin – noted the CDOT right of way license to be able to do something is a difficult process and one that can be revoked. At the present time the Commissioners have been working with the LoVa trail from New Castle

to Glenwood and it has taken a lot of time to get this far in that process. Also you have land owners who own property where the trail has been proposed and that is another issue. He assured Kim that the Board will continue to work with these individuals.

Commissioner Houpt – would like to find a way where Garfield County can support it.

Russ Criswell – Carbondale – on the same topic, he asked the Commissioner to reconsider the Crystal River Trail. He especially would like the Commissioner to agree a partnership at least; his interest is in obtaining a state grant and it is essential to have the County part of the team effort. RFTA is working on state grants and Carbondale is spending money as well as Pitkin County.

Commissioner McCown said given the interest we hear from the trail groups, it is time for the trail group to develop a mechanism County-wide to look at a budget source perhaps a County-wide district. He suggested taking it to the people and seeing if they are they ready to fund trails. It's time for the folks to come up with a compatible agreement and see if it's in time to fund trails. We don't have earmarked funds for trails and recreation. Our contributions come out of the general fund and would love to see you have a designated fund with a specified amount of tax and then the groups could do with it as they wish.

Russ stated this is a great idea. He knows it would be a long process and we are dealing with Pitkin County – they don't believe in long process and they have the money.

Executive Session – Don DeFord requested a brief session to provide the Board with legal advice on the awarding of this contract.

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

Don requested that Jeff, Tim and Mark, Ed, Clerk, the Board and legal participate in the session.

Commissioner McCown moved to come out of Executive Session. Commissioner Houpt seconded. Motion carried. This issue was postponed until 10:15 a.m.; staff needs to make a phone call.

COUNTY MANAGER UPDATE – ED GREEN

- ***Trails – Award Contract for LOVA Trail – Jeff Nelson***

Jeff Nelson and Tim Arnett presented the contract.

The purpose of the request for proposal (RFP) was to obtain letters of qualification and a proposal in the form of a written response from consultants who are interested in performing design/engineering, project coordination and construction management in accordance with agreements between CDOT, Garfield County, Lower Valley Trail Way (LoVa) and GOCO for a pedestrian trail.

A selection process and criteria has been developed worth 200 points total. The evaluation committee is comprised of representatives from the project partnership of LoVa, Garfield County Engineering Dept, and Garfield County Planning Department.

Summarized the details and Jeff stated they all favored the award go to Schmueser Gordon Meyer for only Phase I Design, Engineering, and Construction Management. This needs to be clear because there is an alternate bid in there that they had given us for Phase II. That amount of \$243,000 of services. That is his request to the Board that contract be approved. Tim clarified that this would be all for the 2005 budget and the rest would be in the 2006 budget. The request was to authorize the Chair to sign based on the current criteria after the County receives the approval of CDOT.

Commissioner Houpt made a motion to go forward and that we award the contract to SGM for Phase I for design, engineering and construction management of the LoVa Trail contingent on provision in our current contract with CDOT that the provision for the criteria be allowed in the review process in an amount for 2005 for \$23,000 .

Commissioner McCown seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye.

- ***Maintenance – Replace two hot water supply pumps and install variable frequency drives – Richard Alary***

Tim Arnett and Richard Alary presented the situation to the Board stating that one of the hot water supply pumps for the Courthouse is making a lot of noise and Tim and Richard have discussed this. They went out for bid to replace the two pumps in the Courthouse boiler. But in the in-term one of them has started banging, making a lot of noise and we're pulling air to the 4th floor and Richard has been trying to vent it. Tim talked to dealers to see which one could get us one. The only one we found was Climate Control and it's going to be like 3 weeks but the rest of them are February and March to get them here. Richard said if it goes out we have no heat for the Courthouse. We're looking at \$21,000 to get them here as soon as we can. This also includes BFE's, which will extend the life of the pumps. It starts them slower and cuts them down slower. They have to make them because they don't stock these pumps. They have the pump part they just don't have the motors and they have to make the motors. Tim will work on the shipping and get them here as soon as possible. The ones we have are 22 years old.

The Commissioners suggested getting three in order to have a back-up pump.

Commissioner McCown made a motion to purchase 3 of these units, one motor for a spare since the pumps are on purchase as 3 units.

Richard said after 9-11 companies don't stock, they build them to suit or to sell when you ask for it.

Commissioner Houpt – seconded. If the air shipping is huge, ship one via ground and two via air.

In favor: Houpt – aye; McCown – aye; Martin – aye.

- ***Airport – Contract approval – 404 Permit – Peter Muller***

Peter Muller, Brain Condie and Don DeFord were present.

This is Release to Contract No. 5 between Olsson Associates and the Garfield County Board of Commissioners.

This is to modify the Professional Services Contract to include architectural, engineering and/or planning consultant services with the associated fees, regarding Runway Reconstruction – Preliminary Engineering for 404 Permit.

Item No. 4 – Upgrade Runway 8/26 to ARC D-III

Item No. 6 - Extend Parallel Taxiway

The estimated construction cost of the work covered by Task 1 is \$17,038,100 for the Conceptual Design.

The estimated construction cost of the work covered by Task 2 is \$4,571,000 for the 404 Permit.

A complete breakdown of the expenses related to Task 1 and Task 2 were included in the contract.

When we gave the information for the packets we had not met with the FAA yet so we couldn't get you all of the information. The most important thing was how we are going to fund this. We did get this settled Thursday afternoon and Brian gave a brief overview of the steps that led up this and then turn the time over to Peter. We got the runway realignment approved so the EA is ready to kick off and we have funding for that. In discussing that we needed a 404 Wetlands Permit from the Corp of Engineers and then a 50% engineering work done on the affected area to complete the EA and that's where this proposal came in. When we talked to the FAA on Thursday the main thing we addressed was the funding and we've got an application for a grant of \$400,000 that we all agreed on and it will be two years of our entitlement money, 2006 – 2007 and then they will make up the other \$100,000, they hadn't quite figured out where they will get this money but will work on it and pull it from different areas. So the Grant Application for \$400,000 which I will submit and then we'll get that back as soon as we can and then I'll be asking for a supplemental to the budget of the \$400,000 which \$20,000 will be the County's portion of that. Once we get that funding source, Patsy told Brian he can put that into the same line item with EA and we can move forward with this project. Once the EA is done if they find something significant then we'll have to do an EIS which could take from two to ten years. If they don't find anything they have a finding on non-significant impact, then we can proceed with our scheduled Airport Operations.

Brian is hopeful this will happen within weeks, the President will hopefully sign the Bill within the next couple days which authorizes the funding and as soon as they get that the FAA will get us the grant offer and we'll bring it for signature and we're good to go.

Commissioner McCown asked if we could put the \$20,000 in the 2006 budget it would eliminate the need for a supplement or anything like that, it would be plugged into the 2006 budget.

Peter – as we're starting now, by the end of the year we would have spent \$70,000 on surveying and engineering, the rest will carry on through 2006. Some of it may go into 2007.

Ed – you only need a small portion of the \$20,000 in 2005?

Jesse – if you take the \$70,000 as a percent of the total cost and take that percent times the \$20,000, that's what you need in this year's budget.

Don – you cannot award a contract for 2006 until you appropriate those funds through the 2006 budget, you won't do that until the end of this year, so right now you can go forward on the 2005 portion of this, we run into this and more often rather than less often on these split year contracts. I think we need to award for the work done this year in anticipating of renewing it in 2006 for the remainder of the agreement.

Brian said he has the portion of the \$20,000 in his budget because the EA has taken off so late, they will not spend all the money, so we do have it in there if we can pull it out of that line item.

Jesse asked Brian to get the budget numbers into Patsy so she can budget them in before December 15.

Don DeFord – remember at the last meeting at the budget renewal to bring in this contract so that as soon as the money is appropriated for 2006, the Board can sign the contract and you will be ready to go for 2006. Don stated he has in front of him a contract for 2005 and that needs to be renewed in 2006.

Peter explained the meeting with the FAA, he thought it was very positive and they are very supportive of everything we are doing. Everything is starting to come together now. We had the FAA representative from their department that puts in instrument landing systems and we discussed with him getting the FAA to actually give you a new ILS without going through convoluted process where we put in the ILS and then the FAA reimburses us and they are doing it directly hopefully because we started enough ahead of time so along with this project you should be a brand new ILS that's owned and operated and maintained by the FAA which will be great. The other thing at the time of our meeting we were concerned about the FAA budget being renewed, the money has been authorized years ago but every year they have to re-appropriate it, the Senate passed the Appropriations Bill on Friday, the House has already passed it, that's after Conference Committee so it's a done deal and all we're waiting on is the President to sign it. Peter acknowledged that he can say no but not in a case like this where the Senate passed it unanimously, it's a Transportation Bill for highways, not just airports.

Our Engineering Agreement with the County, just so the BOCC has a comfort level from the cost standpoint, the FAA requires Brian to obtain a second bid and analysis of that cost and Kingdom Business Services which specializes in doing these FAA project and Peter saw our scope of work, they came up with an estimate of \$320,000 for the work that our contract if \$289,000 so we were about 8% - 9% lower and Brian and I sat down and went item by item to make sure things weren't out of whack in places and yes there are little differences but everything is pretty consistent throughout.

Ed – Brian and I have had this conversation and I know you're not subject to procurement rules because this falls under the auspices of FAA grant process but do you ever get audited rates for your organization?

Peter said that Olsson has ordered the rates, yes.

Ed – and do those audited rates align with what's in the process.

Peter – yes.

Ed requested a copy of that at some time.

Peter agreed to provide that.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that we approve the Release to Contract No. 5 between Olsson Associates and the Garfield County Board of Commissioners and that would include the 404 Permit and some other work that's going to be taken place prior to the end of the year.

Don – that's for work to be performed in the year 2005.

Some language was needed to be added. It will be modified and Don has a copy of it already. The changes are going to be more extensive and we'll redraft this.

Peter asked if Don could send him the changes, he will work on setting up a new contract.

Mildred has one.

But this is going to change.

Mr. DeFord will be in charge of changing the contract.

In favor: Houpt – aye; McCown – aye; Martin – aye.

- ***County Benefits - CCOERA Retirement Plan and Trust Agreement Amendment and Restatement – Judy Osman***

Judy Osman requested this be dropped from the Agenda. Ed said they will do this in two segments – January to January – approve in December continuance the existing arrangement and then approve the changes in July. Choices available were within the document presented.

The CCOERA Retirement Plan and Trust Agreement Amendment and Restatement were prepared by Holland & Hart, LLP, Attorneys at Law. The plan was amended and restated effective as of July 1, 2004.

Silt Negotiations – Ed needs in Executive Session

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice - Legal for the Water Quality Control Commissioner in Jan; Mineral Impact Funds and DOLA and the DDA litigation – law office from Englewood – John Hier – Trail and Negotiations with Silt

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.

COMMISSIONER REPORT 10-43

Commissioner Houpt – Last week – Blue Ribbon Housing – gate update; Rural Resort I-70 on Thursday and they talked about the agenda for 2006 and moving forward with the I-70 Coalition and putting together a report for the other BOCC members. This will be an extensive report. Community Plan meeting for Antero and Silt Community members. A very impressive plan and committed to moving forward – setting a new bar – very impressed with those who worked on this project. Next week is the CCI Conference in Colorado Springs. Attended the Water Conservancy District dinner Friday and it was very educational.

Jesse attended the Antero Community meeting in Rifle and they're moving to buy into this model.

Commissioner McCown – Rifle Middle School – Federal Mineral Leasing – 10 am – Sage Grouse meeting at Rifle Fire house Tuesday evening.

Chairman Martin – presented the plaque for Bobby Julick last Saturday at the Buffalo. Watershed meeting on December 2, 2005; need to put someone on the round table.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers - remove
- d) Changes to Prior Warrant Lists

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

Recall Election – District Attorney – Close the Clerk's Office Except for Election- December 13, 2005

Mildred requested the Board's approval to close her office except for election on December 13, 2005. The next couple of weeks she anticipates a huge number of people requesting absentee ballots. She will post and publish notice of the closure.

HUMAN SERVICES COMMISSION

Jenny Lindsay, Roaring Fork RE1 representative for the Health and Human Services Commission and this is the Education presentation for that committee. Also represent the Roaring Fork Family Resource Centers and will tell you quickly that the mission of the center is to connect families, schools and communities to improve student health and academic achievement. They served 1209 directly in 2005 and 4,853 clients indirectly in school wide projects, we made 10,000 contracts on behalf of those clients, 71% of the clients served directly were residents of Garfield County, that 844 clients. 99% of the clients were connected with the services they needed and thank you for your support over the years. Flyers for the Commissioners were presented.

Dr. Fred Wall, Roaring Fork School District Superintendent gave the update on the construction projects. The new Glenwood Springs High School starts in January and be completed in December 2007

Fred is retiring and criteria is on a nation-wide search for his position. It will be open in February 2006 and completed in March 2006 to start in July of 2006.

Commissioner Houpt – very excited to see the projects begin and appreciate Fred Walls service throughout the years that he has been the Superintendent for all these years.

Teresa Hamilton – RE-2 – report to the Community – copies – for 2005 and the report covers 2004.

Demographically – over 4,000 students based on October counts and funding is based 4023 students and since then has already added 25 students. Just finished the 2001 bond and opened Coal Ridge High School and with mill levy passing reduced the size of students in classes.

Modular buildings at Wamsley Elementary in Rifle. Huge enrollment in Kindergarten this year. Facility Needs Committee to address the growth – evaluation of growth projects – Randy Russell provided to them the statistics.

Background – intense year – standards based education – support students and focus on the work for their kids.

Power indicators – standards of education. Teachers are passionate about their jobs. Same standards for each school.

Accountability of teachers – baselines set. Met these levels of proficiency.

After school programs – 21st Century Grant to add assistance at Wamsley Elementary. 3A's – fall championships – hard work shows the leadership of their school board – 2 FAA received national proficiency at the High School.

Ends at 11:45 a.m.

Houpt – exciting things in the County.

Carolyn Tucker from CMC – developed to survey the community to asset the needs. GED's and ESL and continuing education for teachers, legal and medical are doing some programs. Educate professional here at home.

Work force trends – in the County – labor shortage and a skills shortage – perfect storm – projecting 5 – 10 years and from a work force keeping an eye on what the businesses need. Construction – retail with basic skills. Internship projects – plumbing and construction – office jobs – graphic or office management. Mentor and have bodies to place.

Also working with Work Force Centers to identify job applicants and get those enrolled in special classes – as oil and gas – ¾ of time – trained over 700 on basic OSHA – first aid, defensive, service of hours log book, need to raise the safety level in the fields. Energy provider education – overseeing new technology. Fill the higher tech jobs. Joel Jorway – program coordinator. When the field ends the drilling phase, see some higher level computer based and get programs going to fill those positions.

Exciting – west side with a nice partnership with Garfield #16 – Parachute – educational facility – most oil and gas facility for education. EMT –

Spanish for transits – developed with RFTA, CMC, difficult in speaking – transit issues – across the nation.

Cautiously optimistic for about 10,000 copies. Came out of Garfield County bus has legs across the nation.

Commissioner Houpt – very exciting that CMC has developed new programs.

Chairman Martin – appreciate the work being done in the educational field.

BOARD OF SOCIAL SERVICES

Lynn Renick was present.

EBT/EFT DISBURSEMENTS FOR OCTOBER 2005 - APPROVAL

For the month of October 2005, client and provider disbursements for allocated programs totaled \$254,370.23. Food assistance and LEAP assistance totaled October 2005. A grand total of \$403,238.91 is the amount of request to approve.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the client and provider disbursements for October 2005 for October 2005; In favor: Houpt – aye; McCown – aye; Martin - aye

SUBSIDIZED ADOPTION CONTRACT APPROVAL

Lynn requested consideration and approval for a subsidized adoption contract in the not to exceed amount of \$14,760 for ID number, Y948589.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approval for a subsidized adoption contract in the not to exceed amount of \$14,760 for ID number, Y948589.

In favor: Houpt – aye; McCown – aye; Martin - aye

COLORADO WORKS PLAN – CONSIDERATION AND APPROVAL

Trish Murray, Lynn Renick and Renee Horton were present.

Lynn requested consideration and approval of Garfield County's updated Colorado Works (TANF) plan. A short video presentation highlighting the LINK/Gateway Program put together by CMC was shown.

Works participation rate the state requires, and if not met some possible sanctions.

Started in 1980. Education and training are the only links to get people off welfare and financial independent.

The Link and Gateway programs were the focus.

Lori Mueller is the director of the Link Program. Once they understand they are the people in the driver's seat, they change direction. After 6 weeks they have confidence and taking the next step is the best part.

Powerful presentation.

Evaluation from a National group – contract with HUD was included and they were really impressed with what has been accomplished.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Colorado Works Program. In favor: Houpt – aye; McCown – aye; Martin - aye

PROGRAM UPDATES

Lynn submitted all the program updates for the Board's review and gave highlights on:

Substance Abuse Prevention Program

November 8, 2005 – Substance Abuse Prevention Program evaluation with 19 attending. Everyone was positive with going forward in trying to develop this program and there will be a follow-up meeting.

New Manager

Carrie Habern resigned as Child Care Program Manager taking some time off. Dana Domm will take over.

Child Welfare In-Home and Improvement Plan – Annual review in October and had the summary presented.

Overall exceeding the State in performance in program provider programs.

Standards – July 1, 2006 – Sex Offender Management – Teenager Sex Offenders

New standards are coming forth.

VALLEY VIEW HOSPITAL MASTER PLAN UPDATE – MIKE BILES

Mike Biles, Mark Gould and Gary Brewer were present.

Power Point Presentation- Update

A Master Plan regarding the various phases and floor levels of the Hospital were submitted.

New plan – a Helicopter Heli-stop to pick up patients is planned for one of the Phases.

Gary Brewer mentioned the signage at the Blake Street Entrance and will submit a signage application but just wanted to advise the Board of their plans since the County owns the property and understand that he will have to bring it back to the Commissioners.

From a regional stand point they have plans to begin cauterizations immediately at VVH even though you have to transport to St. Mary's or Denver for surgery.

Mark Gould – Chairman of the Board – looking at what Mike and Gary have done they are pleased, and we are planning for the future. Strategically between Grand Junction and Denver and VVH is giving first rate health care. Plans for the signs will be forthcoming next year.

Gary – our goal for the long term is to talk to the Commissioners about the Mountain Valley Building and get the County better space for Public Health.

Radiation and Cancer Center – free standing outpatient center is one thought for the Mountain Valley Building.

Could put 250 beds with an expansion – city allowed them to go up.

Chairman Martin - Preservation of historical buildings; keep that in mind but also utilize the building.

GARFIELD COUNTY SERVICES CENTER - ANNUAL MEETING-- MILDRED ALSDORF

Mildred Alsdorf presented. This is for the Taughenbaugh Building but since the Board is in the process of selling the building how would you like to handle this. The group is still incorporated. Does the Board want to get a Chairman? The Corporation needs to consummate the sale.

Commissioner McCown – can see the need for the Corporation but if the building is free and clear why would we need it.

Don – not formed for financing; the building is condominiumized and controlled and until that building goes out of existence the Corporation owns it. This may have been deeded to this corporation. Don't like an outside agency being the owner of the building. The empty building is the property of Garfield County.

Don will confirm – until then maintain the corporation. Don will know by the 30th of the month

Officers – John Martin, Chairman and Larry McCown – vice Chairman.

Dissolve this corporation. File with Secretary of State or otherwise it will cost more to do it later.

Commissioner McCown made a motion to keep the corporation with existing the officers until the County Attorney can confirm if this is needed. Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

Mildred submitted the deed to the Taughenbaugh Building to the Commissioners. The deed shows it is in the ownership of the Board of County Commissioners.

Ed mentioned the arrangements for Community Assessment to be held in Rifle, Silt and Parachute – Feb 28 – March 2 2006 – outcome specific objectives of employment.

BUILDING AND PLANNING - IRONBRIDGE - ROSE RANCH –CONSIDER A REQUEST TO RELEASE FUNDS SECURED FOR SUBDIVISION IMPROVEMENTS AGREEMENT TIED TO THE PUD PHASE I IMPROVEMENTS – APPLICANT: LB ROSE RANCH, LLC – MARK BEAN

Mark Bean presented the amended SIA to release funds.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize the Chair to sign the acknowledgement of satisfaction for \$360,407.41.

Commissioner McCown – the estimate on the sidewalks was \$112,408.

Mark stated there was some remaining for vegetation along with this.

Houpt – aye; McCown – aye; Martin- aye

BUILDING AND PLANNING - #10 ENTERPRISES, LLC – HIGH LONESOME LODGE SPECIAL USE PERMIT - CONSIDER WHETHER OR NOT TO REFER AN APPLICATION FOR A SPECIAL USE PERMIT FOR A RESORT TO THE PLANNING COMMISSION – MARK BEAN

Mark Bean submitted a memo to the Board explaining the background of this request. The owner of the High Lonesome Lodge northwest of DeBeque in the Dry Fork drainage is proposing to develop a resort facility to house up to 35 guests for big game and small game hunting and for fishing on their approximately 13,000 acre ranch. The area northwest of DeBeque is a relatively isolated area of the County and all the proposed activities would occur on the applicant's property.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that the BOCC hear this application.

In favor: Houpt – aye; McCown – aye; Martin- aye

BUILDING AND PLANNING – SUN MEADOWS ESTATES SUBDIVISION – CONSIDER A REQUEST FOR A SUBDIVISION IMPROVEMENTS AGREEMENT – MARK BEAN

Mark Bean, Tim Thulson, Gregory Shanner, Engineer and Don DeFord along with Fred Cooke the owner/developer of Sun Meadows amply discussed this issue at the November 14, 2005 meeting and the Board outlined the conditions for this Letter of Credit now before the Board that includes a sum of credit from the original SIA \$188,000 to do the roadway improvement and offering to bump this \$280,000 land; also restriction on lot sales; and two lots held in escrow deeded to the County.

Tim reviewed the document in detail and stated they are looking for authorization for the Chair to sign it and giving it to the Clerk with instructions to hold it until posting of security.

This is an entirely new SIA in the fact that the old SIA has expired. This one replaces the old SIA.

The exhibits were attached.

Ukele Lane and Miller Lane at 6 & 24.

Traffic study – Ukele – new traffic study show the intersection doesn't need to be improved. They will be required to do both if they do not receive confirmation of this from CDOT.

Estimated 667,713 for improvements – Exhibit D – certified cost by High County and they will post a letter of credit in this amount together with lots 9 and 10 of the development.

The appraisal from the \$100,000 for the lots – 2004 and they had represented \$140,000. The supplement of \$80,000 will be committed or another lot bringing it up to \$300,000.

Cost of the interchange, par 3c – notice to proceed and certified cost if exceeds they will post additional security at that time. This will allow the sale of lots at Antonelli Lane and CO's as long as they are in conformance but will not restrict the sale of lots south of Antonelli Lane until such time as we either complete the improvements at the interchanges or through registered certification with a registered engineer certify that what we have securing those improvement are more than adequate enough to complete.

Don – page 8 paragraphs 7 & 8 – Tim's last comments.

Don – given the appraisal, under par 3c on pg 5 – the appropriate time to judge security is when we obtain the cost for the intersection, they are proposing to post security – letter of credit – hold off on judgment until you see the cost estimates as there may not need to be any additional security. On the letter of credit – it will work – seek release down to the \$188,000 for construction of intersection and will not be released and tracked this time against the engineer's costs.

Tim did amend the agreement where the write downs - percentage on the actual costs.

The owner does appreciate the BOCC's consideration.

Chairman Martin – good compromise.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the SIA with Sun Meadows LLC. In favor: Houpt – aye; McCown – aye; Martin – aye.

Don will review prior to the Board's signature.

PUBLIC HEARING: BUILDING AND PLANNING – WEAVER, THELMA ESTATE – CONSIDER A REQUEST TO REZONE PARCELS 1 & 2 OF THE WEAVER EXEMPTION FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY (ARRD) AND COMMERCIAL GENERAL (CG) TO LIGHT INDUSTRIAL (LI) – FRED JARMAN

Fred Jarman, Jan Shute, Mr. Weaver, Steve Carter and Mr. Stuver were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. The Airport Land Partners address was not changed. Steve Carter stated the Assessor's records show Suite 300 of 109 8th Street, Glenwood Springs, CO. Posting was on CR 352 approximately October 12, 2005. She advised the Board 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 of 1978 as amended; Exhibit D –Application materials; Exhibit E – Staff Memorandum; Exhibit F – PUD Zoning Map for Airport Industrial Park PUD; and Exhibit G – Letter to Losella Duran and Claudia Weaver from Stuver, LeMoine, and Clifton dated 11-3-05. Chairman Martin entered Exhibits A – G into the record.

This is a request to rezone Parcels 1 & 2 of the J. W. Weaver Exemption from AG/R/RD and CG to LI.

These parcels are the result of an approval by the Board in April 1994 created from a 25.90-acre parcel also formerly created by the Larry Amaya Exemption approved by the Board in 1991. Subsequently in October 1994, the Board approved a rezoning of Parcel 2 from ARRD to CG, Parcel 1 was not rezoned and remains in the ARRD zone district today.

Regarding the surrounding zoning, the parcels are surrounded on the west and north sides by the Airport Industrial Park (AIPPUD), which was rezoned from ARRD to AIPPUD in 1976 and has been revised and amended several times. Parcel 2 was rezoned from ARRD to CG in 1994 to allow the owner to construct mini storage units.

Photos were submitted. A number of significant power lines cross the property.

Add the Staff Summary:

As discussed before, staff notes that the rezoning of this property will create non-conforming uses. By that act, the future owner of Parcels 1 & 2 in whoever configuration shall need to understand that there cannot be any increase in the non-conforming use or structure. However, in light of the foregoing and the fact that the proposed rezoning conflicts with the Com Plan, staff find that 1) due to the location of the property such that it lies directly adjacent to property in the Airport Industrial Park PUD which represented allows for industrial and commercial uses, 2) the existence of significant power lines on the property that render the property less desirable for residential development and 3) the recent nearby industrial improvements including the County Road and Bridge Facility and improvements at the County Airport there has been enough of a change in the conditions of the neighborhood that support the requested zone change from ARRD and CG to LI.

Planning Commissioner Recommendation

On November 9, 2005 the Planning Commissioner recommended by a vote of 4 – 0 that the Board of County Commissioners approve the request to rezone Parcels 1 and 2 of the Weaver Exemption from CG and ARRD to LI.

Steve Carter – the planning staff has reviewed this accurately and the power lines are remarkable powerful and are unsuitable for any uses other than what is being contemplated.

Commissioner McCown – no permanent structures can be built

Tom Stuver – doesn't affect existing structures but an overall height of structures and does affect new structures.

Commissioner McCown – according to WAPA instructions, no structures, and a parking lot.

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 to rezone parcels 1 & 2 of the Weaver Exemption from agricultural residential rural density and commercial general to light industrial.

In favor: Houpt – aye; Martin – aye; McCown – aye.

BUILDING AND PLANNING – ELDER, EDDIE AND DENISE – CONSIDER A REQUEST FOR A ZONE DISTRICT AMENDMENT TO CHANGE THE CURRENT ZONING FOR PARCEL B OF THE AMAYA/MADRID EXEMPTION FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY (ARRD) AND COMMERCIAL GENERAL (CG) TO LIGHT INDUSTRIAL (LI) – RICHARD WHEELER

Richard Wheeler, Jan Shute, Eddie and Denise Elder and Barbara LeMoine and Tom Stuver, LeMoine & Clifton, PC. were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 – Staff Report dated 11-21-2005; and Exhibit G - Application materials; Chairman Martin entered Exhibits A – G into the record.

Richard presented a power point presentation.

Richard stated this is The request is to rezone the subject property from ARRD (Agriculture Residential Rural Density) to LI (Light Industrial) at property of 15 acres located at 1156 CR 352 Rifle, Colorado

The approximate location of the Elder property is shown on the map, south of CR 352. To the east, south and west is property zoned ARRD. Even though not shown on the zoning map, the property to the north is zoned CG.

The applicant is requesting to rezone their property from ARRD to LI. This request is based on the applicants desire to use the property in a way that would be more conducive to the surrounding activities in the area.

CURRENT PROPERTY USE

Currently there is one single family home on the property. There is also a large power line that could affect the ability to use the property to its fullest as a residential property. The applicants are proposing specific uses for the property that would not be allowed in the ARRD zone. However, the BOCC will need to consider all uses by right, conditional uses, special uses and performance standards in the proposed LI zone, when making a recommendation. Listed below are the uses allowed in the surrounding zone districts.

Airport Industrial Park PUD

The Airport Industrial Park PUD (AIPPUD) was originally zoned in 1976 and covers a land area of approximately 1400 acres. The uses allowed in the PUD include residential (single-family to mobile home park), commercial (convenience retail to office), and Industrial uses. More specifically, the area in the PUD which is adjacent to Parcels 1 and 2 is designated as the Mamm Creek Industrial Park which contemplates “Commercial Airport Service (C/AS) & Industrial General Service (I/GS).” The uses specifically contemplated in these zones are listed here:

Commercial Airport Service (C/AS)

Airport, hotel, motel, lodging facilities with associated business and incidental uses, all conducted within the principal building as required to serve the principal facility including but not limited to restaurant, coffee shop, cocktail lounge, car rental, indoor amusement business, gift shop; airport terminal operation facilities; parking lots; Flight School; Aircraft service business; aircraft repair and sales; and other air transportation oriented commercial businesses, including professional offices, car rental, and servicing

Industrial General Service (I/GS)

Offices for conducting business including commercial, professional, manufacturing; research and light manufacturing; wholesale business, sales and/ or warehousing; warehousing; storage; general contracting facilities including offices, shops, and yards; and commodity manufactured and/ or fabricated.

Conditional Uses: include plant for fabrication of goods from processed natural resources; and

Special Uses: include Plant for processing natural resources and / or agricultural materials.

Public Administration/Facilities (PA/F) Zone District

Permitted Uses: Public Administration facilities/buildings, Road & Bridge Administration, Operations and Storage facilities, Corrections facilities, Community corrections facilities, Publicly Owned Communications facilities, Public Utilities, Single Family and Multi-family housing for persons employed in any of the previous uses by right.

STAFF COMMENTS

The applicants have submitted a traffic study dated July 27th, 2003. The study conducted by High Country Engineering shows the amount of daily vehicle trips per day are 4. This trip generation number is based on the Saturday or weekend ITE Trip Generation Standard. This was used as the applicant’s state the property is used on a seasonal basis. The study further shows the proposed use for the property will create a total of 88 trips per day. The applicant claims the proposed use will add less than 10% to the overall traffic on CR 352.

Should the property be rezoned, there will be a non-conforming single family residence on site. The applicant will not be able to increase this non-conforming use under the LI Zone unless there is a special use permit issued in conjunction with a mini storage or storage facility. The non-conformance through rezoning is allowed through §7.00 of the Garfield County Zoning Resolution.

STAFF RECOMMENDATION

Staff finds that due to the location of the property such that it lies adjacent to property in the Airport Industrial Park PUD Zone and Commercial General Zone, which presently allow industrial and commercial uses have affected the subject property. The existence of significant power lines and associated health risks render the property unsuitable for residential development. And the recent nearby industrial improvements including the County Road and Bridge Facility and improvements at the County Airport have changed the conditions of the neighborhood that support the requested zone change from ARRD and LI. The residential use of the property will become a non conforming use upon changing the zone district to LI.

PLANNING COMMISSION RECOMMENDATION

On November 9th, Planning Commission voted unanimously to recommend approval to the board for the rezone request of ARRD to LI.

Richard informed the Board that there was

Exhibit F – Application photos of the signage.

Chairman Martin entered

Tom Stuver requested that the materials of the Weaver Property also be admitted as an Exhibit.

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 zone district amendment to change the current zoning for Parcel B of the Amaya/Madrid Exemption from ARRD AND LI Light Industrial In favor: Houpt – aye; Martin – aye; McCown – aye.

PUBLIC MEETING:

BUILDING AND PLANNING – BLOCK, CARLA – CONSIDER A REQUEST TO AMEND THE FINAL PLAT OF UP CATTLE CREEK SUBDIVISION TO INCREASE THE OVERALL BUILDING ENVELOPE FOR LOT 11 – RICHARD WHEELER

Richard Wheeler, Don DeFord and Carla Block were present.

Chairman Martin swore in the speakers.

Amended Plat located at the end of Cactus Flats Road, Lot 11 Up Cattle Creek Subdivision on 4.44 Acres zoned ARRD.

Description of the Proposal: Final Plat of the “Up Cattle Creek Subdivision” was recorded on May, 1972. At the time of recording, the plat reflected home site locations as circles on each parcel. Typically, home site locations specific to the subdivision will be shown as building envelopes with specific dimensions. The circles were not legally described or given any measurable size. A rough estimation by staff shows the existing building circle to be approximately 65’ in diameter. The applicant is proposing a diameter of approximately 115’. The proposed building circle would completely encompass the old circle with the increase in size affecting the south, west, and east portions.

There was a residence on the property that was destroyed by fire. The current owner purchased the property after the home was destroyed. It is the owner's intention to build a residence on the property in approximately the same location. Due to the small size of the former residence, geographic features, and septic concerns the applicant is proposing to increase the building "circle".

A letter dated October 10, 2005 from the Up Cattle Creek HOA has been submitted with the application materials. This letter is in support of the applicants request stating that the HOA sees no issues with visual impacts or negative property values.

The proposed increase in size will satisfy all Garfield County zoning and subdivision requirements specific to the ARRD Zone. Additionally, all setback requirements in relation to property lines will be met.

STAFF RECOMMENDATION

The Applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, Staff recommends the Board of County Commissioners, pursuant to §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. All plat notes from the original Final Plat of the Up Cattle Creek Subdivision shall be shown or referenced on this amended plat.
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, at a minimum, the information outlined in Section 5:22 of the Garfield County Subdivision Regulations.

Applicant – Richard covered everything.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended plat amendments with the 3 conditions in the staff report. In favor: Houpt – aye; Martin – aye; McCown – aye.

**BUILDING AND PLANNING - TRAVELERS HIGHLANDS SUBDIVISION – HARLAN MCELROY –
CONSIDER A REQUEST TO AMEND THE FINAL PLAT – RICHARD WHEELER**

Richard Wheeler, Don DeFord and Terry Kirk for Harlan McElroy were present.

BACKGROUND AND DESCRIPTION OF THE PROPOSAL

Terry Kirk, property located Southwest of Parachute Lots 7&18 Block 11 Travelers Highlands size of 10,000 Sq. Ft. zoned CL. Richard submitted the letter stating that Terry Kirk has authorization to represent Harlan McElroy.

The applicant is requesting to combine lots 7 & 18 (each lot is 5,000 sq. ft.) into one lot. This request will meet the required minimum lot size and setbacks for the underlying zone. Additionally, the request will help facilitate separation requirements for a septic system. The minimum lot size in the CL (Commercial Limited) zone is 7, 500 sq. ft. For this lot the setbacks are as follows:

- a. Front: 25'
- b. Rear: 7.5' Commercial, 25' Residential
- c. Side: 10' or ½ the principle building height – whichever is greater

Staff Comments

The proposal is relocating two or less property lines common to two properties, allowing the board to approve the request at a public meeting. The applicant's request will help eliminate two non-conforming lots. The proposed amended plat will conform to all applicable dimensional requirements of the CL zone with respect to lot size and setbacks. Additionally, the larger lot will facilitate the use of an ISDS.

STAFF RECOMMENDATION

The Applicant has provided all required documentation and has satisfied the applicable standards for a plat amendment. Therefore, Staff recommends the Board of County Commissioners, pursuant to §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. All plat notes from the original Final Plat of the Travelers Highlands Subdivision shall be shown or referenced on this amended plat.
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, at a minimum, the information outlined in Section 5:22 of the Garfield County Subdivision Regulations.

A fleet approach to do these all at once

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amended final plat to combine lots 17 and 18 with the 3 conditions as recommended by staff.

In favor: Houpt – aye; Martin – aye; McCown – aye.

ADJOURNMENT

Attest:

Chairman of the Board

The regular meeting of the Board of County Commissioners began at 1:00 A.M. on Wednesday, December 5, 2005, 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 1:00 A.M.

COUNTY MANAGER UPDATE – ED GREEN

- ***Energy Advisory Board Presentation – Harlan Hanson***

Harlan Hanson presented a report and updated on the Energy Advisory Board giving the accomplishments. He highlighted the one thing that he considers outstanding, which is that now the landowners and industry people are talking to each other, civilly. He gave kudos to Doug Dennison on the great job he did. Harlan is serving on the evaluation board and is impressed with the resumes of those who have applied to fill the position. He suggested that the new liaison become the new Chair and that they have two vice chairs. Education has been essential; Heidi Reed reported \$130,000 for DeBeque in loss of severance tax dollars and they were unable to make up the deficit. Oxy, Williams and EnCana pledged the \$130,000 to make up the deficit. He thanked the Board for everything they have done.

Chairman Martin – confirmed that Harlan will continue to assist the Commissioners in the interim and also work with the newly elected chair and co-chair.

The Western Land Corporation is on hold.

Four finalists and interviews will be held on December 13, 2005.

Jesse expanded on the DeBeque situation, in 2004 there was a two fold Ballot Question and they are in budget crunch to fund the Fire District – the vote was a two-part vote and the financing wasn't approved.

- ***Human Resources – PDO Buy-out – Patsy Hernandez***

Pasty stated that last year the Board approved a 40% pay off for those who had too many hours to carry forward into a new year. The last few years it has proven successful. Judy and Pasty presented.

Pasty asked 1) the requirement now is that an employee must take 3 weeks to be eligible for the payout.

Judy – explained – employee – if they quit – they get it all, and if someone stays – seems discriminatory. A plan that's not consistent – anytime they quit and are beyond their accrual, they are paid for all their vacation.

They can use it or lose it – we allow people to accrue over the maximum.

Pasty was in favor of not forcing people to take the 3 weeks vacation. Some simply cannot get away in order to take this much time off.

We used to stop accruing at the maximum amount.

Recommendation is to cap the accrual. Also, once you reach your maximum, you accrue it at 40%.

Ed – the reason – senior level employees are receiving 1 –2 days a month. The payouts are working, 10 people is all that this applies to.

The Board was interested in looking at options to make changes in the plan and asked staff to come back to them with some options. We have a maximum accrual and if you go over, you lose it. People need to take time away from their jobs.

Ed said the policy we have now is working. By forcing them to take the 3 weeks, we are implementing a policy that people need to take time away from their jobs.

Pasty and Judy will work on the options and bring them to the Board.

Tresi – bigger problem with those you will not have time to vacation. Hopefully they will come up with more creative solutions.

Commissioner McCown – before December 1st next year he wants to see the cost on the options and provided this as direction to the staff to spent time working with the numbers.

Don DeFord – suggest the change of policy should take place as soon as possible.

- ✓ ***Insurance – CCOERA Participation Agreement – Judy Osman***

Carolyn – discussion last week – administration is to keep the COHERA until July 1, 2006 and then consider some changes. Option to allow people to make loans against their retirement and vesting schedules – standard paper to keep the plan as it is, with the Board .5% contribution.

Carolyn was requested to bring this back to the board after some more research is completed.

Commissioner Houpt made a motion to authorize the Chair to CCOERA form to keep things the way they are.

Commissioner McCown seconded the motion. In favor: Houpt – aye; McCown – aye; Martin - aye

- ***Weed Management – Request for release of weed-cost-share funds – Steve Anthony***

Steve presented the request to release \$25,000 budged in the Vegetation Management Department budget for 2005 to the Gar-Pit Association of Conservation Districts for cost share.

Steve explained that in 2005 the program provided for reimbursement of materials only and the increase in participation was 75%.

Commissioner McCown is concerned about the acreage that is served by this program. He suggested going back to the two cycles.

A grant of \$10,000 was received from the State of Colorado's Noxious Weed Fund.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the request.

In favor: Houpt – aye; Martin – aye; McCown -aye.

- ***Budget – Supplemental Budget Request for Hydrogeological Study – Jesse Smith***

Jesse stated URS was awarded the bid. The first draft of the study is close to being completed and anticipates this in February. The indication is they will come back for an extension. They are near the maximum amount of the award and expect a \$20,000 to - \$30,000. It needs to be put into the 2006 budget if they Board wants to add more funds. This would totally be for 2006 and presented to the Board in 2006 for end of Phase I.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to increase the 2006 by \$22,000 for an amended project costs for Phase I. In favor: Houpt – aye; McCown – aye; Martin – aye.

Electric Power at Harvey Gap

Commissioner McCown received a call from an individual complaining about service on one of our transmission sites being down and this is site we are charging individuals for service and I asked Dale what the possibilities were on solar equipment, whatever to keep that site up and running if we're going to charge people to use it.

Dale Hancock – for background, this was before the Board in 2004 and advised you that the electric poser at the Harvey Gap communication Site was suspect at best and we had some concerns about creating a fire hazard up there and Dale had requested during the budget process about \$120,000 to redo an electric line up there and the Board's position was at that time was to try some alternative energy sources so we went with a solar site. We had \$35,000 in the budget to pull it off and the total came to \$34,740.00. It went on-line in November 2004 and in 2004 who we had up there was an EMS repeater, a Road and Bridge repeater, and a repeater used by Questar Pipeline company. Questar put in their solar source for there and are not a part of our system. In the subsequent time we picked a wireless internet service provider and in 2005 the system worked very well with the exception of about 10 days where we had no sun and so we experienced some down time. This year what has happened is, there has been rain and freezing rain and then it stayed cold and it hasn't allowed sun to melt so the solar cells can't recharge adequately. We dispatched an engineer up there last week who managed to put an extension cord on it so that you can use the generator to recharge. Dale has also talked to the other users of the site, Silt Ambulance and Road and Bridge and they're not experiencing any communication problems with that site. It appears to be confined to the Internet provider that's experiencing the difficulty. If we want to increase our solar capacity up there we would be looking at about \$8,000 to pick up another 8 panels and 8 batteries. The other option would be to go with a propane generator and we could realize that at about a \$5,000 deal.

Discussion:

The local internet server is out of Silt with 110 customers and they're sited both on Harvey Gap and at Anvil Points. Commissioner McCown suggested was to see if the Internet company is willing to add a wind generator or add more solar panels and it would be there's and they would take it with them when they left and/or when they broke, they would fix them.

Dale – or if we fully develop that site over time because of growth at the west end of the County and eventually brought electricity there would be a new discussion.

There's language in the contract that identifies improvements made to the site and how it would be pro-rated back to the mutual benefit of the users.

Commissioner McCown – proportioned if they couldn't afford the \$120,000 for the line either which would be the ultimate.

Dale talked about wind because it's even more reasonable as far as a cost option, but what he was told was there's not enough wind on that hill to do it. There are small wind generators and it's under \$2,000. A Wind Generator was discussed and Dale thinks they may have money in the budget. This was decided as the best option to see how the solar panels and wind generator would work with each other.

COUNTY SHERIFF

Jail numbers today – total of 155 and Lou said it's been running around this number over the last 30 days. 5 that are ICE holds only waiting to be picked up and 45 off those 156 have ICE detainees as a general population. Again that seems to be fairly consistent, it's running somewhere between 25 and 30 percent and is consistent with other jails.

We are looking at is notifying ICE on people being brought in initially is some criteria; most of these folks have felony violations. 4 are Municipal holds. Criminal impersonations are a big part of this and with the ID theft is a big part of that. New laws are being passed as well. We only have 5 waiting for DOC and there hasn't been a problem. With Referendum C passing there won't be as much concern about running out of per diem funds and paying us – that was one of the positives that came out of Referendum C.

For the first time in many years a disturbance in the jail last week and it was referred to everything from a riot to a disagreement. It was limited to max and the inmates were in their cells and upset over classification; someone got upset. As a result there are 4 cert people were on duty and the Glenwood Springs came to assist. They flooded a cell. One by one they were taken down to holding cells were they're not waiting to go to DOC. It was a very isolated situation.

Courthouse security is in and still making adjustments; wait till the first of the year to do the remainder. Couple of attorney's disgruntled over the security. They are using the system to train and work out the bugs. Probation is pleased.

Probation is happy about the new security system. The only concern is the boxes from Federal Express/UPS and the like.

Lou said they will need to assess where the boxes are going, which entrance they are currently using. He will meet with Richard Alary to better determine what needs to be done.

The County Attorney's office is working with Mary on the Meth Lab issue

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; update on Oil and Gas Commission and Water Quality Commission

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 action needed.

Resolution – Jim Evans – Service for Associated Governments

Commissioner McCown made a motion to authorize the Chair to sign the Resolution commemorating the service of Jim Evans for the past 24 years as Associated Governments Director and that Mildred would seal and certify the letter and he would present Thursday at the Associated Governments meeting. Commissioner Houpt seconded; motion carried.

COMMISSIONER REPORT

Commissioner Houpt – Ruedi water and power authority meeting on Thursday and an I-70 Coalition meeting on Friday.

Commissioner McCown – Wed. Northwest Oil and Gas from 10 – 2:30 at the Fairgrounds Activity Building. Groundbreaking at the Airport site for CMC from 2:30 – 4; Thursday, Associated Governments from 10 – 2:30 at the Fiesta Guadalajara – Jim Evans official final meeting; Friday – Bus dedication at 1:00 at CMC for their new traveler.

Chairman Martin – Watershed meeting on Friday the 2nd and discussed the participation in the watershed, the study of the Roaring Fork Valley and putting a coalition together, it's still the spin off from the Sonora Institute that Randy and John attended; looking at putting the study together, why and who its important to and that will come back to the Board via Randy. Also a conservation with Eagle County Commissioners and agreed our planning staffs need to get together on planning issues on a common border starting with Missouri Heights and there seems to be a lot of growing pressure on both sides of the Counties and they would like us to do that and if we can ask Mr. Bean to contact his counter staff they would be very willing to get together after the first of the year. And if that is successful I also had a conversation with Rio Blanco County Commissioners and they've requested the same. They're hurting for money and do not have the directors and staff and they're struggling so that would be more with the Commissioners and one or two key staff members.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. Building and Planning – Hohan, Tim and Donna - Authorize the Chairman to Sign a Resolution and a Permit of Approval for a Special Use Permit for an ADU
- f. Building and Planning – Elder, Eddie and Denise – Authorize the Chairman to Sign a Resolution of approval for a Zone District Amendment for Parcel B of the Amaya' Madrid Exemption from ARRD to LI
- g. Building and Planning – Patterson, Power, Tipping – Authorize the Chair to sign a SUP for approval for Storage, Processing, and Material Handling of a Natural Resource for a Compressor Facility.
- h. Building and Planning, Weaver Estate – Authorize the Chairman to sign the Resolution of approval for the rezone of Parcels 1 & 2 of the J.W. Weaver Exemption from ARRD and CG to Light Industrial.
- i. Liquor License – Sopris Restaurant and City Market in Parachute

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

APPOINTMENT OF MINERAL IMPACT FUND DISTRIBUTION TASK FORCE

This came up at CCI for the leasing disbursement Third Tier of funds. This is a representative on behalf of the Western District regarding Federal Leasing. The Commissioner would be representing Garfield County and Extend the invitation to the municipalities in the County for their participation.

Commissioner Houpt would like to volunteer for this position. A very extensive discussion on this at the CCI Western District meeting and have a number of people very involved with AG&C who have volunteered to be involved. She would like to be involved, not only in behalf of Garfield County but on behalf of the Western District for CCI. She doesn't see it as any issue where there's disagreement between the Commissioners. She put her name forward for that Task Force.

Commissioner McCown – the jury is still out on the task force; that was something that Barbara Kirkmeyer threw out as a point of resolution but not sure as to the status. I'm the one that brought this to the forefront that the possibility existed and this was going to happen. I too would like to be on the Task Force should there be an appointment from a County required or however it's going to be formed. There's a lot of concern, are there going to be legislators on it, are they're going to be Department of Revenue people on it, who all is going to be on this Task Force and according to Senator Jack Taylor Friday, apparently no one knows anything about this Task Force other than what Barbara said at CCI. It's very much in its infancy.

Commissioner Houpt – Barbara has set a meeting for the 19th of December, so it's moving forward.

Commissioner McCown – where will this meeting be held. All of the Counties that are affected are on the Western Slope yet the meeting is being schedule for Denver. To me it would be much easier to bring her to the mountains than it would be take all the representatives from the affected counties to Denver. Rio Blanco, Moffatt and Garfield all meet on Monday and December 19th is a regular BOCC meeting. Those are some of the things that need to be worked out and Senator Taylor voiced concern about because he has not been contracted about this Task Force and is not real happy about it.

Commissioner Houpt stated that Barbara invited anyone interested to contract her.

Commissioner McCown – Senator Taylor is very interested and taken back that he hasn't been involved in this process prior to the letter being written. He will be a player.

Chairman Martin contacted Barbara Kirkmeyer also down in Colorado Springs and she said the 19th is not necessarily the date they wish but they want to get it done before the end of the year. But this changed also when Mr. Beasley decided that the Third Tier Distribution would not be done this year, it will be waiting until 2006 to get done, and so what's the hurry. The other one is that I've been beating this drum, the federal mineral leasing act for six or seven years and have been to Washington many times on it as well as well as getting the CCI staff at least up to date that it even exists let alone working with DOLA and Mr. Colby on it on an annual basis and I have a big interest in this Task Force. What it amounts to is we need to limit our participation simple because one person needs to represent us and we also need to talk to DeBeque, Silt, Rifle, Parachute etc and getting a municipal representative in their if not themselves. DeBeque has been crippled and they have limited resources and this was taken away – a huge chunk of money. We need to make sure we have a unified voice and we need someone on top of it and understands it and has communicators with legislators, with the DOLA who have been a very good ally and don't know why has this come up and why we need to redistribute this money in a different format etc. or numerous information that's gone out that true or untrue or half-true or whatever. The task force is unnecessary but if we want to go ahead and do it, we all have interest in it. I'm willing to step back and Tresl has been just elected the

representative for the Western District for CCI and Larry has been there every year with AG&C and Jim Evans is the one that really got it going.

Commissioner McCown and Commissioner Houpt will both be in attendance. 42 counties want money that 8 counties are getting. To give you an idea, its \$736,000 lost to Rio Blanco County; only \$338,000 to Garfield County. This is a tremendous hit Weld County goes from zero to \$700,000 in income and they have no federal land.

Commissioner Houpt said she thinks in having CCI involved is a critical piece, it's the educational piece. It would be really easy for that membership to come together and have enough influence at the statewide level to make a decision that will impact those of us who depend on those funds greatly.

Commissioner McCown – that's the part about CCI that can concerns me. Keep your enemy close. 8 votes against 42 is not a fair shake and I think this is going to much deeper than that, it's going to eventually boil down to the legalities of the distribution. Associated Governments need to be at the forefront because all of the affected Counties including Mesa County are producers.

Commissioner McCown – there's confusion on severance tax and federal mineral leasing whether it's applicable to use the severance tax distribution for the federal mineral leasing funds – the jury's still out. I think there can easily be different arguments that this is an invalid distribution method. The legality of the method on distribution is going to have to come to the forefront before we ever get these checks written.

Don said he has had discussions with the City attorney from Rifle both Jim New and Lee Leavenworth and they went through the history and our position we had taken at that point was to send correspondence to DLA and they indicated to me they would bring attention of this to City Council and anticipated that Rifle would also want to participate on a task force. Don heard Barbara say that in regard to those entities that were primary stakeholders would definitely be part of the Task Force.

Chairman Martin – once this Task Force has been made effective both Commissioner Houpt and Commissioner McCown are both interested. Those entities as stake holders to be part of the task force. Then we'll make a selection. The decision was to hold off on a representative until we see how this shakes out.

Don asked if the Board authorized him to sign the letter to Mr. Beasley requesting an attorney general's opinion on this question of use of severance tax reports for the basis of Mineral Leasing Distribution.

Don had copies of the letters. There have been individual discussions with each Commissioner.

Chairman Martin – with the promise of Ms. Kirkmeyer but yet putting it to the department head there was the proper way to do it, just ask him to reaffirm his employee's promise and move it forward and the limitations on who can ask the Attorney General for opinions and this avenue is very narrow.

Don said Commissioner McCown had asked him to look at this issue because Jack Taylor because the County should at least entertain the idea of asking directly for an opinion by the Attorney general's office and Don did the research and there is specific statutory provision that lays out the duties and responsibilities of the AG and discusses directly when opinions will be issued by that office. There are formal opinions. In terms of formal opinions, the statutory literally names the Chief Department Heads of state government as the only ones who may request an opinion and include the governor and both bodies of state legislature. It does not include any local governments by name – that's been my experience as well several years ago on a different topic, we requested an opinion for the AG and received a response that we couldn't request that – it had to go through state government. There are some drawbacks to this because the state agency frankly can ignore this request if they choose. At least we've put it on the table.

The Commissioners requested Don to send a copy this letter to the governor. Club 20's letter also went to the governor. Don included the Moffatt, Gunnison County attorney's, Barbara Kirkmeyer obviously and the City of Rifle.

Commissioner McCown asked to copy Senator Taylor and Al White have both been involved with this since day one and Kathleen Curry to keep them up to speed.

Commissioner McCown made a motion to authorize the County Attorney to sign the letter to Mr. Beasley and get it out today. Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

PUBLIC MEETINGS:

CRYSTAL RIVER TRAIL – JOHN HOFFMAN

Chairman Martin thanked the group for contacting Bob Perry, the citizen who had been before the Board and hadn't been contacted. He said he was assured that they were not going to use his land and not infringing on his right.

John Hoffman, Richard Jellinek, Alice Hubbard, Mike Hermes, Bruce Christensen, and Dave Will and other interested parties from Pitkin County Open Space, Carbondale Trustees, Carbondale Chamber, CTC, Glenwood Springs, and RFTA – requestor representatives.

John Hoffman submitted a request for the County to support a 1-mile section of pedestrian roadway between Prince Creek Road and the Pitkin County line. A \$50,000 partnership for a \$200,000 GoCo Grant, conditioned on the receipt of the grant. In-kind roadway construction at the County's convenience and pace over multiples years until completed.

Dave Will - Clarification on Bob Perry - they were dealing with one family member and assumed that family would consult the entire Perry family. That is not always the case.

John Hoffman- further discussions on this trail. He feels this is a unique request based on timeless of coloration and need for this grant and safety of the area. Connect with top of McClure Pass and on to – fail to plan for this trail section would endanger citizens of the county.

Options – build out of concrete and narrow the width. Russ Criswell said they need to secure \$500 a year for trail maintenance. And daily maintenance would not fall on GARCO. They will look into finding a permanent funding source for the County trail system.

Chairman Martin reminded the group that they had a 90-day revocable lease from CDOT on highway; demographic pressures; and encouraged them to build as far off the right of way as possible. Also to plant trees to accommodate Bob Perry.

How to make this work for Carbondale? The request is for a \$50,000 commitment to match the GoCo Grant and \$100,000 for in-kind services. Pitkin County has offered two sections of bridges. CDOT permit can't move forward without the commitment from Garfield County; without Garfield County there's no deal with CDOT.

Alice Laird and Russ Criswell – read a letter into the record for the commissioners that addressed funding – general fund, road and bridge, or other funds were suggested.

Alice stated that she feels the 2004 ballot question would have passed if only those portions of the areas where the RFTA bus service was offered were the only ones who could vote on it.

Commissioner Houpt – near –term she is proposing that the County match the Conservation Fund money with general fund – near term – match it – what do they see from the County. Long term -a ballot proposal to include the unincorporated citizens; outcomes of that vote; work with them to find a proposal to include the entire county.

Russ – summarized some points – 1) safety issue – from the new high school and a lot of residences live up Crystal River. 2) Bobby Julick – promotes bike riding to school. 3) How can we work together – what are some alternatives?

Chairman Martin stated that there is \$36,000 earmarked for bus stops and it is up to Mike Hermes and the RFTA Board to reallocate those funds.

Russ – economy trails are an economic generator. He referenced that Road & Bridge built a parking lot at Red Hill Carbondale and Glenwood does have recreational funds; they suggested a setting up a recreational fund for the County and funding it yourselves. Free up some general fund money to become a partner.

Bruce Christensen – Mayor of Glenwood Springs – submitted a Resolution of support from the Glenwood Springs City Council to the County to support this trail. The City feels strongly as well if the County could find a way to help out Carbondale. 3 parts of government – Glenwood, Carbondale and Garfield County. Huge benefit for the trail. Nothing prohibits the Board from using general funds for trails. When we were talking about a trail through the Prehm property, the County said that the trail belongs on the Rio Grande portion and so that’s waiting in the wings and we’re going to hope they can count of some County participation in this as well. He hopes the County will find a way to use some funds the citizens contribute to provide some means to help us in this end of the County with some things we think are so important. A number of years ago, a previous set of County Commissioners appointed a group of people including myself to a committee called the Recreation and Open Space Trails who drafted the segment of the Comprehensive Plan and read from the Garfield County Plan to show this is something the county has taken an official position of support: 1) goal in the Comp Plan that says “the develop of passive trails and active trails in the County should be developed in a comprehensive fashion consistent with efforts by adjacent jurisdictions” and in this case we have a couple of adjacent jurisdictions that are taking the lead and would like some help; the other one, “county policy regarding trail systems should reflect regional goals and be consistent and complimentary with other jurisdictional efforts.” There is a lot of effort from the other jurisdictions on this and would hope the County would see a way to become a partner as well.

Chairman Martin – in reference to the date of that particular document, 1963-64, the document that established the open space.

Bruce – no it was a committee that he and Carter Jackson were appointed to in the 1990’s.

Chairman Martin – that committee was disbanded for a lack of funding.

Bruce – the Committee I’m referring to was appointed by the Commissioners to draft the open space and trail section for eastern Garfield County that was then incorporated in the Comprehensive Plan and that was our only mission.

Chairman Martin said that he and Commisisoner McCown have had this discussion in relation to the recreational district.

Bruce – not, this was just to adopt the policies for the Comp Plan and those have been adopted by the County Commission and remain in the Comp Plan.

Chairman Martin – the other one in reference to the Fairground and how the Fairground was built is conservation trust funds which have dried up and all have been diverted to trails. We have to find other ways to take care of this asset of the County. It’s been difficult because the Fairground needs a lot of attention.

Bruce – the amount greatly exceeds what’s been devoted to trails over the years, and I’m not saying that’s wrong.

Chairman Martin – no doubt about it because that’s the only thing we had conservation trust funds to go to and simply because we saved them for so long, Marian Smith made sure we saved those all up.

Bruce – we know too that there were other funds used for that because we’ve had discussions about that on another topic not appropriate for this discussion.

Chairman Martin – yes we have give and take and tried to stretch those dollars as far as we can.

Bruce – in summary, the one thing that’s critical on this, it feels like the County has the ability to stop this grant and please don’t; we need to have a commitment from the County and say that if these things can be resolved, it can go forward. If you say no, it probably won’t go forward.

Chairman Martin – this is a mis-communication that has been out there, that the Board said absolutely no. And that’s not right, I talked to John and Dale and just about everyone who called and those who emailed me, even those who threatened me that I never said no, Larry never said no, this isn’t right. The timing isn’t right because we don’t have the money from the conservation trust funds and that’s what we’ve decided as a Board that’s the kind of money we would do. It doesn’t lessen the questions we had back to the folks that say give us a little more comfort. Who is the owner of the easement? And that has never been discussed openly as a group. Owner of the license coming from CDOT, who takes the responsibility, maintenance etc. What are the terms of that license? We also said who is paying for the environmental impact statement and has it been done? Have you gotten with the Division of Wildlife and discussed the issue of the Eagle’s nesting? Those are the question that we still want to do and we’re the ones who put the money to make this a feasibility study and bring it back. We have not said no. We just want answers to our questions.

Bruce – what a lot of us would like for you to say yes we’ll work to find a way. The questions John has are serious and sincere and there are people who are looking for answers to those questions and that’s there’s job. But when it comes back to the County, we hope you will become a partner with the other governments and try to make these things happen in our end of the County.

Chairman Martin –we are a partner. But some of the other issues that we haven’t resolved is the petition of Pitkin County that said no, we do not want the trail, put it on the roadway, we don’t want it to go into our area, we need to sit down and talk to them as a group if we’re going to be partners, but everyone needs to expose what’s out there

instead of just saying, give us money and we'll take care of it. Those are the questions we have to answer when we allocate funds.

Dale Will – regarding the holder of the license and that's a question he'd like to answer too because he needs to submit a request to CDOT for that license. We can do it one of two ways: we can either submit the request for that license to be held by the three entities or we can submit a request for that license to be held by Carbondale and Pitkin County and either way this needs to get that in the pipeline. We've had several preliminary meetings with CDOT and essentially they don't want to devote staff to analysis until you show us that you are earnest about going through with this process.

Commissioner Houpt – so is your question today whether we want to be named or not.

Dale – yes. John Martin and I discussed that earlier this week and I understand that the County is currently negotiating with CDOT about the terms of the permit on the LOVA trail and somewhat reluctant to start a second negotiation until the first one is complete. My suggestion would be about it is that Carbondale and Pitkin County go ahead and submit the letters to trigger the process to start the permit and I'm confident if we decide somewhere during that process that's its more effective for Garfield County to be added as a permittee, then I don't think that will be a problem to do that. With any of these big bureaucracies whether is the Forest Service of CDOT, it's like steering the Titanic and you have to start them down a certain path well in advance of when you want them to get there. My recommendation is that we'll submit the request with two entities or we'll do it with three.

Commissioner McCown – has the trail been designed, do you know what you're going to build? I heard that the two services change from the possibility of asphalt to the possibility of concrete – do we know what you're going to build, do we know what it's going to cost?

Dale Will – we came in two meeting back when I was in here with Scott Chaplin, Dorothea Farris and Mick Ireland and we taped the design upon the wall and we all looked at it and essentially we chose an alignment in the highway right of way that it on the east side of Hwy. 133.

Chairman Martin – there was one objection. Mine. I wanted it on the west side because it's a lot wider and then do the culverts underneath of two entrances, but that's okay.

Dale – we explored that option and we showed in as an alternative.

Chairman Martin favored that one simply to get out of the wetlands and putting the ditch in the pipeline but that's old history.

Dale – moving forward with that, CDOT is allowing the favor of finalizing our design (engineering) as a condition of the permit. We all entered into an IGA 1.5 years ago where Carbondale, Pitkin and Garfield County each pooled some seed funds into a process where we could hire a consultant to seek this permit and I've been trying to spend money wisely, we still have most of that \$20,000 and he has \$15,000 left and what we want to do is go to CDOT and say here's the alignment and we would like you to do as much as you can while putting conditions on the final permit. They could structure this for us so that they could say we want an engineered design for whatever surface you're going to come up with before we give you the permission to start work. But that doesn't mean we can't go thought a lot of these steps in the most economic way we can now of getting to the point where we can solve those last few conditions.

Environmental Assessment – Dale said, we still have about \$15,000 already created for this permit that we can spend on it and CDOT said well we don't want to spend staff time on this why don't you hire a consultant and we have enough money to do that so, like a lot of big agencies, they'd say, if you'll do our work for us then we'll say it's good when its done.

Chairman Martin – do you think you can do the assessment of a trail that runs from Carbondale to the pass for \$15,000?

Dale – No, I'm not trying to do an assessment for a four-mile section. For the Carbondale to Thompson Creek is what we're talking about, that's the only thing that we are preceding with any permit or specific design plans.

Chairman Martin – and if you needed more funds for that, where would you have those come from, a pool of money everyone's throwing in?

Dale – we're going to try to get it done for what we've already invested for the \$15,000 and realize I've been at this for some time and know what I can do. But for the sake of discussion, we need more, well my first choice is to tell CDOT okay, put that as a condition in our final permit so we can then fund whatever additional analysis they want out of our construction budget. You normally have a percentage of construction budget set aside for that kind of thing.

Chairman Martin – the reason I said that is because the City of Glenwood Springs is looking at doing an Environmental Assessment of a bridge on a property they own and it's still going to be a million to \$2 million to get it done for a bridge. Then I look at four miles and you need two bridges, \$15,000 is not going to cut it, so I'm real curious how this money is going to magically appear if we don't budget for it.

Dale – doesn't know that it's not going to cut it. We're talking about a highway right of way that currently has a State Highway in it and we're going to go parallel to it, there's no threatened or endangered species there despite some of the talk of wetlands here and there, first of all we have a bridge section that's 160 feet long and longer than the crossing because it enables us to land both ends of that bridge on dry ground and not have to touch the stream bay. I can't promise you we can cover the whole thing for the \$15,000 but we can't even answer the question of what the full analysis requires from CDOT until we put it on their plate and they say okay this is enough or what else we need. I can certainly hire environmental consultants that can look at that corridor which by the way was chosen in part because the absence of sensitive environmental areas in the highway right of way.

In regard to these Bald Eagles we're talking about Bald Eagles that used to roost in the Bull Pasture Park in Carbondale and that's on the opposite side of the highway from where this trail is proposed and when we proposed this alignment we went to the DOW and discussed this with them and they never once raised a concern about Eagles on the opposite side of the highway. But, again until we start through a more formal process he can't get folks like that to write down on paper what their concern is so that we can address it.

Commissioner Houpt – in terms of this whole funding question and the EIS and other aspects of this trail, will that impact the amount of money they are coming to us for right now. We're being asked to give in the range of what we've given to other trails in the past couple of years, from the \$390,000 to \$50,000 plus in-kind. Will that amount you're requesting now change if there are added expenses that occur?

Dale – no necessarily, the way I would suggest addressing that today is if you wanted to appropriate some money or other resources to this, certainly our ability to use them would be conditioned on having a permit and we'll see if we can get our permit with seed money that we've all stored away for that. If we are unable to get the permit, first of all the funds we're talking about would not be going anywhere and then if I have to come back to you and say the State wants more, we're out of the permit money, what are we all going to do, I can't promise that won't happen but we're preceding in the most economic way that we can to avoid that problem.

Chairman Martin – now the Petition from the Citizens – the folks presented that to this Board the week after you were here saying that it is not a done deal and they're challenging you on this trail.

Dale Will – no I haven't seen a copy of that. But added some background about what I'm going to guess who presented the petition - The Crystal River Caucus represents Pitkin County residents of the Crystal Valley and they started into a planning process some years ago to adopt a master plan. They did a community survey as part of the 72 public meetings they had to adopt their plan and the survey respondents came back at 74% in favor of building a bike trail in this highway right of way; that goal was then incorporated into the Crystal River Master Plan. Now if 74% said they wanted this there must be a 25 – 26% percent that say they don't and they're free to do that. Some of those people have come to the scenic bi-way committee and said we're worried you're going to try and take the trail out of the highway right of way and use some old sections of the railroad grade which I think John was suggesting when Dale was last before the Board. The petition the bi-way committee receives said if you're going to build this trail, please build it in the highway right of way. That's exactly what we're proposing to do here so we have a minority in Pitkin County to seek relief from Garfield County.

Chairman Martin – the lack of partners I have a concern. The School District isn't there; CDOT isn't there and wonder why? You use them both as the catalyst to get this trail going for safety for the kids and safety for the highway.

Dale – I can't make any apologies for CDOT; CDOT on it's letterhead has bicycles and they claim to be a transportation agency and there's been times when CDOT has come forward and built things like the Glenwood Canyon Trail which is one of the best bike trails in the entire state but they're not always in a position to fund these things and they have a backlog of road maintenance around the state they are falling behind on. It is frustrating that CDOT doesn't have more resources to put into transportation but speaking for Pitkin County, we've made the decision that we can't wait for CDOT to get its act together. It may be 10 years before they're in a position to step up as a serious partner on some of these projects and we want them build in the meantime. The School District – there have been some discussions about some partnership in-kind on the sections of trail that go in front of the school as well as the firehouse.

Chairman Martin – I did go tour the project that CDOT did for bikers and that's the widening of shoulders both in Chaffee and Fremont Counties. They were great partners, they used the right of way and worked with the trails group and they tied the rafting together and all the users and they all paid for it as well as using the CDOT equipment on funding on Enhancement Funds. We tried to get those Enhancement Funds because twice a year we allocate those funds to different trails and we have that meeting going on. Have you ever applied for those funds because John sits on that Board and have not seen it yet?

Dale – no, we have applied funds, in fact the Pedestrian bridge in the Town of Redstone which will hopefully link together with this trail was built with Enhancement Funds, the year that all of this was being discussed, the Enhancement Fund applications were being done for 2008 so one awkward feature of those is that you have to seek them about three years in advance. The year that this was being done, we made the choice to stay out of it so that there'd be a greater chance of some other trails in the valley getting those funds and in fact the Buffalo section of the RFTA trail was awarded the Enhancement Funds that we would have otherwise been competing for if we had applied for this trail. We are in some discussion informally with RFTA staff about whether they precede to build that Buffalo Valley section of trail earlier than they grant with CDOT would apply to, then perhaps we can talk about redirecting those, but that subject would be way outside my authority.

Chairman Martin – those funds are sitting in limbo right now as well as the city of Rifle took \$58,000 and said we can't complete this because we don't have the right of way secured, etc. and turned that back. Mick Ireland is in charge of that particular group of Enhancement Funds and that money is waiting to be distributed, so that's another source of funds to look at as well.

Dale said he would make every effort to locate those. Part of the trick is that RFTA in getting them to appropriate them and getting them available in the year that you actually want to do your project several years in the future is another problem.

Chairman Martin – it's an age old problem of wanting the funds not, pay for it and don't want for CDOT. We are also getting more information about this particular trail, about funding possibilities, about decisions and directions to take, simply because we've had a conversation instead of I need money for a trail, you give it to me. I appreciate this conversation because it's opening up a lot of avenues. The other issue is that you're not going to build a trail this year anyway, its going to be 6 months down the road before you could even drop a blade to move stuff if then. Why are you pressing so hard at this time when you know you can't physically do it? It's just preliminary stuff that we need to continue and that's where we were on our other discussion was the Conservation Trust money – it gets allocated for the next year and we need to wait and be patience and I promised you we would do so when the monies became available.

Commissioner Houpt – in terms of having people come forward right now for our participation in this project, it goes back to the whole issue of planning that you've raised for the past 15 minutes, planning for CDOT funds and for other types of funds. This group is going after money that need our efforts – they need our commitment for different types of resources in order to apply for monies that will greatly enhance the amount they are asking us to put into this project.

John Hoffman clarified the commitment of \$50,000 is for the match for \$200,000 that would build that section of trail.

Chairman Martin thinks \$200,000 is short of what you need to build that segment of trail. RFTA has proven that a section of trail in certain areas is quite a bit per square foot and it above \$200,000. We're going to be selling the public short if we say this trail is only for \$200,000; it's going to take care of a mile plus – I disagree with you.

Dan Blankenship – bus stops – they are working on it. Thanked the Commissioners for committing the \$36,000 for bus stop improvement in Garfield County in the unincorporated areas. Someone called to request lighting at the Cottonwood Trailer Park because it's not lighted and people were concerned about waiting in the dark. We're looking at that and will move forward and your funding is helping to make that possible. Trails – Thanked the Board for the \$50,000 committed to the Hooks Lane to Catherine Store segment of the trail. When we made the request it was in advance of being notified that we had received a \$1million earmarked from the Federal Highway Administration for that segment of trail. We Applied last year for a community safety and preservation funding that is designated for trails, the earmark is coming out of highway funds. They are exploring the strings that may be attached to that funding. Hopeful to use that fund to build that trail. We are hoping to use that \$1 million to build that segment of trail. We've already received the exclusion and there are no regulatory hurdles that we think we need to negotiate to be able to construct the trail. Because of receiving that \$1 million they can use the funds to determine if they can accelerate construction of the trail segment Buffalo to West Bank turnoff so that we can get people off the highway there. The shortfall is still there to complete the entire trail from Carbondale to Glenwood and will still need more money than RFTA forecast in the budget. The opportunity to complete this Crystal Trail is important and open to exploring with his board to share a portion of funds committed in 2006 from the County to enable this project to move forward.

Dave Will – the way the grant works is you have to have the capacity to finish the work in 3 years.

Dan – will try and help with the Crystal River Trail and commit their \$50,000.

Scott Chaplain – Bob Perry and he talked – he supports this idea – safety a primary issue. Need cooperation – funding is an opportunity and asked the Commissioners to step up to the bat; agrees there are some unresolved issues and they will write letters to RE-1 School District.

Chris Harrison – bike shop – in Carbondale – supports the trail – amount of people participating in the community is huge – and the trail would be a big economic boost.

Bill Spence – safety and timing of this request – 1 mile of the 4.2 miles – ends at Thompson Creek – plan to have a stop there and a site seeing. Good politics, good economics. If not, the number of people will be riding the trail, dangerous trail - 1.1 miles – risk unintended and open county up to a reconciliation.

Chairman Martin – suggested they take on CDOT for safety – taking the lead for safety on a CDOT right of way.

Larry Dragon – LoVa Trails – county has supported the trail. All the money has come from the conservation trust – knows the County Commissioners think this is important. A lot of in-kind support – only problem is that the only money is from the conservation trust funds and the citizens want more from the County.

Commissioner Houpt read from a survey – 72% responded said they disagreed with the County Commissioners – they want these amenities. Time to think about freeing some funds – this is a one-time project in the County - urge the County to find other sources of funds to help leverage money from grants. Long-term – help support them – need support now – County is doing well – want to see the County free up that money. Carbondale is giving \$125,000.

Chairman Martin asked about Carbondale's funding as to how much is from the recreational tax that's been imposed?

Jeff Jackal – recreational director, Town of Carbondale, \$125,000 from the recreational sales tax and not from the general fund.

Commissioner Houpt put a motion on the floor saying we've heard a great deal, more than the last time, and every time you have new information that comes in front of the commission, I think its important that we re-think decisions and evaluate the new informationi has come forward, what I've heard between the last meeting and today and what I've heard today has done nothing but strengthen my resolve that we need to be an active partner in this trail and make sure that we do so in a manner that doesn't jeopardize the opportunity for other funds coming to the trail; I know that in the past the focus for recreation in Garfield County has been the Fairgrounds and it has made a great deal of sense with a lot of historical reasons for that and many have benefited and we do put hundreds of thousands of dollars into Fairground regularly and we have about \$380,000 targeted for the Fairgrounds this year. We're finding there are changing occurring in this County as well and we have a very diverse County that has varying requirements and interests and needs and economics that benefit from different investments that this County can make and we've seen Rifle benefit from the Fairground investments and other people in that area and we need to look at the entire County when we're planning our strategy for spending public funds. The Roaring Fork Valley has a different focus, it's a tourism focus with support services and we've seen the successes of trail systems throughout this country so I believe that we have some very compelling statistics in front of us that would support added investment. I think it's critically important that we recognize there are taxpayers in this County from the furthest point that is adjacent to Eagle County and Pitkin County to the Mesa County line and even the Utah border. I do think as we put budgets together it's critically important to give some balance to that and historically the Conservations Trust Fund went to the Fairgrounds and John and Larry have been kind enough to let me pull those into trails and diversify a bit on how we spend that money. As a result we're still spending money on the Fairgrounds which I think is fair. I also think that the time is right for us to recognize that we need to contribute more to trails and other recreational opportunities, so my motion is that through our general funds budget and we have a healthy budget, match the Conservation Trust Fund money that we will be receiving in 2006 in an amount not to exceed \$150,000 and that those monies be earmarked for projects like this and that we specifically earmark \$50,000 for the Crystal River Trail project along with some in-kind work that they have requested we participate in. Commissioner McCown – I can't second it.

Chairman Martin – died for lack of a second. I'll try a motion as well that we support \$50,000 supporting the grant of \$200,000 and advance the funds from the general funds with a payback from the Conservation Trust fund over the next 5 years and if that grant fails, support for trails in the amount of dollars from the Conservation Trust when they become available and use those funds for trails.

Commissioner McCown – second for discussion.

Discussion

Commissioner McCown – a couple of things have come to light today. Number one I think Dan from RFTA coming forward stating the fact that the \$50,000 we did commit to your trail program may be available for the betterment of this project. It's something I would like to see more off. I would like to see one trail group talking another trail group, doing their own prioritization. We've worked with the LoVa people for several years, this LoVa Trail through South Canyon didn't happen in two months. This Crystal River Trail project has come to us with a great

deal of urgency in the last 30 to 45 days. There's a significant difference. We donated a couple of years ago to the Sutank Bridge, John Hoffman came and asked for money, not a penny's been spent, there's \$35,000 setting there somewhere, we've not been billed a penny, so to our knowledge nothings been done. Are you willing to utilize some of those funds for this Crystal River Trail? You've not offered but it is there somewhere because we've not been billed for it, apparently nothings been done to generate that need, so we're giving to trails, to Dan to John, to LoVa. If we match the \$150,000 next year, how much next year is that going to fall short. We don't know. I urge you, get the funding mechanism in place, don't create a need to put it up against public safety with law enforcement and roads, and don't make us go there because I'll tell you where I'm going to come down. Please get your own funding mechanism, County-wide so that you have to talk to each other. So that the Crystal River Trail group has to know what LoVa's doing so that the RFTA knows where they're going with their trails, so everybody is not coming and nibbling away at the corners of the pie that we know how its going to be divided. I don't feel comfortable yet on this trail from a planning standpoint, I'm sorry, I know you say that we have to do that as we go, quite frankly I don't know what we're committing to. \$50,000 and maybe \$100,000 in in-kind over the next few years at our leisure. We can't commit over the next few years, we can only commit for one year. So I have trouble with that. On the 5-year payback from the Conservation Trust Fund, I think that will only deplete from other trails as it comes up; I guess I would like to see it move forward on the possibility of the RFTA money and the Sutank money – that's \$85,000 there that might kick this project off-center that we've already committed to trials that clearly aren't going to be utilized this year as a critical path

Commissioner Houpt – John, are you including in your motion the request for in-kind services as well.

Chairman Martin – not at this time, I was trying to get the grant forward. Well, I think we're falling short but I'm going to support your motion to push this forward with the commitment to our constituents that I will work diligently to see more money put toward these efforts.

The commitment is for \$50,000, to advance that the general fund as a payback from the Conservation Trust over the period of the 5-years.

In favor: Houpt – aye; Martin – aye Opposed: McCown – aye

Commissioner Houpt put one more motion on the table, because that answers one portion of their request, since we're committing the \$50,000 I make a motion that we also commit in-kind services to the trail – there was some language that came to us recently that allowed the County to really have a lot of latitude in how that n-kind is approached so we're not pulling people off of other projects so coordinated with out Road and Bridge Department in an amount not to \$150,000 in in-kind out of the 2006 but wouldn't expect to all be completed in 2006 budget – there's just a cap there.

Commissioner McCown – I can't second that one either.

Motion died for lack of a second.

Chairman Martin stated he wasn't sure how much in-kind service they can get. I would love to help the trails and do coordination and also use the planning staff, put together a overall master plan for trails and all the groups, pull them all in, discuss some use of staff, engineering, when necessary and Road and Bridge when necessary. But I don't have a dollar amount and that's above and beyond \$150,000. I think that we should continue the coordination effort and also bring together the groups within Garfield and Pitkin County.

Commissioner Houpt offered to amend her motion and take the cap out.

Chairman Martin – no, what's I'm looking for a broader picture. We have trails from Parachute to Rifle to Silt, New Castle, Glenwood Springs on through and we need to put everyone together and if we're going to get into this business, and Mr. DeFord has also told us that we're in the trails business with Mr. Dragon and we need to have some master plan and we need to coordinate efforts.

Ultimately the motion died for a lack of a second.

Chairman Martin - reiterated the fact that the voters in municipalities support trails within their corporate limits. In the unincorporated areas we can't impose a tax on the municipalities. To have all the municipalities on board would be double taxed.

Larry Dragon suggested asking all the voters in the county – all who vote for Commissioners – and ask them to support county spending money on the trails. It makes grants more attractive to show support from all entities.

Randi – Chamber of Commerce asked the Commissioners to support the Carbondale Town Council for both safety and economic issues relevant to Carbondale.

Mary Ann Virgili – Glenwood Chamber Resort said they have 670 members and they support Carbondale, and the Crystal River Trail. Biking is the New Century Transportation. She submitted a letter of support. Trails affect fly-fishing, and bike shops – walk and stroll. It is an investment in tourism economy.

Commissioner Houpt framed another motion and it died as well.

Chairman Martin stated he would love to revisit her motion once the grant has been finalized but the idea of coordinating everything together needs to go forward and lets see if this grant goes forward and if it does then we know what we're up against, lets put our heads together, that's everybody, every trail, every community, start communicating with one another and get the correct facts out there so that we can coordinate the efforts and do a priority list. This will create uniformity and the citizens will be better served by having the master plan in place and communication versus just supporting one trail over another.

Commissioner Houpt – my motion was for more concrete building of the trail, and would support planning obviously but these deals with a completely different issue.

Chairman Martin did understand his motion and I'm not willing to put all those resources on one trail versus another at the present time. We can discuss a master plan later but we need to come together as a group. We have given money to Silt and Parachute as well and don't think we're supporting one over the other.

Ed stated the point of legality of Conservation Trust Funds to another fund and Pasty would have something to say about that. The issue is the repayment to the general fund.

Patsy Hernandez, Finance Director, Bob and Pasty went a workshop in Meeker and one of the things we learned is that the only revenue that can come into a Conservation Trust Fund if Lottery Funds and we're not allowed to co-mingle those revenues.

Chairman Martin restated that the funds would come out of the general funds. This is what we did in completing the Events Center at the Fairgrounds.

GARFIELD COUNTY EMERGENCY COMMUNICATIONS AUTHORITY 2005 OPERATING BUDGET – CARL STEPHENS

Carl submitted the budget report for 2006 for the operation account, 9-1-1 Restricted Budget and draft Resolution and requested the Board approve the budget as submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Garfield County Emergency Communications Authority for 2006 as submitted; In favor: Houpt –aye; McCown – aye; Martin – aye.

DISCUSSION OF THE 7TH SUPPLEMENTAL TO THE 2005 APPROVED BUDGET AND THE 6TH AMENDED APPROPRIATION OF FUNDS – PATSY HERNANDEZ

Pasty submitted Exhibits – 1, b, and c to include in the supplemental.

Sheriff's budget – under budgeted in overtime.

Lou stated that he feels confident this is the final supplement of 2005.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Resolution for the 7th Supplemental to the 2005 approved budget and the 6th amended appropriation of funds and authorize the Chairman to sign.

In favor: Houpt – aye; McCown – aye; Martin – aye.

FURTHER DISCUSSION AND CONSIDERATION FOR ADOPTION OF THE 2006 PROPOSED BUDGET – PATSY HERNANDEZ

Pasty presented the draft for the 2006 budget and since that time, additional information on revenue and expenses, and on the 19th of December there will be more, add to the draft – added - \$22,000 for Oil and Gas and the \$50,000 for Crystal River Trail. She explained the additions.

Scope of work on the primary and secondary roads and get an RFP for 2008. This needs to be done methodically with Don and the Planning Department.

Don – in preparation – commit and primary and secondary road system and if we follow John's recommendation, then identify every primary road, we will have contested roads come up and Don asked to fund the surveyor and about a minimum of \$10,000 per contested road.

Cow Creek Road – EnCana's backed off and if they dedicate it as a public road, okay.

Commissioner McCown – knowing CR 233 is an issue, would he like \$50,000 budgeted? Don responded he would rather wait and see how much the private property owners want to put into that before we allocate funds.

Commissioner McCown made a motion that we allocate \$20,000 to this for a study, scope of work and an RFP to begin, if they want to start next year, if it doesn't run over the \$20,000 for the RFP and scope of work, they can start and we'll allocate that much toward it next year and then see what we need to budget for 2007.

Don indicated that an RFP, in establishing a road you need to establish not only the title background but its location because you may have a great history on a road and may not bear any relationship to what you have on the ground. You need to do both of those things to establish a road. The RFP will cover the primary roads; those are the ones easiest to get a proposal on that first. These would basically be the HUTF roads.

Commissioner Houpt seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

Worksheets – Budget

Pasty highlighted areas in the expenditures changes from the original draft and the revenue changes. She will add the three items from today - \$22,000; \$50,000; and the \$20,000 just approved. Our goal is when we come to the Board on December 19th and we ask for approval and appropriation that at that time we feel good that we've got a budget that the Board has seen and ready to approve.

Clerk and Recorder – Election – Budget addition

Mildred Alsdorf alerted the Commissioners that she needed to put more money in the Clerk's budget for elections. The Secretary of State (SOS) fired Accenture who was supposed to do the State voter registration system and have it in effect in 2006 and they were supposed to have equipment. My server is ready to go out so that will be a \$10,000 needed to put in capital, plus I will probably have to pay VOTEC next year again, which I didn't think I would be doing so I spoke to Pasty earlier this morning and I will let her know. This is a mandate from SOS.

Pasty suggested she would put this on the Board's agenda next week where she will present the work sheet again.

PUBLIC HEARING:

OIL AND GAS – ENCANA OIL AND GAS USA, INC. – CONSIDER A REQUEST FOR A SUP TO ALLOW STORAGE, PROCESSING AND MATERIAL HANDLING OF A NATURAL RESOURCE FOR AN EXPLORATION AND PRODUCTION FACILITY TO TREAT CONTAMINATED SOILS. PROPERTY IS LOCATED ONE MILE SOUTHEAST OF GARFIELD COUNTY AIRPORT

David Grisso for EnCana, Richard Wheeler, Jan Shute, and Jimmy Smith of Wagon Wheel Consulting were present. Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 - Comprehensive Plan of 2000; Exhibit F – Staff Report dated 12-05-2005; Exhibit G - Application materials; Exhibit H – Email dated 9-30-05 from Jim Rada; Exhibit I – Letter dated 10-04—05 from Michael Erion; Exhibit J – Unexecuted Watershed District Permit between City of Rifle and EnCana; Exhibit K – Application to the State for Monitoring/Observation Water Well Permit; and Exhibit L – Power Point presentation prepared by Planning Staff.

Chairman Martin entered Exhibits A – L into the record.

Richard presented the staff report saying this is a Special Use Permit for "Storage, Processing, and Material Handling of Natural Resource" Exploration and Production Facility for a Bioremediation Land Farm.

EnCana Oil and Gas (USA) Inc. represented by Wagon Wheel Consulting located approximately one mile southeast of the GarCo Airport on 8.48 Acres, Parcel # 217919300128 with access off CR 333. There is no proposal for potable water and no sewer service is proposed. It is in the ARRD

(Agricultural Residential Rural Density).

The Building and Planning Department is in receipt of a Special Use Permit (SUP) application for "Storage, Processing, and Material Handling of Natural Resource" for a **Centralized Exploration and Production Waste Facility - Bioremediation Land Farm** on a 8.486 acre property owned by EnCana Oil & Gas (USA), Inc. The property is located approximately one mile southeast of the GarCo Airport.

As required in §9.03.04 of the Zoning Regulations, this request was heard by the Board of County Commissioners for a possible referral to the Planning Commission. On August 8, 2005 the Board voted to refer this item to the Planning Commission. This decision was based the possible environmental impact to the area and to educate the public concerning the activity of the land farm.

EnCana Oil and Gas USA, Inc are proposing a land farm to treat and reuse soils that have been polluted with petroleum hydrocarbons. The proposal is to use the subject property as a centralized treatment facility for impacted soils from EnCana's well sites and other E&P facilities. The treatment process will consist of bioremediation land farm cells, which use microbes to degrade petroleum hydrocarbons contained within the soils. Operation of the land farm provides an environmentally responsible alternative to disposing of the petroleum impacted soils in the local landfill. By remediation of the soils to State standards, EnCana is able to reuse the soils at other facilities. The Site would be fenced and bermed to protect from trespassing. It is expected the impacted soils would be brought to the site and treated. After the treated soils reach acceptable State levels, EnCana will remove the soils from the site for safe use at other locations.

Due to the nature of the work to be conducted at the site, potable water will not be necessary. If sanitation service is needed, it will be provided to the employees by portable toilets.

Garfield County Road and Bridge Department has issued a driveway permit to EnCana for ingress and egress to CR 333. The land farm will create traffic trips that will vary day to day dependant upon the amount of soils needed to be treated. Trucks and heavy equipment will be used on site.

The proposed facility is adjacent to a well site. A six-foot high fence will be installed around the perimeter of the facility to insure safety and security. No buildings or structures requiring a building permit are expected. The visual impact of the site should be minimal

The facility will require the use of water to suppress dust and treat the soil. The water will be brought to the site from existing EnCana water sources. If needed, the applicant will provide water through a well or detained storm water. The applicant will need to properly line the facility to protect against pollution of surface run-off, stream flow or groundwater.

Impacts to adjacent land are expected to be minimal. Vapors emanating will be less than those found at a typical gas condensate tank battery. By keeping the soils moist, dust will be suppressed. Noise at the site will consist of machinery operating at the site and will be below the standard of 75 decibels at 25 feet from the property.

The site will be fenced with a six-foot chain link fence with locking gates which will keep out wildlife, domestic animals, and serve to deter entry by unauthorized personnel.

Traffic to the site will be episodic. There will be daily traffic to the site for land farm operators and authorized personnel making routine inspections.

The site is isolated from abutting uses; there are no residential properties in close proximity to the site. The nearest building is located more than 1,500 feet to the northwest. The remaining use near the proposed land farm is a well site.

The applicant is proposing a six-foot high fence around the entire perimeter of the site that will provide safety and security. There are few impacts expected as a result of the land farm. Machinery will only be operated during the unloading activities and when turning the soil.

The applicant is required by the COGCC to submit a closure (reclamation) plan. This plan is attachment G of the application materials, which outlines in detail the proposed measures for reclamation. Additionally the applicant is required to post \$50,000 in financial assurance with the COGCC for reclamation purposes. The proposed reclamation plan is acceptable to staff. The applicant has not submitted a weed inventory or a weed management plan for the site. Prior to issuance of this SUP the applicant shall provide this information.

It shall be at the discretion of the Board of County Commissioners to determine whether additional security is needed.

The proposed use of the site will create noise that is proposed to be below 75 decibels at 25 feet from the property. The applicant shall be aware of all sound volume standards and meet all No vibrations are expected to result from the operation of land farm. During construction it may be necessary to compact the soils, but is anticipated that this activity will not be perceptible.

There will not be emissions of smoke from the land farm. Due to the nature of the treated soils, open flames will not be permitted onsite. All air quality permits will be issued by the State and shall be in place prior to issuance of this SUP.

The land farm will not create glare, radiation or fumes that will substantially interfere with adjoining property.

The activity on the site will be passive, microbial degradation, which will not cause radiation or fumes that will interfere with the existing use of adjoining properties. Once again, the applicant shall be aware of all State and Federal guidelines and provide any mitigating measures prior to issuance of this SUP.

Storage of the waste soil will not be explosive and shall be in accordance with all COGCC rules.

Although the site will be visible from adjoining property, it will be compatible with existing uses and will not detract from the "neighborhood character"

The contaminated soils will be managed on site and will not be tracked offsite by trucks. Staff is recommended the affected areas of the land farm be properly lined to mitigate any leaching of pollutants into the ground water.

Equipment will be stored on the site by independent contractors and the machinery will be on site within the fenced area. The lot size is 8.48 acres. There is no residential dwelling within 300 feet. Fencing and berming is proposed for the site.

The applicant has not submitted any lighting plans. Should outdoor lighting be used, the applicant shall ensure that all lighting is downward and inward facing and no light will trespass on adjoining property.

The applicant has stated the operation and construction will be in accordance with all COGCC standards and requirements. The applicant is also proposing three to five ground water monitoring wells and three leak detection wells. Regardless, ground water pollution is a concern to the City of Rifle and to Garfield County. Staff is recommending the storm water detention pond must be lined and the land farm area must be contained within an impermeable material.

PLANNING COMMISSION RECOMMENDATIONS – On October 12th, 2005 Planning Commission voted unanimously to recommend approval of the Special Use Permit to the BOCC with the following conditions. Staff is in full support of the Planning Commission's recommendation of approval with conditions.

1. That all representations of the Applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval unless explicitly altered by the Commission.
2. That the operation of the facility be done in accordance with all applicable federal, state, and local regulations governing the operation of this type of facility.
3. Should the need arise, the County reserves the right to retain outside expertise, at the expense of the applicant / operator of the facility, in order to conduct tests or analyses of the physical nature, water chemistry or groundwater properties on or away from the site.
4. That this facility is for the sole use of the applicant. If any other entities are to be added as users, then they would be subject to an additional SUP as well as rules and regulations as administered by the COGCC.
5. The Applicant shall submit a weed inventory and control plan of the subject property.
6. The Applicant shall comply with all standards as set forth in §5.03.08 "Industrial Performance Standards" of the Garfield County Zoning Resolution of 1978 as amended.
7. The storm water detention pond must be lined.
8. The ownership of E & P wastes shall be documented as to generation and the disposal location. Such data shall be made available to the County upon request.
9. That the Applicant shall obtain a City of Rifle Watershed District Permit prior to issuance of the SUP
10. That the ground water monitoring wells and leak detection wells can be phased. The number of wells and their location shall be reviewed and approved by the Garfield County Environmental Health Manager (Jim Rada). These wells shall be sampled and tested in accordance with State and Federal regulations. Results shall be provided to the County on an annual basis.
11. That the Applicant shall insure its contractor obtains Storm water Discharge Permit from CDPHE prior to issuance of the SUP and complies with the approved erosion and sediment control plan.
12. That the Applicant shall submit an Air Pollutant Emission Notice to the CDPHE prior to issuance of the SUP.
13. That the Applicant phases the berming to the area or areas that are immediately used for the land farm.
14. Prior to issuance of the SUP, that the applicant shall submit an access easement that specifically allows for the proposed use.
15. Prior to this application going before the Board of County Commissioners, that the applicant meets with Michael Erion of Resource Engineers to clarify and resolve his concerns and recommendations as to the lining of the land farm area.
16. That the Board of County Commissioners shall have an annual review of this SUP.

Commissioner Houpt – differences from a land farm and a hazardous land migration.

Richard not aware of those but there are numerous websites and did find a lot of information for Fumes – referring to applicant's statements and deferred to the applicant and Michael Erion.

Hours of operation – normal hours – typical work hours with weekends included.

Staff's opinion would be minimal as to what is in the immediate area.

Jan – asked Jimmy Smith to speak to the access easement.

Jimmy – the access agreement into the operation is related to drilling, negotiations for the past several weeks have been on-going and that agreement has been taken care of but no signed document.

Jimmy – this is not new in oil and gas operations. The materials brought into this site are 75-95% drilling cuttings from the drills and actually contaminated soils is only a small portion of what is planned. This is not EnCana's intention to be careless of spills this is to remediate the soil and return it. Vegetation will grow. This is not a waste site for bringing in spilled oils. Adding fertilizers, etc. We have agreed with Jim Rada from the County that not to open up the entire 8 acres at one time because we're actually removing vegetation that helps in erosion control and we may not have enough volume to cover the 8 acres. We have agreed to do this in phasing stages.

A condition of the PC – put in three ground water monitoring wells – to make sure no ground water contamination. RO1 water – will be used for moistening. This is treated water and better than Colorado River Water and trucked in.

The other key element is that it is a non-commercial facility; EnCana use only. Records will be kept on test and volume records. This material is dirt and will be hauled on an open dump truck. The by-product is clean soils. It is tested and moved off site.

David Grisso – hazardous material and explained if there is a spill of a this kind, they have to report it to the State and federal government and you cannot move that material to any site without telling them where you're going to take it to. So this site being for our use and hydro-carbon cuttings, it will not be permitted for hazardous materials, we could not move that material to this site or anybody else.

Jimmy said the key thing to remember about hazardous materials is how they are classified and they are a manufactured product. Oil and gas hydro-carbons are produced not manufactured.

7 days a week – regular schedule.

David – do not expect this to be a heavily used site. This would be a purposeful access. It's not like our water treatment facility where we run 24 hours a day 365 days a year. This is a planned event if you need to go get some cuttings from a facility after the drilling rig being moved, or a spill, it's not necessarily something that would happen at odd hours of the night. If it came an issue with nearby landowners, we could restrict say Sundays or part of Saturday, all day Sunday. Where this site is located, our closest real neighbor is Jake Mall and the Road and Bridge shop. We would be willing to talk about that but the access on this is very low impact up CR 333. Trucks and school bus travel.

David – EnCana recognizes all bus times and have a log of all the bus times around the area and we are sensitive to these times. Activity of the heavy machinery – staff covered this very well. This is very low activity and the largest activity is when we clear the parcel as they segment it. You farm it and leave it alone. Low activity site.

Chairman Martin – the end product itself – what kind of delivery service once it's done. Market it, turn it back to agriculture use and the other one is the time. From the time they bring it in to the time that you certify it's ready to go out, what is the average time. This plant is going to be there for 20 – 25 years.

Jimmy – the intent of the material that’s brought in by logging the volumes and testing and our agreement with the City of Rifle in the watershed permit, that dirt go back as close to its original site as possible and if there are opportunities to use that material where erosion is occurring or other vegetation is not regrowing, then it would be in negotiation with the fee owner or BLM in some cases, if that material would be better served at a different site. No commercial operation. The soil would not be for commercial sale.

David added that we will have an excess of material when we bring in the material from the well bore cuttings, that’s obviously overburden that wasn’t normally on the surface so there will be some excess that we possibly will with landowners we agreements with aid some of our reclamation efforts to where we don’t ave to bring a site back to 100% recountoured during the production end of it but we may add a berm, we get a lot of requests for berms and like Jimmy said, soil is a commodity so we don’t foresee a lot fo excess but we plan to use the excess for those needs.

Commissioner Houpt asked about the overseeing of this material.

David – a department in-house that samples it and sends it to an outside lab. And then we turn in those results into the COGGC.

Jimmy responded to Chairman Martin’s question about time on the material. That is depending upon a lot of factors, the saturation of materials, the type of materials, the weather conditions, but on an average with the experience in land farms in the past, once material is brought it could be anywhere from 3 – 6 weeks but typitcal not a whole lot longer.

Michael Erion – commented on his review letter. One of the proposed conditions of approval was that the land farm area would be contained with an imperable material and the reason for that proposed recommendation was from the materials submitted and not clear that it would be clear that some type of liner. The specific discussion that Planning Commission had requested of EnCana was to discuss what type of liner that is, whether it be a clay liner or a man-made liner. Jimmy and Michael discussed this and it was also discussed at Rifle City Council as part of the watershed permit hearing and we came to the conclusion that a clay compacted liner is satisfactory and a better solution.

Jimmy – the City of Rifle requested a bond for the watershed and they submitted a \$50,000 bond. This is Exhibit M. Chairman Martin admitted Exhibit M into the record.

Commissioner McCown moved to close the public hearing; Commissioner Houpt seconded. Motion carried.

MOTION

Commissioner McCown made a motion to approve the Special Use Permit request for a Centralized Exploration and Production Facility for a land farm to treat soils contaminated with petroleum hydrocarbons on a parcel owned by EnCana Oil and Gas (USA), Inc that is southeast of the Garfield County Airport. Commissioner Houpt seconded. In favor Houpt – aye; Martin – aye; McCown – aye.

PUBLIC HEARING:

MOORE, JOHN AND LISA – CONSIDER A REQUEST FOR A SUP FOR AN ADU ON PROPERTY LOCATED APPROXIMATELY 2 MILES NORTHEAST OF SILT.

Richard Wheeler, Jan Shute, John and Lisa Moore were present.

Jan reviewed the noticing requirements for the public hearing and determined they were timely and accurate. BLM was not noticed. She advised the Board there was a problem.

The Board determined there was an error in notice. This public hearing was not opened.

John said the project is under construction at present but they are only using it for storage. The project hopefully will be completed in early March.

Jan advised the landowners that a new letter with new dates would need to be mailed to adjacent property owners within 200 feet as well as public notice for the newspaper.

ADJOURNMENT

Attest:

Chairman of the Board

DECEMBER 12, 2005 PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 1:00 A.M. on Monday, December 12, 2005, 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

- ***Benefits - Insurance – Arthur J. Gallagher, CO – Illinois Attorney General and Director of Insurance Settlement – Carolyn Dahlgren and Judy Osman***

Judy Osman and Carolyn Dahlgren submitted the letter from Patrick Gallagher, Jr. explaining the progress Gallagher has made towards resolving the uncertainties the company faces related to the industry-wide controversy surrounding contingent commissions. On 5-18-2005 an agreement was reached settling this matter with the Illinois Attorney General and the Illinois Director of Insurance. The agreement is fair given the changes that are unfolding across the insurance industry.

Gallagher & Co assures that they are a strong and vital organization with a true commitment to serve valued clients and will continue to provide the County with the highest level of service and advice as you have come to expect from us.

The \$1200 is a windfall and for the others is a front-end way to get money back – similar to the Tobacco Settlement and the County would be giving up all possible law suits that might come up in the future. At this juncture there is

no way this will affect the County. Everyone that has done business with them is being sent the letter to collect the \$1200.

There will be a contract forthcoming to accept this money. Carolyn stated there is no risk for the County in accepting this money. Ed reminded the Board it is \$1200 reimbursement for a waiver not to suit.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to ignore the whole thing at this time.

Houpt – aye; McCown – aye; Martin - aye

- **Road and Bridge – Renew Standard Agreement for Remediation & Design for Rifle Shop 2006 – Randy Withee**

Randy submitted the background, status, request and recommendation, which is to renew the design and construction agreement with Terracon for a not-to-exceed amount of \$449,200 for the remediation services for the Rifle Shop in 2006.

Terracon has completed Task I and they are working on Task II; Task VI is to request reimbursement and these will be sent to OMPS.

The request before the Board today is:

- Renew the existing agreement with Terracon to finish Task 2 through Task 7.
- The initial agreement did not allow for performance and payment bonds that will be required upon issuance of remediation contracts. Therefore, a request is to add Task 8 – Performance & Payment Bond with a budget of \$10,700.
- The total amount of the agreement for 2005 would be an amount of not-to-exceed \$449,200.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to renew the design and construction agreement with Terracon for a not-to-exceed amount of \$449,200 for the clean up of the Rifle Shop.

In favor: Houpt – aye; McCown – aye; Martin - aye

- **Contracts – Renewal of Land Issues and Solutions for Study for Garfield County – Tim Arnett**

Tim Arnett submitted the contract to BBC Research & Consulting for land issues and solutions study for Garfield County for a not to exceed price of \$110,400.00. Garfield County paid \$49,600.00 to BBC Research and Consulting for 2005. BBC Research & Consulting is requesting renewal of this agreement for 2006 for the not to exceed price of \$60,720.00 for the term of this contract, which expires December 31, 2006.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to extend the contract with BBC Research and Consulting in a not to exceed cost of \$60,720.

In favor: Houpt – aye; McCown – aye; Martin - aye

- **Contracts – Renewal of Social-Economic Impact Study for Garfield County – Tim Arnett**

Tim Arnett submitted the recommended award to BBC Research and Consulting for 2006 for a not to exceed price of \$250,000.00 for the term of the contract expiring 12-31-2006 for the Social-Economic Impact Study for Garfield County.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to BBC Research and Consulting for 2006 for a not to exceed price of \$250,000.00 for the term of the contract expiring 12-31-2006 for the Social-Economic Impact Study for Garfield County. In favor: Houpt – aye; McCown – aye; Martin - aye

- **Contracts – Renewal of Phase I Hydrogeological Characterization for Garfield County – Tim Arnett**

Tim Arnett submitted the renewal agreement for a professional services contract to URS Corporation for Phase 1 of the Hydrogeological Characterization for the County in an amount not to exceed \$22,000 to cover anticipated costs to complete the project.

Don – our contract is with URS and the Board is obligated to pay this if EnCana doesn't.

This money doesn't go through our budget; they send the invoice directly to EnCana and EnCana writes the check. Commissioner McCown questioned why it needed to be in the County's budget.

Don stated the Contract was with URS, we are obligated to pay that amount if for some reason EnCana does not pay at the direction of COGCC – thus why we had to have an agreement with EnCana and COGCC before going forward with this project. It is a budgetary obligation albeit one that is satisfied with direct payment by EnCana. This is a potential liability.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the renewal agreement with URS Corporation for Phase I of the Hydrogeological Characterization to cover the anticipated cost making the amount not to \$196,500 for the two years. In favor: Houpt – aye; McCown – aye; Martin - aye

Taugenbaugh Building

Tim Arnett asked for direction on the Taugenbaugh Building. This has been advertised in the papers for two months all over in an attempt to sell it and no interest. There is an appraisal on the building and land. The land is almost \$375,000 with the building it's a little over \$400,000. The land is worth a lot and the building zip.

Level it, sell the ground or keep the ground, or whatever.

Commissioner McCown – I wouldn't recommend tearing it down at this point.

Chairman Martin – we are heating it etc.

Ed said the other option is to turn it over to a real estate agent and have them sell it.

Commissioner McCown favored letting the professionals sell it. Chairman Martin favored much preferred tearing it down only the property for a future purchase and maybe market it at a higher value.

Commissioner McCown estimated about \$60,000 to tear it down and haul it off.

Commissioner Houpt – it's a building with problems, we're heating it and its sitting vacant. A huge liability with some possibly getting injured. The possibility of talking to realtors is okay, but if it's going to sit there she would prefer it to go away.

The decision was to talk to realtors and determine a fee and see how much we could make.

- **Budget – Further discussion of 2006 Proposed Budget – Patsy Hernandez**

Ed and Patsy presented the final items for the Budget including the additional requests.

Patsy pointed out several areas in the handouts that addressed the concerns related to budgets.

BOCC Budget under Contingency – I-70 Coalition – Tresl has a proposed budget for 2007 because we were late in compiling the numbers. To move the alternative forward they came up with a list and the Rural Resort did not make its primary focus and in looking at what has to be accomplished, they decided to hire a full time director on this so at this point, all of the other counties have committed to contribute \$15,000 and she requested that we contribute \$10,000 to that budget to continue to support the preferred alternative off the ground.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to make the voluntary contribution of \$10,000 to support the 2006 I-70 Coalition.

Commissioner McCown – the study stops at Eagle County Airport.

Chairman Martin – hold it into contingency – earmark the \$10,000 tentatively.

In favor: Houpt – aye; Martin – aye; McCown – aye

Mildred added some items for 2006 for Election.

Projected fund balances - \$32,006,927. The other reason that we want to start building the fund balance in Capital is to pay about 2.5 million to the COPS fund in 2009.

- **County Corporation - Garfield County Building Corporation – Approval of Documents for Refinancing Jail COPS; the Garfield County Corporation as Lessor and Sub-lessor, Colorado Corporation – Second Amendment to Jail Facility Lease Purchase Agreement; the First Supplement to Mortgage and Indenture of Trust to US Bank National Association as Trustee; the Escrow Agreement – Refunding Certificates of Participation Series 2006 - \$9,795,000; and Continuing Disclosure Certificate - Ed Green – Dale Hancock – Don DeFord**

Dan O’Connell from RBC Dain Rauscher presented.

Resolution for Series 2005 was submitted concerning the refunding of certain outstanding certificates of participation issued to finance the acquisition and construction of a jail facility and authorizing and approving the amendment of a jail facility lease purchase agreement, the amendment of a mortgage and indenture of trust, an escrow agreement and the execution of related documents and performance of related transactions with all the associated documents.

This is a savings of approximately \$600,000. For COPS to exist you do not have compulsion to renew. That means not invest equity, so if you invested \$2 million of equity into the building that would create a compulsion to renew each year because you already have \$2 million invested. You can’t do it at the time of refinancing but clearly it’s stated in all the documents you can do it at any other time. After 2009 there’s a debt of about \$2.1 million of security that we could put that money aside and pay those off.

The Resolution authorizes Ed to move forward.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown that we adopt the Resolution concerning the refunding of certain outstanding Certificates of Participation issued to finance the acquisition and construction of the jail facility and authorizing and approving the amendment of the jail facility lease/purchase agreement the amendment of a mortgage and indenture trust, escrow agreement and the execution of the related documents and performance of related transactions and authorize the Chair to sign.

In favor: Houpt – aye; McCown – aye; Martin - aye

- **Airport – Update – Brian Condie**

Brian submitted an update for the Garfield County Airport for 2005 highlighting Economic Development, Airport Development including Self Fueling and Land Lease and Airport Upgrade Progress for D-III, FBO, and T-Hangars. The Air fair was held and it was for Economic Development

Brian gave a video presentation showing all the activities held with the Air Fair; there were 1500 people in attendance.

National Business Aviation Association – Economic Benefit – name recognition with Aspen and Eagle. Request Rifle was the message at the conference; 600 brochures and give-a-ways for name recognition were provided in the booth. Next year the conference is in Orlando, Florida and Brian would like one or more Commissioners to attend. Dale – this conference will be discussed on Wednesday and doing a cost benefit analysis. Interest by four different companies who were interested in relocating to this area. This is both a benefit and supports our economic development objectives. This conference was originally scheduled for New Orleans.

Airport Development – four different groups approached Brian in the last month for hangar development. Three groups were looking at large hangars and one for T-Hangars.

Self-fueling was discussed. An informal request has been made and Carolyn wants to make sure that the safety regulations are in place to protect the Airport and the customer. Need a policy and Carolyn and Brian will bring this back. T-Hangar repairs for the Oberholtzer are coming along and due to the cold weather the concrete was delayed. Dale – the status of the Mountain Radar System – Rifle is on target to receive a system.

COUNTY ATTORNEY UPDATE – DON DEFORD

- **Executive Session: Litigation Update; Legal Advice - Appointment of Mineral Lands Leasing Impact Distribution Task Force – Rule Making and ON-going Litigation; DDA Litigation and a potential code violation.**

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

Action Taken:

Don stated two items:

1) Request for authority to proceed on Code Violation

Carolyn – the CA’s office is asking for authority to proceed on an alleged building code violation and potential zoning code violation under both sets of statutes, we ask for authority to proceed under both civil and criminal statutes and if possible to pursue an immediate injunction from the District Court.

Commissioner Houpt so moved. Commissioner McCown seconded. In favor: Houpt – aye; Martin – aye; McCown – aye.

**2) Boards and Commissions - Appointment of Mineral Lands Leasing Impact Distribution Task Force -
Designate a representative to attend a meeting – DOLA's – Mineral Leasing**

As members of the Colorado Mineral Lands severance tax committee, an invitation to attend a meeting of municipal officials that DOLA has called to discuss issues with the Federal Mineral Lease Distributions has been scheduled. The Department of Local Affairs is convening a task force to review the proposed method of “Third Tier” direct distribution of federal mineral lease revenues and related matters. The first meeting of the task force is scheduled for Wednesday, December 21, 2005 from 11:00 a.m. to 3:00 p.m. at the Colorado Municipal League in Denver. One representative is all that space is allowed from Garfield County and an RSVP to DOLA is required by December 19, 2005. The hope is to have a constructive discussion of proposed changes to the third tier direct distribution, consequences of and possible remedies for impacts of these changes on local government budgets, strategies to improve accuracy of industry employee counts, and related matters. There's been a lot of misinformation in the press recently regarding this issue and the representatives are to join in an effort to see resolution by providing objective, accurate information and engaging in constructive and creative dialogue on these matters. Maintain constant communication. Don has volunteered to be there and sharing of information; and to appoint Larry McCown as the representative.

Chairman Martin seconded.

Larry and Don will be attending.

One of the key things we will be asking for, we're going to ask for a delay in the disbursement of these funds until an agreement can be reached. Not optimistic that next Wed will come to a resolution of this matter.

Addressing concerns – there will be ample time and Larry will only represent what the Board wants out of this.

In favor: Houpt – aye; Martin – aye; McCown – aye

Don will notify DOLA that Commissioner Larry McCown and Don will be present at the meeting.

COMMISSIONER REPORT

Commissioner Houpt – I-70 Coalition Meeting this week and the Rudi Water and Power meeting discussing next year's meeting.

Commissioner McCown – Northwest Oil and Gas – last Wed; New CMC campus on the Airport Road; Associated Government – Thursday; noon with Joe Davis from Shale on Tuesday; Wed. BLM Office in Glenwood Springs; Lunch – EnCana with Sher to discuss Man camps for industry workers. Meeting in Denver next Wednesday.

Chairman Martin – Thursday, vehicle problems; Grand Junction on Tuesday; Wed – Denver Aeronautics Board;

Interviews for Oil and Gas Auditor – 4 to interview.

CONSENT AGENDA

- a. Approve Bills
- b. Wire Transfers
- c. Inter-fund Transfers
- d. Changes to Prior Warrant Lists
- e. *Darter, LLC – Valley View Subdivision* - authorize the Chairman to sign the Final Plat and SIA for Phases C & D of the Valley View Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Consent Agenda Items a – e removing b and

Budget - Patsy said she did a follow up on the budget for the Rifle Clean \$490,000 and for the 2006 Budget, we have Rifle Clean up we have budgeted a grant from the State, \$451,000.

Sutank Bridge – this is a 1910 bridge that came all the way from Pueblo, Colorado and placed. We did not make payment to the Town of Carbondale this year. The BOCC approved it and we budgeted it for \$35,000 in Road and Bridge.

PUBLIC MEETING: AFFORDABLE HOUSING PROJECT – KEATOR GROVE – FOLLOW-UP TO DISCUSSION – BILL TUITE

SUSAN SHIRLEY, HOUSING CORPORATION

A letter from Bill Tuite was received on November 25, 2005 explaining his reasons for not being able to attend the Commissioners meeting where this was presented. Susan provided Bill an update and he would like to take the time to answer some of the questions and concerns that were raised.

The project is 100% resident occupied with a price cap to be determined by not to exceed 5%. The support of Pitkin County, the Town of Carbondale and hopefully the City of Aspen is based on that understanding. In addition any mortgage help from CHFA will also be based on the RO requirement plus the 15% inclusionary zoning. That is how this project has been presented to local banks and governments.

This project was approved as a “for sale” project not a rental one but the ability to allow owners to rent may be able to be built in. Once all the units are sold the homeowners association can of course change the ability to rent or not to rent.

Pitkin County requested that Garfield County be approached, and it was not the idea of the Roaring Fork Community Housing Fund or Mountain Regional Housing.

Bill clarified that they are not asking for any precedent set by the request for funding to Garfield County but can only hope that some level of support can be given to insure this project can be developed as currently envisioned.

This project would be the first 100% RO project of any size outside of Pitkin County built with virtually no subsidy (with the exception of local loans) to be able to accomplish this could lead the way to more such projects and possibly more attainable community housing.

Susan Shirley – met with Pitkin County and they have further question. It is her understanding that the County cannot do a loan to the Mountain Regional. All owners will have to prove residency in the area, employed and work in the area. The Median home sale in Carbondale is \$400,000. The intent of this project is to exclude second

homeowners. Chairman Martin – we need to assist rental real estate. Carbondale feels they need permanent housing for this area.

Pre-development grant of \$50,000 may be requested.

Commissioner Houpt supports more attainable housing in the area and asked if Susan could help with how did only 8 units would be truly affordable.

Susan – cost of land and cost of construction. These will all be deed restricted. The Town of Carbondale for \$700,000 and a verbal commitment from Pitkin County \$450,000 loan and \$450,000 grant and from the City of Aspen. They have explored other private sources.

Commissioner Houpt – philosophically the question is how involved should the government be in Affordable Housing and part of what came out in the Affordable Housing is to formulate partnerships with private and public housing. This project could jump start other projects; she wants to see attainable and affordable housing but would not support a grant for every development.

Commissioner Houpt made a motion that we grant the \$50,000 to support the planning component of Keator Grove and be specifically for this project and that we are jump-starting this proposal for 2006.

Commissioner McCown seconded for discussion. I still don't feel comfortable with this project and see this as government subsidizing this process and the prices of these units do not reflect affordable housing, not clear representation of an average clerk in the County, school teacher or law enforcement

Range in cost of homes – high \$100,000 to \$400,000 – on the lower end of the income scale they would not qualify. 1100 to 2400 square feet and they can be added onto the units and hopefully they can add basements and garages.

In favor: Houpt - aye Opposed: McCown – aye; Martin – aye

Chairman Martin commented that he can't support you – it's not affordable. Commissioner Houpt thanked Susan for bringing this forward.

TREASURER – TAX LIEN SALE – ASSIGNMENT OF TAX LIEN SALE CERTIFICATES TO THOMAS MAGEE AND FRANK GUNN – GEORGIA CHAMBERLAIN

Georgia Chamberlain, Jean Richardson and Shannon Hurst were present.

Georgia presented the request. There is a 1972 American Westward 12x40 mobile home located in Parachute in the name of Albert Vigil and the property is owned by Thomas R. and Rose M. Magee. No one has been living in the mobile home since Mr. Vigil's death in 1999 and according to the Magees, the trailer is unlivable and even the appliances cannot be salvaged.

When the 2000 taxes payable in 2001 were not paid, the Treasurer's office included the taxes in the 2001 tax lien sale. No investor bid on the taxes and the tax lien was struck off to the County resulting in County-held Tax Lien Sale Certificate #2001-181. The mobile home (M001713) remained on the tax roll until the 2004 tax roll when the Assessor deleted the mobile home schedule and included the mobile home on the real estate schedule as a shed. The Magees do not own the mobile and want it taken off their schedule on the tax roll, as well as taken off their land.

The solution arrived at between Georgia and Shannon is to ask the BOCC to assign the certificate to the Magees at no cost. After the assignment, Georgia can issue a certificate of ownership and a moving permit. The taxes on the mobile home are \$82.40 from 2000 to 2003.

The Magees have agreed to accept the trailer. Don has suggested a cost of \$1.00.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to assign the tax lien certificate to Thomas R. and Rose M. Magee for \$1.00.

In favor: Houpt – aye; McCown – aye; Martin - aye

TREASURER – TAX LIEN SALE CERTIFICATES #2005-171 – WORLD GOSPEL MISSIONARIES AND WIDOWS BENEVOLENCE FUND, LLC.

Frank Gunn is requesting the Board to assign these Mobile Home Tax Lien Sale certificates to him. The cost would be \$4,825.91 which includes \$80.00 for the assignment of those certificates @ \$4 for each assignment. Mr. Gunn did not attend the tax sale.

Georgia stated the benefit is that the taxes will be paid and she can distribute the taxes to the various taxing entities. Commissioner McCown stated his concern was that the County would be giving him preferential treatment if we sold these to him after the tax sale.

Georgia explained to the Commissioners how the system works and what steps are taken before the tax lien sale that has a one-year redemption time frame.

Georgia has dealt with Frank Gunn before.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown that we approve the assignments #2005-152 - #2005 – 171 to World Gospel Missionaries and Widows Benevolence Fund, LLC.

In favor: Houpt – aye; Opposed: McCown – aye; Martin – aye

Hold these for next year's tax lien sale.

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Pat Tucker – Division of Wildlife

Reminded the Board of two issues: discussion on regulations and land issues and would like to discuss these with the Board. Like an opportunity to discuss some of the problems we have around here.

Bear calls were in half this summer due to the moisture and food availability in the mountains.

Recently new Habitat – passed legislative – January 1, 2006 – part 3 of the license fee increase. Particular boat ramps in Carbondale and Glenwood Springs which will have a fee of \$10.00 to use the ramps. Fishing license you already paid a \$5.00 habitat fee and this would cover those rafters.

Two boat ramps – Garfield Creek; 1st year is focused on education unless they have already talked to several times. Will be posted to inform the public. Boat ramps by Catherine Store – keep this on the burners and hopefully by

spring 2006. Pat Tucker expounded on the Moose by the Airport – they did not cut the antlers off the moose, they fell off naturally.

Bear Ordinance – Larry reluctant to incorporate it County-wide. But in Bear areas he would support it.

Pat wants to talk to the County about this issue.

Commissioner McCown – zoning regulations are being re-written. Hearings are scheduled for the Planning Commission in March.

Fred Jarman will contact Pat when these discussions are scheduled.

PUBLIC HEARING: BUILDING AND PLANNING – DWYER, LYNN AND PATRICK – ADU – SPECIAL USE PERMIT REQUEST. LOCATION: SOUTH OF APPLE TREE PARK IN THE NEW CASTLE AREA.

Lynn Dwyer, Richard Wheeler, and Carolyn Dahlgren were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate.

Carolyn advised the Board that a property owner within 200 feet was not notified. There is an imperfection in notice.

The one not notified owns property with her driveway. Ms. Logan is the owner. Chairman Martin noted that if Ms.

Logan had a problem she would have let the Dwyer's know. The sign was posted at the beginning of the driveway off CR 335. The Board recognized the lack of notice to Ms. Logan and noted it was flawed but due to the posting on the Logan property, the Board did not have a problem moving forward and accepted notification.

Chairman Martin swore in the speakers.

Richard submitted the following exhibits: Exhibit A –Mail 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 – Staff Report dated 12-12-2005, Exhibit G - Application materials and Exhibit H – copy of the Power Point presentation. Chairman Martin entered Exhibits A – G into the record.

Richard stated this is a request for a SUP for an ADU located at 4730 CR 335 on 40 Acres with a private drive from CR 335. A well is on the property and sewer is ISDS.

DESCRIPTION OF THE PROPOSAL

The applicant requests the Board of County Commissioners grant a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) located south of Apple Tree Park (New Castle). If approved the ADU will serve as housing for employees of Dwyer Greens and Flowers. The subject property is a 40-acre parcel. The ADU will be accessed by an existing private drive from CR 335. An access easement has been secured to allow ingress and egress to the property. The location of the proposed ADU will meet all respective setbacks for the ARRD zone. The proposed ADU will be located in an area that will be that will not affect any adjoining uses. As represented by the applicant, the proposed ADU will be less than 1,500 sq. ft. and will be used as employee housing. The location of the ADU is on a flat piece of ground that is not within in any steep slope related topography.

There is one well that will serve the entire property – permit #189714. This well permit is limited to fire protection, ordinary household purposes inside up to three single family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals. The applicant has not provided a well test to determine adequacy for the proposed ADU and residence on the property.

Main access to the proposed ADU will be from an existing private drive. This existing private drive is accessed from CR 335. As shown on the submitted application materials, the applicants are proposing a small driveway that will lead to the ADU. This standard is met. The proposed location of the ADU is located in an area the will not be visible from any adjoining uses. If approved, the applicants shall use minimal lighting that is shielded to prevent light trespass on other properties and is inward and downward facing towards the structure. This standard is met.

The applicant has provided staff with information showing a legal and physical source of water for the proposed ADU. Adequacy has not been addressed to the satisfaction of staff. Staff is recommending a well test be performed and the results of that test meeting the minimum requirements as stated earlier be submitted prior to issuance of the permit This standard is not met.

The applicant is proposing to use an ISDS for the ADU. The applicant shall be obligated to obtain the proper ISDS permit from Garfield County should the SUP request be granted. This standard is met.

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 unless otherwise modified by the Board.
2. All lighting associated with the ADU shall be the minimum amount necessary. All exterior lighting shall be shielded to prevent light trespass on any adjoining property and be downward facing towards the structure.
3. The Applicant shall obtain the appropriate ISDS permit as part of the building permit process for the ADU. This system shall comply with the regulations and standards required by the Colorado Department of Public Health and Environment.
4. The applicant shall obtain a building permit prior to any construction of the ADU and shall comply with all the regulations and standards as set forth in the current building code as adopted by Garfield County
5. The Applicant shall meet all requirements of the Garfield County Zoning Resolution of 1978, as amended, and shall meet all building code requirements
6. The gross floor area of the accessory dwelling unit shall not exceed 1,500 square feet
7. The accessory dwelling unit shall not be conveyed as a separate interest but may be leased
8. Prior to issuance of this Special Use Permit, a well test shall be submitted meeting the following requirements:
 - a. That the well produce at least five gallons/ minute
 - b. That a four (4) hour pump test be performed on the well to be used;
 - c. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

- d. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
- e. A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed dwelling units;
- f. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- g. The water quality is tested by an independent testing laboratory and meets State guidelines concerning bacteria and nitrates.

Lynn Dwyer – The water: they have two wells and the storage tank is 15,000 and a fire hydrant. He does have well test materials and can submit those. They purchase water from the Talbot's and have a separate contract with the Talbot's from the river wells for the green house. The date of the well test was 1999. She volunteered to give the County a copy of the well test. The cabin that's on another property has its own well.

Commissioner McCown – there's already an Accessory Dwelling Unit with the cabin on a second 40 acre.

Carolyn suggested a continuance until we can work this out

Fred Jarman suggested a condition of approval so the Dwyer's do not have to come back.

Employee housing is really needed in this county.

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

Commissioner Houpt made a motion that we approve the Special Use Permit request for an Accessory Dwelling Unit for a property located at 4730 CR 335 New Castle with the conditions proposed by Staff with some changes on 8. adding to the beginning of the sentence that if the existing well testing is adequate prior too issuance of this and then 9. that would require creating separate parcels prior to receiving a permit for the ADU.

Commissioner McCown seconded.

Motion carried.

ADJOURNMENT

Attest:

Chairman Martin

DECEMBER 19, 2005 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, Monday, December 19, 2005, 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

❖ *Human Resources – Position Upgrade – IT Specialist – Brian Sholten and Judy Osman*

Reclassification of Charles Zelenka – IT Specialist to IT Analyst – Brian requested and Jesse and Judy reviewed the request. Charles would advance to a Pay Grade 7 at \$22.70 per hour.

Bryan said this is for the organization of the IT Department. The purpose is to elevate a position from a Grade 6 to a Grade 7 giving a senior position and will have some supervisory assistant, setting up the network for the help desk.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the reclassification of Charles Zelenka IT Specialist to IT Analyst to a Grade 7.

In favor: Houpt – aye; McCown – aye; Martin - aye

❖ *Benefits – Consulting Agreement for Gallagher Benefit Services – Judy Osman and Carolyn Dahlgren*

Judy Osman submitted a letter from Gallagher Benefit Services confirming the change of commissions for the consulting agreement. The letter is self-explanatory. The total cost to the County will be \$10,239.00 in 2005. This is the same way it has been since the County has been self-insured. The paper track matches how we are doing business. The Chair has already been authorized to sign the contract, this was for explanation only.

❖ *Trails – LoVA Award Contract – Jeff Nelson*

Tim Arnett reported. At the November 21, 2005 BOCC meeting a tentative agreement was established to award a Professional Services Contract to Schmueser/Gordon/Meyer Engineers/Surveyors for performing design/engineering, project coordination and construction management in accordance with agreements between CDOT, Garfield County Lower Valley Trail Way (LoVa) and GoCo for a pedestrian trail. Don DeFord rested CDOT to remove conflicting language in Contract 06HA3 0035 between CDOT and Garfield County. CDOT agreed to remove some of the conflicting language but they still required Garfield County to disregard using price in the selection process. Obtaining a fair and reasonable cost for the work is the second part of the selection process and will occur during the negotiation phase. However, after talking to Lisa Lacroix from CDOT, a decision was made to disallow price in the evaluation process. After evaluating the remaining factors, we determined that all three firms would be interviewed for final selection. Interviews were set up for December 13, 2005. The evaluation committee comprised of representatives from the project partnership of LoVa, Garfield County Engineering Department and Glenwood Springs Community Development. The ranking is this:

•	Schmueser/Gordon/Meyer Engineers/Surveyors	184.04
•	URS Corporation	145.36
•	Newland Project Resources	141.70

Thus the recommended award to SGM Engineers for a not to exceed price of \$243,000.00 for the Phase I design/engineering, project coordination and construction management of the South Canyon Pedestrian Trail. This contract will not go into effect until January 2006.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to award the contract to Schmueser/Gordon/Meyer Engineers/Surveyors (SGM) Engineers for a not to exceed price of \$243,000.00 for the Phase I design/engineering, project coordination and construction management of the South Canyon Pedestrian Trail.

Don made some comments which were to make this effect in January 2006 and the schedule was in October 2005 and this will have to be adjusted. Jeff was present as well and is working on the revisions. This is for the first phase only.

In favor: Houpt – aye; McCown – aye; Martin - aye

❖ ***Community Event – Request for support for 24 hours of Sunlight Benefit/Race for MS – Fred Jarman, Charles Zelenka, and Bryan Sholten***

Fred Jarman and Bryan Sholten were present. A 5- member team has formed to compete in the First Annual 24 hours of Sunlight endurance race to benefit Multiple Sclerosis (MS) and Heuga Center. The team is comprised of three County employees and two at-large members resulting in a co-ed team of two women and three men to compete in the “5 Person Open” group.

The Team requests the Board of County Commissioners support this effort by contributing \$787.00 which will cover the registration fee (\$625.00) and staging support unit (\$162.00) in the Brattleburg during the night of the race. If the Team should be awarded any prize monies, the Team has pledged to donate those winnings in full to the Heuga Center as well.

The Heuga Center is a national non-profit organization based in Edwards, Colorado, is dedicated to improving the lives of people and families living with MS through its interactive, educational programs unique to any in the world. They work collaboratively with other MS care providers and organizations to take its programs to people who have MS.

The race details: begins at 10 AM on Saturday, February 11, 2006 and finishes at 10:00 AM on Sunday, February 12, 2006. The vertical is 1,520 feet per ascent (approximately 1.5 hours per ascent); method – skin or snow shoe up under own power and ski or board down.

On December 14th the County Wellness Committee reviewed and discussed the idea and as a result, they have provided their endorsement and support of the proposal to the BOCC.

This has received nation wide publication. This has never been held here at Sunlight.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the \$750 expenditure for the 1st Annual 24 hour race.

In favor: Houpt – aye; McCown – aye; Martin - aye

- ***Toys for Tots*** – Ed presented the toy situation to the Commissioners saying he had reached Larry and Tresi but not John about the confusion with the donation process with Toys for Tots this year. Apparently Toys for Tots, all of the toys collected are going to Louisiana this year and we didn’t realize this and lined up 1100 kids for donation of toys so we need to fill the breach and Commissioner McCown and Commissioner Houpt have allowed us to pay for that initiative out of the Commissioners grant funds, Lynn has money available about \$5300 and we needed about \$4700 to make it happen. Jesse said it was not the local Marines, they got blindsided the same as the County. This came from the national level that 90% of all the toys collected by the Marines had to go to the Gulf Coast. It was a last minute surprise to them and a last minute surprise to DSS. Ed received word that there was a change in plans and the Marines will be sending 90% of all the toys collected to the victims of Hurricane Katrina. Commissioner Houpt made a motion that we approve the expenditure of \$5300 family support money and \$4700 of general fund money. Commissioner McCown seconded. In favor: Houpt – aye; McCown – aye; Martin – aye.

COUNTY ATTORNEY UPDATE – DON DEFORD

Executive Session: Litigation Update; Legal Advice on the status of the 3rd tier distribution and direction on a meeting this week and Oil and Gas Litigation. Update on the zoning violation with construction without a permit in Rifle also Don wants to give some legal advice on the adoption of the budget.

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.

- ***Canyon Gas Pipeline*** – at 2:00 a.m. a loud boom was heard and a 5” transmission gas line located 5 miles south of New Castle south of the Y300 Ranch, 1 mile north on East Divide Creek. EnCana is on hand and Emergency Director Jim Sears along with numerous individuals at on site. They have evacuated the area ¾ of a mile due the spraying gas. It has not blown yet but the gas fumes are strong in the area. Calls from residents in the area are expected to be numerous. Jesse was instrumental in locating the owner of the pipeline and alerted Jim Rada, Environmental Specialists.

Jamie Adkins gave emergency numbers for Canyon Gas – Jake Mall was sitting on the top of a Mesa to communicate with Jesse.

COMMISSIONER REPORT

Commissioner Houpt –didn’t meet with Joe but chatted from Shell, on Wednesday met with Jamie Connell on the Roan Plateau review, which is moving forward and the folks in DC have been impressed with how well the local BLM has worked with the stakeholders; I-70 Coalition meeting and advertising for an executive director. Tuesday - the EnCana meeting.

Commissioner McCown – Tuesday, Legislative tour with EnCana from 11 a.m. to 4 pm; Sage Grouse meeting Tuesday night; Wednesday, going to the General Leasing Passport in Denver at CML. Last Tuesday met with Jill Davis and representative of Shell and Wednesday met with Sher from EnCana on updates; Thursday, a meeting to discuss temporary housing at well-site location with Rio Blanco, the industry and Mark was present representing the Planning Department and Friday met Don with City of Rifle on strategy on the meeting this Wednesday.

Chairman Martin – Dale and John to Denver – CDOT meeting with the Transportation Commissioner also the Aeronautics Board then the following day to the joint budget with CDOT and the Aviation group with side conversations with Janice Webster in reference to earmarks and what was taking place with earmarks on transportation issues and we’ll have a meeting with the regional director as well as with some of the City of Glenwood Springs and the Intermountain TPR, hopefully put that together in reference to two earmarks.

Dale – one other point that's more informational at this time but not for granted with the Federal Aviation but we are one of the approved mountain radar sites and there's a \$20 million dollars price tag attached. Travis is a division director at Aeronautics reference the discussion in determining how much local fund match would be a part of the discussion. We will start to see what's out there in terms of public private collaboration for us to have that system in place in Rifle. Steamboat and Rifle are in there plus two others. This could be a 95-5 match of funds. Dale said it was vague and therefore this is more for informational purposes. Garfield County will be the poster child. The federal aviation folks are very intrigued with it and they have been presented with this back in Washington, DC. It's a new style of radar. Dale there is no radar coverage now so anything we get is better than nothing. Commissioner Houpt – since it is a test she would hope the match would not be a great deal of cost to the County. Dale said if this works it becomes a federal asset which means they will assume the maintenance over the long term – a big part of the cost.

COPS Grant – “A” rating

Ed reported they got notice that we have an A rating for COP Refinancing from Standard and Poors.

CONSENT AGENDA

- a) Approve Bills
- b) Wire Transfers
- c) Inter-fund Transfers
- d) Changes to Prior Warrant Lists
- e) Fritzlan, Robin – Boons Place Subdivision - Authorize the Chairman to sign the Final Plat and Subdivision Improvements Agreement

Fred – under e – SIA and Final Plat – there are a number of ministerial issues and the Chair be authorized to sign upon completion of the signatures. Approve administrative issues. Mildred will hold.

Carolyn – need mortgage signature. Applicant – was unable to get a letter of credit for \$3,000 and actual SIA is different – Using a Treasurer's agreement instead of an LOC.

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

E – Commissioner McCown made a motion to authorize the Chair to sign a final plat with corrections once the appropriate signatures are in place and brought back to the Chair for that signature on Boons Place Subdivision, applicants Robin J. Fritzlan. Commissioner McCown amended his motion to include the approval on using a Treasurer's agreement instead of a letter of credit on the SIA. Commissioner Houpt seconded and agreed with the amendment. In favor: Houpt – aye; Martin – aye; McCown – aye.

Mildred will hold the SIA and can't record anything.

News Release on the DA Recall Election

Mildred – news release and she did a letter to the Editor.

Clerk's Update – Sale of Old Equipment to Rio Blanco

Mildred reported that the Rio Blanco County Clerk - Nancy Amick submitted a check for \$1500 for the sale of the 550 ES&S counter – she was pleased with the equipment

Chairman Martin – thanked Mildred for the election and the judges.

Board of County Commissioner Minutes - approval

Commissioner McCown made a motion to approve the minutes of August 15, September 6, September 12, September 19, October 3, October 10, October 17, October 26 and November 7, 2005. Commissioner Houpt seconded.

In favor: Houpt – aye; McCown – aye; Martin – aye. McCown - Houpt – carried.

REGULAR AGENDA HUMAN SERVICES COMMISSION - EARLY CHILDHOOD SERVICES – SANDY SWANSON

Sandy presented an agency overview of the Family Visitor's Program and a pamphlet guide to parents working their way through the Child Care Maze.

The FVP was established in 1983 and in 1986 became a private, not-for-profit cooperation. In 1990 the agency began to provide joint programming with the area Teen Parent Programs. In 1999 Colorado Bright Beginnings partnered with the FVP, staff and volunteers provide Warm Welcome visits (birth to 1 year), and Moving on Visits (1 – 2 years) and in 2003 the agency was awarded Nurse Family Partnership status for 100 families/year.

The program is staffed by 6 – 7 FTE paraprofessional visitors, 4FTE R.N.'s to provide home visitation services and volunteers who work with agency staff to make the visits and the administrative staff consisting of an Executive Director, Assistant Director, Administrative Assistant, and Bookkeeper.

Sandy gave a report including the statistics and success of the program. The total birth rate dropped this year by 170 births. The total births to Hispanic moms are almost 44% of births in the County. Three-factor births in the County that impact on children, if you take a mom less than 25 years old single and no high school diploma they have children with issues such as learning, etc. Moms in this category is almost 66%. Births to high school age is 31.5%; 32% to single women. The State rate for risk factors is 8.3% for 2003 and Garfield's rate was 9.4% and this is something to address and keeping moms in high school is a significant factor and helps mom raise their kids. Usually these moms don't get pre-natal care.

Positives – birth to teens reduced to 11% from 33% and the birth rate decreased overall. This tells us that the women of childbearing age decreased and the number living in poverty improved in 2003.

Sandy thinks with the absence of pre-natal care throughout the state she projected seeing late enrollment in pre-natal care and the bare minimum you pay is \$163.00 and \$400 up front.

Kids Count.org is a website Sandy gave for review of further statistics.

Untreated dental decay – County tracks that and this causes huge problems with medical and nutrition problems.

The number of children without health insurance is not available for tracking within the County.

Family Services are still running their services and the budget is tight. As more and more of the government support are cut, it is hard. They recently celebrated their 22nd birthday in this County.

Nurse family program is through the Tobacco Funds and run 100 families in this.

Last year they visited 350 families in the Family Visitors Program.

Carla Stucco – **Kids First** – Glenwood – Child Care and Resource Center – pamphlet was submitted. She gave a brief overview of the program and an enhancement program.

The cost of 1 year in childcare is the same as the cost of one year of college at a university.

The childcare assistance program is crucial and critical and thanked the Commissioners for this. Also thanked the Board of the grants to assist with their program. Other partnerships are in the works.

Funding is from the Aspen Foundation on a 5-year grant and they are in year three at the present time. The greatest need for childcare is in Rifle/Silt area. Center opportunities are needed.

Sandy Swanson – other population with Kids First is the Latino population and there are very few Spanish speaking childcare homes. Some of the care is good and some is questionable.

Commissioner Houpt inquired if it was funding and resources or just a lack of qualified persons to provide child care.

Sandy responded by saying it is both. If one can afford a lot of money for childcare you get the best and it spirals down from there unless you have a subsidy. Materials are now printing in Spanish but Kids First has those forms available in Spanish.

BOARD OF SOCIAL SERVICES

APPROVAL OF EBT/EFT DISTBURSEMENTS FOR NOVEMBER 2005

Lynn Renick presented. For the month of November 2005, client and provider disbursements for allocated programs totaled \$247,136.54. Client benefits for Food Assistance and LEAP totaled \$160,917.69. Total EFT/EBT disbursement for November was \$408,054.23.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the EFT/EBT disbursements for November totaling \$408,054.23.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Fuel Costs – Lynn stated this is something they are monitoring.

CONSIDERATION AND APPROVAL OF 2006 CONTRACTS

❖ OUT OF HOME PLACEMENT CONTRACTS

The Department is requesting consideration and approval for the current out-of-home placement contracts for 2006.

The list of ID numbers, placement names and not to exceed numbers were included in the Board's packet for consideration and approval.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to Exhibit presented as the evidence of the contract in an amount of \$539,400.65.

In favor: Houpt – aye; McCown – aye; Martin - aye

❖ COUNTY ATTORNEY'S OFFICE CONTRACTS - DEPENDENCY AND NEGLECT/ADULT PROTECTION LEGAL SERVICES - CHILD SUPPORT ENFORCEMENT SERVICES

The Department is requesting consideration and approval of two contracts with Garfield County Attorney's Office.

1) legal services representation, in matters such as Dependency and Neglect/Adult Protection proceedings, in the not-to-exceed amount of \$90,000 and 2) Legal services for representation in Child Support Enforcement proceedings in the not to exceed amount of \$45,000. The contracts were submitted for approval.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the County Attorney's Office Contracts in an amount of \$90,000 for the contract.

In favor: Houpt – aye; McCown – aye; Martin – aye

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the County Attorney's Office Contracts in an amount of \$45,000 for the contract.

In favor: Houpt – aye; McCown – aye; Martin – aye

❖ PITKIN COUNTY CHILD SUPPORT ENFORCEMENT SERVICES

The Department is requesting consideration and approval of the Agreement with Pitkin County Department of Social Services for Garfield County DHS to provide Child support Enforcement services on all eligible cases.

This is a revenue contract for Calendar Year 2006 in the not to exceed amount of \$6,000.

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the Pitkin County Child Support enforcement services purchase of service agreement with Pitkin County in an amount not to exceed \$6,000 with a qualifier with the amendment proposed by our County Attorney's office.

In favor: Houpt – aye; McCown – aye; Martin – aye

❖ AGREEMENT GARFIELD COUNTY HOUSING AUTHORITY (SERVICES FOR TANF/GATEWAY PARTICIPANTS

The Department is requesting consideration and approval for a six-month contract with the Garfield County Housing Authority (Jan 1 through June 30, 2006) in the not to exceed amount of \$75,000. The contract is for housing services to TANF-eligible participants.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the contracts in an amount \$75,000 for the Garfield County Housing Authority IGA.

In favor: Houpt – aye; McCown – aye; Martin – aye

❖ PROGRAM UPDATES

Lynn submitted the updates for the Commissioners review.

Toys for Tots Program – provided some clarification – thanked the Board for the quick and rapid response. Last year we did the Toys for Tots and serviced 460 children. Wanted to continue this and 1100 kids were signed up for all of Garfield County, 800 families. Wednesday of last week they were contracted and told the story about the diversion of toys. This left us 75 kids to share with 1100. Some rapid requests and staff coordinated this effort with the distribution and the County's assistance purchased 19 cartful's of toys Friday night. Lynn thanked the Board for their cooperation.

BOARD OF HEALTH

• ENVIRONMENTAL HEALTH MANAGER REPORT

Jim Rada submitted the report of his most recent activities during the month of November and through December 14, 2005

Air Quality Program training

- o Began initial self-instruction on the operation and maintenance requirements of the Multi Rae Photo Ionization Detector purchased by the County to conduct spot air quality tests for CO, VOC, H2S. We received the equipment 11-28-2005 and began development of a plan for installation of this equipment.
- o Traveled with Cindy Allen, CDPHE APCD regional inspector and Scott Mason, Williams Production, EH&S to several O&G sites to gain understanding of air quality permit inspection process.

Air Quality Program Management

- o Made numerous calls to potential industry, government and citizen partners regarding possible participation on the work group.
- o Held meeting at my office with Ray Mohr, Gordon Pierce, Doug Dennison and Chris Reed to discuss current state of the air monitoring program and ideas around expansion/enhancement of the program in the coming year.
- o Organized and conducted a group meeting with Ray Mohr, Gordon Pierce, Doug Dennison, Chris Reed and myself to discuss the current program and possible future direction.
- o Met with Bob Elderkin of GVCA to discuss his desires to see more monitoring done.
- o Met with EnCana reps to discuss possible participation on an Air Quality Technical Work Group.
- o Conducted phone conference with Ray Mohr and Cindy Allen of CDPHE APCD to discuss options for technical work group or other AQ advisory committee.
- o Received air monitoring grant documents from Doug. Reviewed final documents. Observed that the scope of work for the monitoring program does not match what is actually being done in the field. Initiated discussion with Chris Reed to bring back to his manager to determine what needs to be done to adjust the contract.
- o Met with Chris Reed to discuss format of data and other regular work reports regarding the air monitoring program.
- o Received approval from Mary Meisner and Ed Green to begin development of the work group. Began work to develop an Air Quality Technical Work Group (AQTWG).
- o Emailed Cathi Patti to advise her that we needed to discuss updating the Air monitoring contract to reflect current operations.
- o Met with Terry Dobkins of Antero Resources to discuss participation on the AQTWG.
- o Received email commitment from Andrea Sears of the USFS to participate with the AQTWG
- o Met with and received commitment from Cindy Allen of CDPHE and Scott Mason of Williams Production to participate with the AQTWG.

Human Health Risk Assessment (HHRA)

- o Began bi-weekly meetings with the research team regarding the project.
- o Participated on a tour with the study team of several Williams drilling and production facilities including the Parachute Creek gas plant.

Public Health Support

- o Submitted EH contribution to the Annual Garfield County Public Health Work Plan required by CDPHE.
- o Assisted Phyllis Jaeger with calls regarding Norovirus outbreak at a local extended care facility. Advised Mary of our concerns and suggested actions.

Intergovernmental Agency Support

- o Attended meeting with County Management staff to discuss and develop transition strategy for Doug Dennison's departure.
- o Began discussion of complaint database needs with Aaron Agee at IT.
- o Responded to and resolved a sewer overflow complaint in the Anvil Points RV Park on behalf of the Consumer Protection Division.
- o Reviewed initial draft of complaint database and provided input as to additional possibilities for improvement of form and reporting capabilities. Discussed options for use by GIS.
- o Conducted initial review of application for Whispering Creek Subdivision for the Planning Department

Water Quality

- o Continued to correspond on several dates with EnCana staff as they developed internal plans for the pilot water well treatment project.
- Other:** Attended the Energy Advisory Board; Participated with several EnCana O&G tours of various stages of gas well development including site prep, drilling, fracing and well completion; Attended GVCA monthly meeting; sent Sound level meter in to manufacturer for calibration; spent a few hours familiarizing myself with the geography of the county between Rifle and Parachute, south of the interstate. Took the opportunity to stop in and talk to Tommy Thompson regarding our air sampling results on his property, his issues with the O&G industry and my thoughts about air quality program development in the county; attended meeting in Silt regarding the Antero Resources/GVCA RSNC Community Development Plan.

Citizen Complaints Received During Month of November

- o Responded to an air quality complaint on Silt Mesa regarding petroleum odors.

Activities for Month of December Attend EAB meeting; attend odor school certification course to be held in Denver; participated with interviewing committee from Oil and Gas Liaison position; and participated with initial meeting of ad-hoc group discussing meth lab clean up issue.

Planned activities for December include:

- o 12/19/05 Board of Health meeting
- o 12/20/05 Health Risk Assessment Team Meeting
- o 12/21/05 Public Health Staff Meeting
- o Weekly Scheduled meetings with EnCana

This has been a very interesting time for Jim and learning about the gas industry. He highlighted some projects he was working on. One is the Air Quality Monitoring Program. This should be up and running in 2006 and reports coming if from all the stations.

Jim is also working with the Building and Planning Department and suggested some language with water issues on the Code. Also the County Attorney's office on these man-camp sites being proposed.

Water quality applications on drinking water systems with the Department of Public Health and some complicated ISDS applications for the Building and Planning.

Drinking water wells – private systems – the issue of why these wells are losing production and how to do maintenance to keep the wells flowing and improving water quality.

This is a pilot to look at a couple of wells that EnCana has some relations with and their consultants have determined that some may be affected in the aquifer. If this is what is happening, he would like to work with the residences and possibly some maintenance on them. It would start as an educational system and possible developing a system to assist residents to have their wells tested and treated. This is just now getting started.

• **PUBLIC HEALTH END OF YEAR HIGHLIGHTS**

Mary Meisner presented a full scale report of all the 2005 accomplishments and highlighted several major improvement projects. 2005 – Scene of moving forward and major improvement programs – Human Services Facility. The EA position and programs for Garfield County. Pre-natal 450 clients, an increase in 8.7% from last year. Active participant in Bio-Terrorism and a table top on West Nile in February. Flu immunization in November. Garfield County caseload for 2005 is 134 and up over 128 in 2004. Successful County Fitness Program for the County. Total reportable communicable diseases was 184 in 2004 and they've seen a total of 159 in 2005.

1000 surveys were issued on the survey 788 were returned 206 in Spanish and 582 in English. Data is being done. A complete report was submitted showing all the statistics compiled.

PUBLIC MEETINGS:

TREASURER – RENEWAL OF BANKING AGREEMENT WITH ALPINE BANK – GEORGIA CHAMBERLAIN

Georgia requested the Board approve the renewal of the Garfield County Banking Agreement – 2001 for Fiscal Year 2006 as authorized by the current agreement approved in December of 2005. This renewal will conclude at the end of 2006 and plan to go out with a banking RFP 90 days before the end of 2006.

When completed Exhibit F

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to authorize the Chair to sign the renewal of the banking agreement for the 2006 year.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Additional, I am requesting that you approve the extension for 90 days of the Investment Advisory Agreement in its current form allowing the opportunity to send out an RFT as required by the Procurement Manual. When completed she would like authorization for this to be signed.

Don – this needs to be resubmitted under the Procurement Code. It will come back before the Board when completed.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to authorize a 90 days extension and authorize the Chair to sign.

In favor: Houpt – aye; McCown – aye; Martin – aye.

Grantor/Grantee will be on-line in 2006.

Shannon and Mildred are jointly working on this project.

BUDGET 2006 – ADOPTION OF THE BUDGET AND APPROPRIATION OF FUNDING – ED GREEN, BUDGET OFFICER AND PATSY HERNANDEZ, FINANCE DIRECTOR

Don has been provided of the actual publication published on October 12, 2005 and advised the Board they were entitled to process.

The Exhibit was submitted into the record.

Ed this is a culmination of 6-months to prepare a budget document. It all began official is October and meetings have transpired with elected officials and public meetings have been held with the Board as well.

Tweaking has been done in the last two meetings with the Commissioners and they are ready to proceed.

One change to Exhibit D and the Board was provided with the change.

Patsy – Exhibit D – last meeting it was at \$140,000 and the Conservation Trust was adjusted to \$150,000.

Exhibit A – budget itself.

Exhibit B – within the budget – contingency line item and this is the individual line items residing in each of those funds – ie. Personnel items.

Exhibit C – the compensation for 2005 for all of the people employed at the time. These are the 2005 wages and include the 5%. The respective pay increases will be submitted and entered in the Budget.

Exhibit D – projected fund balances and page 2 is the projected year end 2005 and page 3 is the actual expenses for 2005.

Exhibit E – property tax calculation given by the Assessor to the Finance Office and how we came about calculating the tax and how split of 13.66 mills.

Exhibit F – represents the sale tax revenue projections given by the Treasurer's office at a 15% increase.

Exhibit G – putting our Resolution for the Mill Levy and Property Tax information.

Exhibit H – summary of the District Attorney and this was prepared by DA Truden.

Hillary Smith – Pitkin County did approve the Budget for the DA. Rio Blanco had already approved the DA Budget. Exhibit A – H were submitted into the record by Chairman Martin.

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

Commissioner McCown made a motion we approve the adoption of the 2006 budget and appropriation of funding and that the Chair be authorized to sign the Resolution

Commissioner Houpt seconded and stated that she appreciated the professional process and thanked Patsy.

Patsy appreciated the comments and thanked Linda Morcom for her assistance in putting this together.

All the photos are Linda's.

The motion also authorizes the Chair to sign the Resolution and the Department of Local Affairs release.

In favor: McCown – aye; Martin – aye; Houpt – aye

TAXES – CONSIDERATION OF RETAINING EXCESS PROPERTY TAXES FOR CAPITAL EXPENDITURES – PATSY HERNANDEZ

The Resolution concerned with retaining excess revenues pursuant to the provisions of Section 29-1-302 (1.2) C. R. S., as amended.

Don received proof of publication – two times. December 12, 2005 and is appropriate.

Chairman Martin swore in the speakers.

Ed – this is a required hearing to determine if the Commissioners want to retain the funds.

Exhibit E – based on the calculations – \$1,032,674 and these funds are required to go into the Capital Funds.

The Commissioners qualified this saying it was not a raise taxes, it is the current mill levy imposed on behalf of all departments of Garfield County projected to be in excess of the statutory imitations.

Don – lower the mill levy, transfer the funds to capital or include in the operating expenses which is cumbersome and approval by DOLA.

Commissioner McCown – statutorily language – this is not a tax increase. It is over the 5.5% allowed.

Don – one of the statutes in what has to be said.

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 retainage of excess property taxes for capital expenditures and chair authorized to sign. Commissioner Houpt seconded. In favor: Houpt – aye; McCown – aye; Martin – aye Patsy thanked Jesse for the assistance and guidance in the budget preparation.

Public Meeting:

MILL LEVIES – CERTIFICATION OF MILL LEVIES – SHANNON HURST

Shannon submitted the report.

Shannon presented to certification of mill levies and explained the packet showing the School Districts and needs to be certified by the County Clerk and the Chairman. The other pages are assessed certifications for the accounts the funds will go into.

Tax increment financing for everyone in those district – the revenue attributable for the Downtown Development Authority was on the last page of the report.

The report is in the Assessor's office and when certified she has to submit these to the proper authorities.

Don – asked if Shannon to transfer copies to the DOLA and School Districts.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to enter an order to certify the mill levy taxes on behalf of the various entities that Shannon has provided. Houpt seconded.

In favor: Houpt – aye; Martin – aye; McCown – aye

ASSESSOR – ABATEMENT – VALLEY VIEW HOSPITAL ASSOCIATION – SHANNON HURST

Shannon Hurst presented the Abatement - Schedule No. R312051 for Valley View Hospital in an amount of \$81,875.95 was submitted to the Board. This is the Glenwood Medical Building and was given exemption in the year 2003 and due to an error in our office we had the incorrect value and just found it out with a fee appraiser.

The abatement is \$82,875.95.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the Abatement in the amount of \$82,875.95. In favor: Houpt – aye; McCown – aye; Martin – aye

Update on the Gas Line

At 2:00 a.m. a seal blew out on a pipeline and a rep of Canyon Gas has been taken to a well site above the wells and turned off the gas flowing – he is being transferred down to the break and will make repairs. There was a lot of gas emanating from the gas line.

An investigation by OGCC rules will have to be done.

Oil and Gas Auditor – two finalists to be interviewed.

Jesse notified the COGCC and Jim Rada and the State EPA was notified.

The PUC will still need to be notified.

PUBLIC MEETINGS:

BUILDING & PLANNING – WILLOW CREEK VILLAGE SUBDIVISION – CARLYLE KANE-STEVENSON TRUST – FRED JARMAN

Fred Jarman, Don DeFord, Jan Shute and Carlyle Kane-Stevens were present.

Fred submitted the staff report stating this is a request to amend the lot lines of Lots 9 & 10, Block 7, Willow Creek Village, 0102 & 0078 Willow Creek Trail, Battlement Mesa, so that the rear lot line of Lot 10 reflects an existing fence, landscaping features and irrigation systems are located. Lot 9 is presently improved with a single-family home and a single-family home is envisioned for Lot 10. The zoning for these two lots is LDR in the Battlement Mesa PUD which allows a minimum lot size of 7,500 sq. ft. The rear setback for the property would also be adjusted to coincide with the new lot line which is a minimum setback of 15 feet. If approved, 1,523 sq. ft. will be exchanged between each lot.

The Battlement Mesa Service Association reviewed the proposal and has no issue with the adjustment as reflected in their attached letter.

STAFF 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 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. 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.
3. A new plat shall reflect the new lot line as well as a new rear yard setback of 15 feet from the rear property line and a side yard setback of 10 feet from the property lines.
4. The plat shall include a plat note explaining the reason for the amended lot lines on the plat.

The applicant submitted a letter from the Homeowners Association dated December 2, 2005. Chairman Martin noted this was submitted as an Exhibit in the staff presentation.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt to approve the amendment to the final plat of the Willow Creek Village Subdivision with the 4 conditions/recommendations of staff.

In favor: Martin – aye; McCown – aye; Houpt – aye

SUN MEADOWS ESTATES, LLC. SIA – CONSIDER A REQUEST TO APPROVE AN ACKNOWLEDGE OF PARTIAL SATISFACTION SUBDIVISION IMPROVEMENT AGREEMENT (SIA) – MARK BEAN

Mark Bean, Don DeFord, Jan Shute, Tim Thulson, Fred Cooke, and Greg Shaner In-house engineer and Bob Emerson legal counsel for Alpine Bank and Bill Sanderson also from Alpine Bank were present.

Mark stated that staff is still working with the Sun Meadows representatives to clarify the basis for releasing \$137,234.00 from the obligations contained in the SIA. The actual SIA will need to be signed prior to the release of the funds and the placement of security guaranteeing the remaining improvements.

Tim explained in Exhibit B of the SIA and the background relevant to the SIA that is presently securing the SIA of the Sun Meadows has expired and there's \$288,000 remaining on the letter of credit and as explained they want to replace the old Letter of Credit to address all the revised costs of the subdivision that has been reviewed by our engineer and approved by Michael Erion, the County's consulting engineer however with regard to the schedule set forth in Exhibit B, one twist, and noted there are duplicate forms for High County Engineer and one request states that after the reductions there would be an SIA balance of \$540,479. The other request for reduction would state that after that reduction we'd have a balance of \$483,479. And the reason for those two numbers is as follows: we have under the SIA, if we have a utility contract with the utility contractor and we've paid that and the County's policy is to allow reduction of the letter of credit upon payment under such a contract. And we're in a chicken and egg situation with regard to our Xcel contract, however the bank does not release the funding pending a write-down of the letter of credit in the County's policy doesn't allow write-down until we have payment. And discussing this with Mark and Don we thought we'd bring directly the Board what the proposal would be and that would be that upon execution of the SIA, later, that Bill Sanderson with Alpine Bank would fund that directly to Xcel Energy and that upon that representation you would allow us to have a letter of credit posted in a lesser amount. That would accommodate the Xcel contract.

The first question and the primary purpose of this is to establish what needs to be posted under the Letter of Credit.

Don – reminded the Board the structure of this, which is that upon final agreement with the Board a Letter of Credit will be posted in the amount of the improvements they need to complete except for those improvements at the intersection of Miller Lane and Hwy. 6 & 24. What's anticipated is whatever the letter of credit in an amount that you require today, will be drawn down to \$188,000 and they will also have transferred to escrow two lots within the subdivision which will continue to be held as security for completion of those improvements at Miller Lane and Hwy 6 & 24 until that's completed. We need to know the amount of the total letter of credit which for the most part is for completion south of Antonelli Lane because there should be also in this packet a certified letter from their engineer indicating all improvement north of Antonelli Lane generically have been completed. Tim's correct, Mark and I are fairly consistent that we receive a letter from Xcel indicating that they're obligations have been satisfied which is our normal requirement. Normally they either have to complete the improvements or more likely pay Xcel or whatever energy company, an amount necessary for that company to complete the improvement. Historically and usually we then receive a letter from the company indicating they have a contract and they've received payment and then we release those funds. This case presents unique circumstances and this is one of those we have to consider whether you believe the County is adequately protected in the process that Tim Thulson has represented. In lieu of your normal practice are you willing to accept the representation of Alpine Bank then on execution of this agreement they will immediately forward payment to Xcel Energy.

Tim – the further wrinkle that was mentioned relevant to the SIA, Exhibit B– the SIA balance, relates to the appraised value of the lots we are putting into escrow for additional security for the intersection improvements. We had represented earlier that we thought that total value would be \$280,000, \$140,000 per lot. The only appraisal on file was fairly dated and that came back at \$100,000 per lot. We're having new appraisals done and believe the new appraisals will come in at \$140,000 but what we're representing here is if they come in for instance at \$130,000 per lot, that would give us a total of additional security of \$260,000 for the intersection improvements, we represented that we would provide \$280,000 of additional security and we're representing now that we would make up that shortfall of \$20,000 in additional bonding under the LLC. That is the only wrinkle we have in that regard.

Tim states some things still need to be done with the Bank, things aren't ironed out but what we're looking for today is 1) question on whether you will accept the representation from the bank that upon execution they'll forward payment to Xcel Energy and 2) that you would authorize the Chair or Chair Protem to sign this outside of public meeting, sign the SIA and escrow agreement that have been reviewed by staff that are satisfactory with it.

Commissioner McCown – on the first request since historically we have trusted Alpine Bank with significantly more money than that, I have a fairly high comfort level they're going to do what they say they're going to do so I don't

have a problem with number 1. And as far as number 2, that's just an administrative fact that would allow the Chair to sign this once all the documents are prepared outside the meeting today.

Tim stated that Mildred will have this until we have the letter of credit and the Chair would sign.

Commissioner Houpt asked Don if he's had time to review this.

Don and Mark have been over this twice and debating various issues and these are the last two issues that had to come to the Board. So in terms of the language of the agreement, Don is satisfied with that issue. Looking at Exhibit B there are two forms of reduction requests. Under the current appraisal whichever one you chose and Larry has indicated it would be the \$483,000 letter, you would have to add and the staff would have to require an additional \$80,000 to this for the letter of credit and that's why there's still a blank and the other reason in the SIA for the letter of credit amount. If the appraisals come back at \$140,000 then the staff would be recommending signature at this \$483,000 level and then somewhere in-between there could happen as well. That's what we're waiting for. If the Board goes forward with Tim's request and accept the representations of Alpine Bank then the staff has to wait to see what the appraisals are and then the staff would make a recommendation to the Chair or Chair Protem, go ahead and sign if they have this X amount in the letter of credit.

Commissioner McCown – from the testimony heard, even if there's a shortfall in the appraisal that will be backfilled to bring it up to the \$280 amount.

Don agreed that staff will have to look at this before we recommend the Chair sign the Agreement.

A motion was made by Commissioner McCown and seconded by Commissioner Houpt that we approve the Acknowledge of Partial Satisfaction of the SIA with Sun Meadows Estate and that we approve the new SIA containing the Exhibits presented today in the amount of \$483,479 and that the Chair or Chair Protem authorized to sign.

In favor: Houpt – aye; McCown – aye; Martin – aye

Don framed the motion that the Chair needs authority to execute the escrow agreement in the form that's attached to the SIA, Exhibit E and staff will draw up a reduction and the letter of credit also.

Commissioner McCown so moved. Commissioner Houpt seconded. In favor: Houpt aye; Martin – aye; McCown – aye.

Don – pursuant to that action we will authorize release \$194,000 from the current letter.

PUBLIC HEARINGS:

BUILDING & PLANNING – BALCOMB, MARK AND LISA – CUP – CONDITIONAL USE PERMIT FOR AN AIRCRAFT LANDING STRIP with ACCESS OFF CR 311– FRED JARMAN

Fred Jarman, Mark Bean, Jan Shute, Mark and Lisa Balcomb were present

Jan reviewed the public hearing notifications and documents submitted by the applicants. Only

EnCana property was listed when they did the search about 5 weeks ago. Three letters came back unclaimed. She advised the Board that 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 of 1978 as amended; Exhibit D –Application materials; Exhibit E – Staff Memorandum; Exhibit F – Letter from the County Sheriff's Office dated 10-25-2005; and Exhibit G – Letter from the County Airport Manager dated 10-31-2005. Chairman Martin entered Exhibits A – G into the record.

Fred gave the staff report. The address for this proposal CUP is CR 311 (West Divide Creek).

The aircraft used by the applicant is a single Piper Jet.

DESCRIPTION OF THE PROPOSAL

The Applicant requests approval from the Board to allow an "Aircraft Landing Strip" on their property. An Aircraft Landing Strip is allowed in the ARRD zone district but requires approval of a Conditional Use Permit. Section 2.02.03 of the Zoning Resolution of 1978, as amended, defines an Aircraft landing Strip as follows:

"A private facility for accommodation and servicing of aircraft, the use of which shall be limited to the owner or owners of the lot upon which the facility is located."

More specifically, the Applicant requests the ability to land a small single-prop Piper Super Cub plane for personal use on a dry land pasture grass strip (40 feet x 1250 feet) on their property which is depicted in the photograph on the cover of this memorandum. The strip is designed to lie in a north to south configuration on a relatively flat portion of dry land pasture. The Applicant intends to base the plane out of the Glenwood Springs Airport but wishes to occasionally land at the property with the ability to secure the plane on the property over night. No fuel will be stored on the property and there will be not be any physical structures needed on the property in support of the airstrip. The use of the aircraft is for recreational purposes with five to ten flights per year for agricultural / ranch purposes including ditch inspections and livestock location (West Divide Cattle Pool). Average flights to and from the property will be limited to one visit per week with little to no winter use of the strip.

B. Site Description

The subject property is located in the West Divide Creek drainage approximately 6 miles south of the Town of Silt. The property is improved with a single-family residence and a variety of agricultural barns / structures and traversed by both West Divide Creek on the eastern edge and by West Divide Creek Ditch on the western edge. The property can be characterized as having two benches; a lower bench where the residence and several agricultural structures are located and an upper bench (40 feet higher) which is characterized as lightly undulating upland dry pasture land where the aircraft landing strip is located. The area is considerably rural in character and predominantly used in agricultural uses / operations from hay production to livestock / elk farms. There are no significant natural topographic features on the upper bench affording vast high plains views.

- 1) Garfield County Sheriff: Provided a comment stating, "The only airplane allowed to land on the requested strip is the airplane owned by the requesting parties. It is understood, in an emergency, other aircraft may use the landing strip if necessary." (See *Exhibit F*)
- 2) Garfield County Airport Manager: Reviewed the proposal against the FAA Regulations 157 and the airport master plan and found the proposed landing strip to be compatible with the County Airport operations. For safety reasons, the County should require a wind indicator be installed at the airstrip. The wind indicator must be visible to pilots of aircraft approaching to land and well as aircraft taxiing into position for takeoff. It should conform to AC 150/5345-27D – FAA SPECIFICATION FOR WIND CONE ASSEMBLIES. (See *Exhibit G*)

There is no emergency plan provided in the application, identifying how water would be provided in case of an emergency. An emergency response plan needs to be developed, to identify the method and materials that will be utilized in the case of an emergency. The property is not within any fire district boundary and as a result, may have deal with their emergencies.

As noted previously, the ranch is located in a fairly wide, open valley. As scaled directly from the USGS Quadrangle Map, the nearest residential homes include the Rippy residence (1,200 linear feet northeast of the strip), the Rippy Modular (1,650 linear feet southeast of the strip), and the Patterson residence (1,600 linear feet southwest from the airstrip).

The application contains a site plan showing the strip itself will take the form of a mowed strip of grass which, by itself, will have no impact on neighboring uses whatsoever, does not need to be screened, and will not be lighted. The aircraft approach for landing on the strip will follow a flight path parallel to and west of the strip by about 500 feet in a south to north direction. The aircraft will then make a U-turn approximately 500 feet beyond the end (north) of the strip and land in a north to south direction. Take off will be from the south to north direction. It appears that the flight path for take-off and landing will not be in line with any of the three nearest residences. Staff suggests that the applicant be limited to take-off and landings between 7 a.m. and 7 p.m., except in emergencies. This standard has been met

In past applications, Brian Condie, Garfield County Airport Manager has stated verbally that all enforcement of FAA regulations should be left with the FAA. The County can suggest a preferred route for landing and taking off, but it should not be a mandated route. If there were an accident as a result of following a prescribed route, the County may have some liability. The Applicant is required to follow all FAA flight rules and procedures, to which he can be held accountable for any violation.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **APPROVE** the Conditional Use Permit for an Aircraft Landing Strip with the following conditions.

1. All representations of the Applicant contained in the application and made during the public hearing on the application shall be considered conditions of approval, unless they are modified by the Board of County Commissioners.
2. The Aircraft Landing Strip will be limited to use by the applicant unless it is used for emergency purposes by another person.
3. The Applicant shall be limited to take-off and landings between 7 a.m. and 7 p.m., except in emergencies.
4. The Applicant shall install a wind indicator at the airstrip so that it is visible to pilots of aircraft approaching to land and well as aircraft taxiing into position for takeoff. This wind indicator shall conform to AC 150/5345-27D – FAA SPECIFICATION FOR WIND CONE ASSEMBLIES.
5. Prior to issuance of the permit, an emergency response plan will be provided to the County, identifying methods and techniques to be utilized in dealing with a aircraft related accident and the source of accessible fire protection water.

Mark Balcomb publicly thanked Fred for making this a smooth application. There are only 10 to 15 airplanes and out of that only 4 to 5 would be comfortable landing on. That being said, interpret the zoning Resolution of 1978 and why Jim Sears would recommend only his plane being allowed to land. Why couldn't a guest come down?

Commissioner McCown – what do you want this to be – an airport or a landing strip for the owner? Mark Balcomb is stretching this quite a bit in wanting to allow a friend to take him home.

Mark Balcomb – what violation would he be committing if he lands in John Martin's property?

Chairman Martin – stressed the Section in the Zoning Regulations of Garfield County having to do with landing strips.

Commissioner McCown – habitual use of the land strip – landing it 7 times a year is a non-emergency use and you need a landing strip. Landing one time in a non-emergency situation requires a permit for a landing strip.

Mark Balcomb said he didn't understand why he couldn't get a permit; you get a driveway permit right but only you can go on the driveway – no – see what I mean.

Chairman Martin – it's a different use.

Mark Balcomb said it's not.

Chairman Martin – because you're coming off of a county road and you're accessing a county road and the use of that county road, etc. and there's a controlled use. Therefore the permit for a driveway is different to a road from an airstrip that's coming from airspace down to your private property and landing your private plane. If you are using the regional airport or the Glenwood springs airport they also have rules that you'd have to adhere to that wouldn't be on yours.

Fred interjected the definition of an airport by the same zoning code that defines the strip so that we make sure we're all talking the same language here. The strip you clearly understand and that's what's shown on the screen.

Mark Balcomb – I don't agree with the Board as to the – I feel if I'm using it as an owner/owner, it doesn't matter if I'm with you or not.

Fred – airport – is defined in the Zoning Resolution as a public facility for accommodation and servicing of aircraft. There are several headings under this and Fred reiterated we are talking about two very different things between an airport and an air landing strip.

Mark Balcomb – I'm not talking about having an airport. He also referenced putting a hangar. He questioned the regulations since this is private property.

Chairman Martin – So if you define it as a landing strip you're okay. If you go into an airport you're inviting everybody in to use it and service those and it becomes a public facility.

Mark Balcomb – the spirit of this paragraph is so I don't make it a public facility and feel that you flying down with me – you're with me, I'm still using it.

Commissioner McCown understands where he's coming from but it's just not allowed. Do you see where I'm coming from?

Mark Balcomb – no I don't – where does it say it's not allowed.

Commissioner McCown – what if I fly down to see you and you walked out to meet me; you will still be using it. If everyone in this room flies down to see you and you walked out to meet us you will still be using it so it would no longer be for the use, the sole use of you.

Mark Balcomb – you’re coming to see me, just like you’d drive up my driveway.

Commissioner McCown – the difference and the restriction in the land use, if you stop and think about it, is very clear. The more flights you have into and out of that landing strip, the more chances you’re going to get complaints from the neighbors.

Mark Balcomb – checked with the neighbors and none of them care.

Commissioner McCown – maybe no, but that’s why that’s zoning is there. We treat airspace different than we do driveway permits considerable.

Mark Balcomb – that’s why I went through all the stuff with the mineral owners and asking my neighbors – they don’t care.

Commissioner McCown – they don’t care because under the definition, you’re the only one that can land there. They don’t think its going to become Glenwood Airport or you’d have this room full. If everyone can land there just to see you, it can be, it can be unlimited under your terms. I’m not going to sit here and debate the situation on coming to visit or you having friends over, I have to follow the letter of the Zoning Regulations or I’m in violation so I don’t have a choice.

Mark Balcomb referenced that Jeff Sofer has professional people that haul in his people there. That’s the guy that stirred up all this trouble a few months ago.

Commissioner McCown – he is the only plane that can land there, that helicopter is the only one that can land.

Mark Balcomb – he has professional pilots hired, he’s not in it and they bring people to visit him – his guests.

Commissioner McCown – whose aircraft is it?

Mark Balcomb – it’s his.

Commissioner McCown – on whose property is it landing?

Mark Balcomb – so you can come and fly my airplane and you can come and land with my plane – correct?

Commissioner McCown – if it’s your plane on your property.

Mark Balcomb – but you’re not an owner.

Chairman Martin – but it’s your plane.

Mark Balcomb – and then to circle the dog and bite the tail, you don’t want anybody landing there, nobody can go there but me but you want me to put a \$1500 windsock up there to designate it as a runway.

Chairman Martin – that’s a recommendation but we haven’t asked you to do anything yet. If the Airport manager thinks that’s a strong enough reason we can consider that and ask you do to it.

Commissioner McCown – do you always land going the same way. Doesn’t it depend on the prevailing wind? Wouldn’t that windsock be an asset to you when you go to land?

Mark – I’m not saying that a small wind indicator isn’t a good idea, but a windsock, young pilots see it and ...so I guess I give up. He asked the Board to consider that and feels it’s dangerous to put it up there that some student pilot would come by and say “there’s a runway.”

Commissioner McCown – is the FAA specification a certain size.

Mark Balcomb thought it was specific. He appreciates the Commissioners to monitor the land.

Dave Force – summarized that he has a CUP for an airstrip. Question: he told a tale saying in May of 2005 Mr. Balcomb moved his operation to Pagossa Springs, a Mag distributor truck and his wife took a pick up for him to use; on a Monday morning after they got down over the weekend, Jim Terry picked up Lisa and brought her into Glenwood and when she landed at Glenwood, Dave Force had Mr. Balcomb’s cub out running and Lisa called in and Dave took her into the field at their place. Was that a violation?

Commissioner McCown – at the time it was. If it had been permitted it wouldn’t have been. It was their aircraft and once the CUP is issued that would be a legal operation.

Dave – three to four months ago, Dave opted in Glenwood Springs airport and put down in Carter Jackson, what violation was that.

Chairman Martin explained that Carter Jackson has his conservation easement and private land with no SUP, he’s still in the County, and therefore it would be technically a violation to use it as a landing strip.

Dave - What would be the penalty, a fine, and loss of his aircraft or what?

Commissioner McCown – would be a violation of the zoning for the landowner, Carter Jackson. If it was an emergency, it would be a different issue.

Chairman Martin – if you were just sitting down for a visit, it would be a violation.

Dave – when his CUP was issued it is a terrible mistake. Friends can’t come to see him, no rides home and need to get this where people with permission would be allowed to land without being designated as an airport.

Chairman Martin – this would be a different issue and there would have to be a process through the Planning Commission for a zone text amendment. Then we would have to look at reviewing how this would affect the entire County and rewording that particular Special Use Permit. This would be another use of land.

Dave – for nine years the field up there was beautiful and now it’s not.

Chairman Martin – this is negatively affecting you and you start with the definition and then to the Planning Commission on a grass roots effort. This would be County-wide and once we make a change, it affects everything within that zone text...

Dave – you people guaranteed me in the beginning that this would have had to be neighbor complaint and it wasn’t it was a guy he’s paying wages that got me in trouble. He was told to start with Mark Bean in the Building and Planning Department.

Commissioner McCown – There is going to be some other conditions you may not like because once you start broadening the scope of your landing, you’re going to be dealing with the FAA and then you may be real proud of how the County works. The FAA will care if you start unlimited operations in a grass strip.

Dave –it wouldn’t be unlimited, it would be someone you gave permission to. This windsock is a terrible error that will get somebody in a huge amount of trouble. Mr. Balcomb is he needs something he ties one of these bandana on a string somewhere, but if it shows as an airport, no one is going to be there in an emergency and land and 95% of the aircraft will be flown would end up in the rocks at the end of that strip if they try it. He stressed the fact that the Board should not have any visible means to identify that as an airstrip.

Commissioner McCown – there is no provision to allow friends to come in and land and wants Mr. Balcomb to understand and thought Dave Force left the Commissioners meeting that day understanding fully that his airstrip was your use and your use only. We don't have an option.

Dave – you guys can't do this yourself and say yes, I could have friends over.

Commissioner McCown – no, not under the zoning we have right now.

Lisa Balcomb – we are going through the FAA right now for private use landing strip and their definition is Part 157 and they have as an example, private use means available for use with by the owner only or by the owner and other persons authorized by the owner.

Mark Balcomb said in Alaska they fly all over that state and governed by the FAA and they have private airstrips all over the state.

Commissioner Houpt – one consideration you might think of as you're coming up with some language, is how we could move forward with they type of change without about overwhelming neighbor's rights. If we allowed a private airstrip and you had a lot of friends who flew, it could be overwhelming.

Mark Balcomb suggested limiting it to say 3 friends a day.

Commissioner McCown – the critical part of this is that it is a County-wide land use if it happens so in your situation and given the remoteness of your land that might work fine for you, then someone comes in with houses all around it and wants another one, then what do we deny that on when we just approved yours.

Mark Balcomb – mine is remote, there's would have a lot of houses.

Commissioner McCown then we get in the definition of remote and you think we're having trouble with a landing strip, try to define remote. Once a land use regulation is in effect it becomes County-wide. In the nine years I've been a commissioner, this last year there have been three requests for a landing strip compared to none in the other eight years. The use is changing in Garfield County so if that's a trend, next year they'll be six and then nine and pretty soon we're going to have 15 to 20 landing strips in Garfield County permits.

Lisa Balcomb – you already do.

Dave – aircraft is looked by this different and there's no difference between a four-wheel car dust. It's a quick way, 2 hours from Pagossa Springs to when you walk in the house on West Divide.

Commissioner Houpt – the County is in the middle of a land use Code rewrite and a good time to bring suggestions forward.

Chairman Martin – we can't go outside this regulation.

Commissioner McCown – limited to use of the owner.

Mark Balcomb – Jim Sears said only his plane and not a borrowed plane. Clarification he can borrow another's plane.

Commissioner Houpt – you fly your own airplane in, if Dave needs to fly your airplane in and that fits into the CUP; the other is if Dave needs to fly your airplane in, that's okay; or if your piloting another plane that's okay.

Commissioner McCown – if you feel uncomfortable with this land use regulations, then today don't go forward with these restrictions, we can stop it right now. Dave said we put him in a heck of a bind; we gave him exactly what he came in and applied for. What do you guys want this to be, a landing strip?

Dave – a landing strip.

Commissioner McCown – if it's a land strip, we have to go by all the restrictions of a landing strip today and the restriction we talked about still apply.

Dave and Mark will work with them on language and it will eventually come back to the Board.

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 CUP for an Aircraft Landing Strip striking item 4 and moving item 5 to become item 4. In favor: Houpt – aye; Martin – aye; McCown – aye

BUILDING & PLANNING - HUNT, DORIS HUNT FAMILY TRUST – SUP FOR A TWO-FAMILY DWELLING – FRED JARMAN

Fred Jarman, Jan Shute, and Doris Hunt and Carol Shiner were present.

Jan Shute reviewed the noticing requirements and in the information provided to the Planning Department there was a warranty deed that came to her in 1999 and then another deed included from February 2000 and it was undivided ½ interest with the Shiners. Jan asked explanation.

In 1999 it was already divided into two parcels and the Shiners and Hunt purchased the property together and it is recorded. They did a boundary line adjustment.

Carolyn Dahlgren reviewed the deeds, the same as they were in the original packet of information.

Jan – are you aware of whether this boundary line adjustment was recorded.

Doris – it was recorded.

Carol – a problem – tax notices came as Shiner/Hunt and she explained the situation to the Assessor. She assumed it was taken care of because all the other tax notices stated only the Shiners.

Steve Beattie was the attorney.

Jan asked if she remembered the transfer of deeds.

Carol Shiner testified that she was sure because they had the easement to clear the title.

Jan – today, Doris Hunt provided today a quit claim deed – parcel B – to the Doris Hunt Family Trust. Jan further questioned the mailing notices, publications and posting. Jan determined the noticing was adequate based on the testimony she advised the Board they were entitled to continue.

Chairman Martin swore in the speakers.

Fred submitted the following exhibits: Exhibit A – Proof of Publication; Exhibit B – Garfield County Zoning Regulations of 1978 as amended; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D - and Exhibit E – additional deeds. F – Staff memorandum and G – quit claim deed dated May 8, 2003. Project Information and Staff report. Chairman Martin entered Exhibits A – G into the record.

Fred gave the staff report saying this is a request for a Special Use Permit (SUP) for a Two Family Dwelling in the ARRD zone district located at 0329 Coryell Road (CR 167).

PROJECT DESCRIPTION

The Applicant proposes to convert an existing single-family dwelling into a Two-Family Dwelling. The existing residence is actually comprised of two (2) single-story modular units which have been attached to each other at the garage so that the units are configured in an "L" design. Building permits were obtained for the construction. This design lends itself to a two-family configuration separating each living unit by way of the garage.

SITE DESCRIPTION

The property is generally located south of Glenwood Springs between the Roaring Fork River and the Iron Bridge Golf Course. It contains approximately 7.2 acres and is primarily being used as horse pasture and for the single-family residence. The property is relatively flat and sits well above the Roaring Fork River affording southerly views of Mt. Sopris and the Roaring Fork Valley.

All of the buildings on the property are clustered together and served by a gravel driveway from the end of CR 167. There are a number of outbuildings and a barn / shop that are accessory to the horse pasturing and an old single-wide modular that has been converted to storage and is not being used as a residential structure.

Regarding potable domestic water, the proposed Two-Family Dwelling is to be served by an existing well (permit #83545) located near the structure that is augmented by a substitute water supply plan with the Basalt Water Conservancy District. A four hour pump test was conducted by J&M Pump, Inc. on September 6, 2005 which sustained a 4-hour yield of 14 gallons per minute and a 100% recovery within 4 minutes. The Applicant also installed a meter at the wellhead in order to measure separate usage of the well water to each individual residential unit. The same well's water quality was also tested for E. coli and total coliform, which detected neither.

The standard the County generally uses to determine if there is adequate water to serve a single-family dwelling is 100 gallons per person / per day for a household of 3.5 people resulting in need for approximately 350 gallons per day. In this case, since there two dwellings on the same well, 700 gallons are needed. The well pumped 14 gallons per minute for four hours resulting in a gross total of providing 20,160 gallons per day. As a result, the well is physically adequate to serve the Two-Family Dwelling.

Regarding wastewater, the Applicant installed an engineered septic system designed by High Country Engineering, approved by the County in 1999, which accommodates 4 bedrooms in the design which are the total number of bedrooms in the Two-Family Dwelling. This system's approved engineering design was submitted with the application materials. The maximum number of bedrooms that can be accommodated by this system is a total of four (4).

Therefore, based on the information presented above and in the application, Staff finds this standard has been met.

Access to the property is provided by way of a gravel driveway extending from the end of CR 167. Trips generated from the two-family dwelling (approximately 18 per day) will double what is typically generated from a single-family dwelling (9.57). In this case, the property is at the end of CR 167 and the additional trips will have a minimal impact to the County Road system. Further, the main access back out to HW 82 is a signalized intersection so that access to the east and west on the valley floor is provided by a controlled / safer access. Staff finds this standard is met.

The design of the proposed use is organized on the property such that the new use (Two-Family Dwelling) already exists physically in its present location. The structure, as viewed from the outside is an existing single-story single-family dwelling that is comprised of two modular units which have the combined footprint of a typical single-family residence. Further, the structure is located among other structures clustered together towards the rear of the 7.2 acre lot. The use is a residential use which is also combined with the agricultural horse pasturing use which are uses allowed in the ARRD zone district. Staff finds that since the structure will not change from its existing physical / residential character resulting in that no further footprint expansion will occur and the fact that the use is set back on a 7.02 acre property between the Iron Bridge Golf Course, the Roaring Fork River, and a single-family residence located a long distance (600+ linear feet) to the north, there is no reason to require any additional screening. Staff finds this standard is met and that the proposed use is consistent with the character of the neighborhood.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **APPROVE** the request for a Special Use permit to allow a Two-Family Dwelling for a property located at 0329 Coryell Road, 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. That no other rooms in either dwelling unit of the Two-Family Dwelling can be converted to bedrooms. The Two-Family Dwelling shall be allowed no more than a total of 4 bedrooms in total for both units combined so that the designed / engineered septic system can be sure to accommodate the usage.
3. The two dwelling units configured in the Two-Family Dwelling shall be the only residential units on the property. The single-wide modular structure shall not be used for residential occupancy.
4. Any physical changes to the Two-Family Dwelling may require a building permit from the Garfield County Building Department.
5. All lighting associated with the property shall be directed inward and downward towards the interior of the property.
6. 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.

The leasehold interest is only in the owner's name and the applicant cannot sell the other unit.

Doris Hunt stated she is doing this now to be legal and conforming. She thanked Fred for all his help.

Commissioner McCown – clarified the request. If this is approved today, then you will come to the Building and Planning Department and pull a building permit to add another bedroom or take out a bedroom or whatever has to happen to make this work. Because looking at the floor-plan sketch and one portion of this there is only one bedroom and then in the other portion there are three bedrooms. So if we're going to make it equal, we've got to take out a bedroom and add a bedroom and add a kitchen.

Chairman Martin – four total bedrooms.

Fred – Larry's point is a good, so long as there are a total of four bedrooms throughout the two units, they're okay, whether it's one in one and three in the other.

Commissioner McCown – okay the way it was represented earlier was there were two in each unit. If you look at the sketch drawing, page two of your application, staff report, shows two bedrooms in each unit.

Fred – and this was provided to us by the applicant.

Commissioner McCown – I just want to make sure that the testimony today, it's going to be a one bedroom apartment and a three bedroom apartment, that's fine. But we need to know what it's going to be today when we approve it.

Doris – the unit that I was in which is my home has one bedroom on the main floor. The other unit has three bedrooms and two bathrooms. And that is shown in the plan I submitted. When I got my second building permit it was to complete the basement in my unit which has two bedrooms, so there is a total of six bedrooms.

Commissioner McCown – therein lies the problem.

Fred – yes, that is a problem.

Doris – but it's the way it was built to begin with and it's inhabited by the same family.

Fred – the challenge we have is that you have a septic design that is, the way we read it, is only accommodating four bedrooms total. So that's an issue and you can't keep adding bedrooms because those are the number of bodies contributing to the septic system.

Commissioner McCown – and a possibility would be to have the engineering company come out and re-evaluate that septic system and if it will in effect accommodate six bedrooms, then we change the application, but as it's listed today it's only showing four bedrooms.

Doris – well, I'm telling you the truth, I live in the unit that has the two bedrooms downstairs and it's just for occasional use by my kids when they come to visit. No body lives there, it's a very limited use there.

Commissioner Houpt – but if you ever sold your property it would sell with the conditions of this Special Use Permit so we need to make sure we're in compliance with what is in the report. Fred, do you have a recommendation on what she should do?

Fred – Commissioner McCown stated it very well, that is if the applicant can demonstrate to us that the system can either be reengineered, recalculated to accommodate the 6 bedrooms that are there, then there's no problem. The challenge we have in Building and Planning is when we read the High County septic design flow, they specifically allowed her four bedrooms for that design. So if Ms. Hunt goes back and visit with them and ask can this happen, can it occur on this property then you are fine. If not, then there's a bedroom challenge here.

Chairman Martin then you get to have two storage rooms downstairs instead of two bedrooms until you get High County to change their point of view.

Doris Hunt – at the time we had the building permit to complete that basement wouldn't that had to have been approved.

Chairman Martin – if you can show High County designed it and that they specify that this could be used and it would not hurt the system, that is was built to accommodate those two extra bedrooms then you have no problem, but at the present time with the application you can have a total of four bedrooms with the information you have supplied us. If you decide to go ahead and make those other two rooms full time bedrooms, then you have to have something from that engineering company saying it will work. Try to get High County to do your calculations for your septic system that says it's good for six instead of four.

Commissioner Houpt suggested making this a condition so that it doesn't have to be continued.

Commissioner McCown – we can make that 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 we approve the Special Use Permit to allow for a two family dwelling with conditions one through seven, number seven being an engineer's statement that the ISDS system is adequate to handle six bedrooms and if that cannot be done then two of those bedrooms have to be abandoned in the Special Use Permit.

In favor: McCown – aye; Martin – aye; Houpt – aye

BUILDING & PLANNING – GARFIELD COUNTY SUBDIVISION REGULATIONS – AMENDMENT TO SECTION 9:15 – ALLOW FOR MORE THAN ONE DOG PER RESIDENCE IN AN APPROVED SUBDIVISION – MARK BEAN

Mark Bean, Carolyn Dahlgren, and Jan Shute were present.

Carolyn reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits: Exhibit A – Proof of Publication; Exhibit B – Garfield County Zoning Regulations of 1978 as amended; Exhibit C – Garfield County Comprehensive Plan of 2000; Exhibit D - Project Information and Staff report and Exhibit E – Garfield County Subdivision Regulations of 1984, as amended.

Chairman Martin entered Exhibits A – E into the record.

DESCRIPTION OF THE PROPOSAL - Over the past few years, the Board has had a number of people complain about the County's "one dog" rule for subdivisions. As a result of a conflict with the desire of a homeowner's association and their desire to allow more than one dog in their subdivision, the Board directed staff to develop revised language allowing for two dogs in a household. Based upon that direction, the following amended language was proposed to the Planning Commission for Section 9:15 of the Garfield County Subdivision Regulations of 1984, as amended:

9:15 Two (2) dogs shall 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 requirement shall be included in the protective covenants for the subdivision, with enforcement provisions allowing for the removal of a dog from the subdivision as a final remedy in worst cases.

Subdivision Regulations: This issue has been an emotional issue for a number of people in the past and has probably not been enforced in a number of subdivisions. The reason that this issue came to the Board's attention, was the desire of a subdivision HOA to enforce their covenants for issues other than the "one dog" limit. A homeowner challenged the right of the HOA to selectively enforce their covenants, noting that they had not enforced the one dog rule.

This standard was originally developed in response the Division of Wildlife commenting on dogs running at large in rural subdivisions and harming wildlife in the area. Subsequently, DOW has only requested that dogs be contained on property and that property owners be given notice that dogs running at large and chasing wildlife will be killed. The proposed Garfield County Land Use Code still has this standard in place, since the County had not changed its position on the issue at the time the draft was written. If this is adopted as proposed, the new code will need to be modified.

Planning Commission recommendation: At their October meeting the County Planning Commission reviewed the proposed amendment to Section 9:15 of the Subdivision Regulations. At the meeting, the Planning Commission questioned why there was a need to limit a homeowner to just two dogs. It was noted in the discussion that the County requires any person owning more than four dogs, to get a Special Use permit. A kennel is defined in Section 2.20.311 as follows:

Kennel: An establishment other than a pet shop or veterinary clinic, in which more than four (4) adult dogs or domesticated animals are housed, groomed, bred, boarded, or trained, with or without fees being charged for services and no more than two litter of dogs or domesticated animals are bred in any one calendar year.

After further discussion the Planning Commission decided that the limitations imposed by the Special Use permit process for a kennel were adequate to protect an area from unlimited numbers of dogs. And that the requirements that all covenants are required to include language and restrictions regarding dogs being confined to the owner's property. The following language was recommended:

9:15 Dogs shall be required to be confined within the owner's property boundaries. The requirement shall be included in the protective covenants for the subdivision, with enforcement provisions allowing for the removal of a dog from the subdivision as a final remedy in worst cases.

RECOMMENDATION

The Planning Commission recommended **APPROVAL** of a proposed subdivision regulation text amendment. Specifically, the following section was recommended for approval by the Board of County Commissioners:

9:15 Dogs shall be required to be confined within the owner's property boundaries. The requirement shall be included in the protective covenants for the subdivision, with enforcement provisions allowing for the removal of a dog from the subdivision as a final remedy in worst cases.

This is a zoning regulation and Mark explained that it has always been no more than 4 dogs.

Commissioner McCown – if you live in a subdivision limiting to one dog you are under the covenants.

Mark said since 1995 when the regulations changed the subdivisions limited the number of dogs to (1) one dog and anyone.

If we do an exemption it still relates to the one dog. Mark said they will work on the exemption and the one dog issue in the Code Rewrite.

This is an action to make people legal. If an infraction occurs within a subdivision exemption, it is still a one-dog rule. This was the result of a subdivision wanting to enforce the covenants and couldn't because too many of the residences had more than one dog.

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

A motion was made by Commissioner Houpt and seconded by Commissioner McCown to approve the subdivision text amendment with the number of dogs allowed in a subdivision with the Planning Commission.

In favor: Houpt – aye Opposed: Martin – aye; McCown - aye

Commissioner Houpt – there is a benefit in doing this, the animals are to be licensed in the County – this creates a larger problem for the Sheriff's department. Hopes we continue to move forward with this.

Commissioner McCown – not sure we are where we need to be and the issue was noise. Some people will take exception to this and 4 dogs barking will have a problem with neighbors.

Chairman Martin – needs to be accountability with Code Enforcement and enforcement by the law.

This will go back to the Code Rewrite Committee.

Garfield County Building Corporation - Two Board appointments

Reference to the COP's short one person.

Fritz Lundin died and created a vacancy – must meet once a year.

A staff member can be selected.

Dale Hancock was suggested to take the vacant position.

Colorado River District

Richard Hunt tendered his resignation. Louis Meyer and Dick Sanderson volunteered. This will be carried over until the first meeting in January.

ADJOURNMENT

Attest:

Chairman of the Board
